

Rules and Regulations
of the Commissioner of the Suffolk County Department of Economic Development and Planning
for
The Pilot Program for Small Business Sewer Infrastructure Financial Assistance (SIFA Program or Program)

1. Definitions.

Bolded terms used within these definitions are set forth in Suffolk County Resolution No. 346-2023, which was further amended by Resolution No. 196-2024 and Resolution No. 637-2024

Charter – The Charter of the County of Suffolk.

Commissioner – The Commissioner of the Suffolk County Department of Economic Development and Planning.

Department – The Suffolk County Department of Economic Development and Planning.

Design Professional – A professional engineer or registered architect licensed by the New York State Education Department.

Grant or Grant Agreement - the agreement between the County and the Grant Awardee governing the terms and conditions of the Grant Award.

Grant Application – The application submitted by a property owner or qualifying tenant for a grant to assist with the installation of private sewage works to connect to County sewer district collection facilities.

Grant Approval Letter – Letter certifying that applicant has been approved for a grant, subject to execution of a grant agreement with the Department.

Grant Award – The amount of grant funding a Grant Awardee is eligible to receive for costs incurred associated with and abandonment of existing septic system or cesspool and installation of private sewage works to connect to Suffolk County sewer facilities, subject to the execution of a Grant Agreement.

Grant Awardee – A property owner or qualifying tenant that has been approved for a Grant Award by the Department through the issuance of a Grant Approval Letter.

Grant Denial Letter – Letter certifying that the applicant has been denied for a Grant Award based on one or more criteria pursuant to Sections 5 and 6, or due to lack of funding availability.

Private Sewage Works – Non-County owned sewage works located on a qualifying property leading from the property line and to the building connection and building drain to the County collection facility or lateral pipe.

Property Owner – A natural person, firm, partnership, corporation, trust, trustee, association, company or other legal entity capable of owning real property who is the current record owner in fee or qualifying tenant of a qualifying parcel/property for which a grant application is made and legally operating a small business on such qualifying parcel/property

Qualifying Parcel/Property - Any parcel located wholly or partially within the boundaries of any County sewer district or County sewer district extension where there is sewer availability, or where there will be sewer

availability within six months from the date an application in final form is submitted to the Department, [and] identified within the Suffolk County Subwatersheds Plan, and which may legally be used or zoned for retail, light industrial, office, or for some other commercial purpose under the local town or village code, as the case may be, or the Suffolk County Sanitary Code.

Qualifying Tenant - A person, firm, partnership, corporation, trust, trustee, association, company or other legal entity capable of owning an interest in real property that is entitled to nonrevocable legal possession of the Qualifying Parcel for which a grant application is made by virtue of a written lease, judicial decree or equivalent legal instrument and where such person, firm, partnership, corporation, trust, trustee, association, company or other legal entity is solely responsible for the provision, cost, and maintenance of wastewater disposal for the Qualifying Parcel for which a grant application is made.

Sewer Availability - The completed installation within a County sewer district or sewer district extension, of sewer mains or other sufficient sewer district sewerage facilities that is easily accessible to the extended property line of a qualifying parcel/property, or within a public right of way, or within an easement containing an existing County sewer district or sewer district extension sewer line easily accessible to a qualifying parcel/property, permitting the completion of connection and conveyance to a sewer district treatment facility upon the approval of and subject to a permit, as determined by the Commissioner of the Suffolk County Department of Public Works.

Small Business – A business or commercial operation, whether for profit or not for profit, authorized to do business under the laws of New York and in accordance with laws of the local municipality within which it is located, that is under the legal ownership and control of the property owner, and employs a total of twenty-five (25) employees or less.

Suffolk County Code – Chapter 740, Sewers, of the Suffolk County Code, Regulatory Local Laws, and any duly enacted amendments thereto.

2. Program Established.

- A. The SIFA Program is available to Property Owners and Qualifying Tenants meeting the qualifications under Resolution No. 346-2023, which was further amended by Resolution No. 196-2024 and Resolution No. 637-2024, as may be amended and set forth in these Rules and Regulations.
- B. The Program shall be administered by the Department of Economic Development and Planning consistent with Resolution No. 346-2024, as amended by Resolution No. 196-2024 and Resolution No. 637-2024, as may be amended and set forth in these Rules and Regulations.

3. Funding.

- A. Funds for the Program have been approved for use under section 12-2(B)(3)(D) of the Charter and shall be dedicated exclusively to the Program and deemed to be used even if not expended in the fiscal year appropriated. Such funds shall be deposited by the Suffolk County Comptroller in a nonlapsing account for the Program consistent with the authorizing legislation.
- B. No Grant Award approved and made to a Grant Awardee shall exceed \$15,000 per property.
- C. Disbursement of Grant funds shall be subject to execution by the County and a Grant Awardee of the Grant Agreement and presentation to the Department; of a reimbursement request which includes: a signed Suffolk County payment voucher, proof of payment to Contractor(s), invoice detailing services

rendered; and proof of approval by the Suffolk County Department of Public Works (DPW) that the work was completed to the satisfaction of DPW.

4. Reserved.

5. Grant Eligibility.

- A. Upon compliance with all terms and conditions of Resolution No. 346-2023, as amended by Resolution No. 196-2024 and Resolution No. 637-2024, as may be amended and set forth in these Rules and Regulations, Grant Awards may be made to Grant Awardees. A Grant Application shall be submitted by an applicant pursuant to Section 6.
- B. Qualifying Parcel/Property must:
 - a. Have a valid certificate of occupancy or existing use issued by the pertinent town or village; and
 - b. Be located in a Suffolk County Sewer District and served by an existing on-site septic system or cesspool and not connected to a public or private sewer system or have connected to a Suffolk County Sewer District on or after May 9, 2023 in accordance with Suffolk County Resolution No. 346-2023, as amended by Resolution No. 196-2024 and Resolution No. 637-2024.
 - c. Have Sewer Availability as defined in Section 1 of these Rules and Regulations.
 - d. Have no outstanding or open real property tax liens.
- C. A qualifying Property Owner or Qualifying Tenant must:
 - a. Be the owner of or an agent authorized to represent a small business, operating on the Qualifying Parcel/Property, as defined in Section 1.
 - b. In the case of a Qualifying Tenant, have a lease or agreement designating them solely responsible for the provision, cost, and maintenance of wastewater disposal for the Qualifying Parcel/Property for which a grant application is made.
 - c. In the case of a Qualifying Tenant, an attestation from the property owner that they consent to the application being submitted by the lessee.

6. Application Process; Generally.

- A. Each Grant Application can be submitted online at <https://ecodev.suffolkcountyny.gov/sifa/> or delivered by mail or hand delivery to:

Suffolk County Department of Economic Development and Planning
Attention: SIFA Program
100 Veterans Memorial Highway, 2nd Floor
Hauppauge, New York 11788-0099

- B. The Department will review Grant Applications received to determine whether each is in final form. For the purposes of these Rules and Regulations, a Grant Application is in final form when the Department has received all information and documentation required to be submitted with the

Application.

C. Grant Evaluation

- a. After the Grant Application is received in final form, the Grant Application shall be reviewed for eligibility pursuant to Section 5. If the Grant Application is deemed to be in final form, the Grant Application may be approved after:
 - i. The Department, upon consultation with the Suffolk County Division of Real Property Acquisition and Management (DRPAM), has verified that the applicant is the owner of the property/parcel or is authorized by the owner to make an application, or the applicant is a qualifying tenant that has a lease or agreement showing they are responsible for the provision, cost and maintenance of wastewater disposal and the parcel/property owner has provided an attestation that they consent to the application being submitted by the lessee.
 - ii. The Department, upon consultation with the Suffolk County Comptroller or DRPAM, has verified that the property owner has no outstanding or open real property tax liens.
 - iii. The Department, upon consultation with DPW, has verified that the property/parcel has sewer availability.
 - iv. The Department has determined that the applicant is not otherwise ineligible for the Grant pursuant to Suffolk County Resolution No. 346-2023, as amended by Resolution No. 196-2024 and Resolution No. 637-2024, as may be amended, or these Rules and Regulations.
- b. Grant Applications are authorized to be approved by the Department without further action after the application is approved and are subject to the availability of Program funds.
- c. Grant Approval Letters will be issued via mail or email for approved applications, in the order of the first-reviewed, first-served, based on the date on which the application is deemed final form, subject to the availability of Program funds.
- d. In the case where an Application is not approved due to ineligibility pursuant to Sections 5 and 6, a Grant Denial Letter will be issued.

D. All Grant Approval Letters shall be issued by the Department subject to the availability of Program funds.

Any Property Owner who is not approved for a County Grant Award solely because of the unavailability of County Program funds will be issued a denial letter to that effect. The applicant may, upon written request (can be via mail or email) have their application held for consideration by the Department on a waitlist, to be awarded in the event that additional Program funds become available to cover Grant Award. Applicants on the waitlist may be contacted to provide updated information to the Department to ensure they are still eligible for the Program.

E. The Commissioner and the Department shall treat all Grant Applications and supporting documentation as confidential. The Commissioner and the Department shall not share such information with any other party without prior consent of an applicant.

F. Upon issuance of a Grant Approval Letter, the Department will prepare a Grant Agreement.

- G. Appeals: Where an applicant has been denied or rescinded a Grant Award, such applicant may appeal such determination by submitting a written appeal letter to the Department. For the purposes of this paragraph electronic mail submissions shall be deemed “in writing.”

7. Scope of Grant; Use of Funds.

- A. The Grant Award authorized to be given to a Property Owner shall be limited to the costs actually incurred by a Property Owner in connection with the design, purchase and installation of private sewage works within the boundaries of the Qualifying Parcel and in accordance with the Grant Agreement executed by the Department and the Grant Awardee. Specific items that will be reimbursed shall include:
- a. the total cost of the purchase and installation of sewage works materials and necessary components;
 - b. the purchase and installation of electrical components;
 - c. labor costs incurred in connection with installation of the sewage works and any necessary ancillary structures;
 - d. excavation and backfilling;
 - e. design services including the preparation of a site plan, installation inspection, as- built surveys, and applicable permitting; and
 - f. pumping and decommissioning of an existing on-site system.
- B. Grant funds shall not be used for: irrigation repairs; electrical improvements unrelated to sewage works installation, post installation design and landscaping.
- C. Applicant selects contractor in compliance with applicable County code requirements including Chapter 740 of the Suffolk County Code to perform the sewer connection in order to be eligible for reimbursement. Please contact the Department of Public Works (DPW) for more information.¹

8. Execution of Grant Agreement; Condition of Grant; Repayment Provisions.

- A. A Grant Agreement, required County labor forms, and all other required forms shall be signed by the Grant Awardee and returned to the Department within sixty (60) days of the date the Grant Agreement is issued to the Grant Awardee. If the Grant Agreement is not signed and returned within sixty (60) days, the Grant Award may be terminated at the Commissioner’s sole discretion.
- B. Grant Awardee will have ninety (90) days from their executed Grant Agreement with the Department to submit a completed Special Sewer Permit Application to the Department of Public Works. Grant Awardees should bring their Grant Approval Letter or Grant Agreement with their Application to show DPW they are a participant in the SIFA Program.
- C. Grant Awardee must hire a contractor that has been approved by DPW in accordance with Suffolk

¹ DPW contact information - Email: scdpwsewerpermitoffice@suffolkcountyny.gov; phone: 631-854-4185; hours: 7:00 am – 3:30 pm

County Code 740 to perform the sewer connection work. Grant Awardee should contact the DPW Sewer Permit Office at (631) 854-4185 for information on the permitting process, including how to submit their plans application for approval.

- D. Upon completion of connection and inspection by DPW, Grant Awardee is required to submit a reimbursement request which includes: a signed Suffolk County payment voucher, sufficient proof of payment to Contractor(s), invoice detailing and breaking down services rendered; and proof of approval by DPW in the form of the standard DPW Division of Sanitation S-9 form or P-19 form.
- E. Installation of the Private Sewage Works and connection to Suffolk County Sewer District facilities shall be completed within twelve (12) months of the date of execution of the Grant Agreement. In the event the connection is not completed within twelve (12) months of execution of the Grant Agreement, the Grant Awardee will be solely responsible for paying all costs incurred. Grant Awardees may submit a request for an extension past twelve (12) months in writing to the Department, which will be reviewed and granted or denied at the Commissioner's sole discretion.

9. No Liability to County

Other than the Grant funds awarded to an applicant in accordance with this Resolution, the County shall not enter into any agreement or otherwise obligate the County of Suffolk to bear any additional expense, unless approved in advance by the Suffolk County Legislature.

10. Forms.

The following are the forms that will need to be completed in various stages of the program.

A. Prior to Grant Agreement:

- Completed Grant Application with all required documents as set forth in the Grant Application.

B. Prior to disbursement of funds:

- DPW forms: Division of Sanitation S-9 form or P-19 form
- Department of Labor forms:
 - Lawful hiring
 - Living wage
 - Union organizing
- Reimbursement Request forms:
 - Signed Suffolk County Payment Voucher
 - Proof of payment to Contractor(s)
 - Invoice detailing services rendered
- Signed Grant Agreement
- W-9

11. Authority.

These Rules and Regulations, adopted under the authority of Resolution No. 346-2024, as amended by Resolution No. 196-2024 and Resolution No. 637-2024, may be amended or repealed from time to time as deemed necessary by the Commissioner.