S T A T E O F N E W Y O R K

436

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to the registration of property and designation of mailing address or addresses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The administrative code of the city of New York is amended by adding a new section 11-309.1 to read as follows:

S 11-309.1 REGISTRATION OF PROPERTY. A. THE OWNER OF ANY LOT, PIECE OR PARCEL OF LAND IN THE CITY OF NEW YORK MUST REGISTER SUCH PROPERTY, TOGETHER WITH THE SECTION, BLOCK AND LOT NUMBER THEREOF, OR SUCH OTHER IDENTIFYING INFORMATION AS AT THE TIME IS ESTABLISHED BY THE DEPARTMENT OF FINANCE, AND A STATEMENT OF THE APPLICANT'S INTEREST THEREIN, TOGETHER WITH A WRITTEN REQUEST THAT SUCH LOT, PIECE OR PARCEL OF LAND BE REGISTERED IN THE NAME OF THE APPLICANT. IN SUCH STATEMENT THE APPLICANT SHALL DESIGNATE AN ADDRESS TO WHICH OFFICIAL NOTIFICATIONS AND CORRESPONDENCE SHALL BE MAILED TO, SUCH ADDRESS SHALL BE WHERE THE APPLICANT RECEIVES THEIR DAILY OR REGULAR MAIL. SUCH APPLICANT SHALL HAVE THE OPTION OF DESIGNATING A SECOND ADDRESS TO WHICH COPIES OF ALL OFFICIAL NOTIFICATIONS AND CORRESPONDENCE SHALL BE MAILED. A BRIEF DESCRIPTION OF SUCH LOT, PIECE OR PARCEL OF LAND CORRESPONDING TO THE DESCRIPTION THEREOF IN THE STATEMENT SO FILED, TOGETHER WITH THE NAME OF THE APPLICANT AND HIS OR HER DESIGNATED ADDRESS OR ADDRESSES AND THE DATE OF SUCH APPLICATION, SHALL THEREUPON BE REGISTERED IN THE DEPARTMENT OF FINANCE.

B. THE COMMISSIONER OF FINANCE OR HIS OR HER DESIGNEE SHALL FOR THE PURPOSE OF THIS SECTION PROVIDE APPROPRIATE RECORDS FOR EACH SECTION OF THE CITY, INCLUDED WITHIN THE RESPECTIVE BOROUGHS, AS THE SAME SHALL APPEAR UPON THE TAX MAPS OF THE CITY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 2. Subdivisions a and b of section 11-312 of the administrative code of the city of New York, as amended by local law number 26 of the city of New York for the year 1996, are amended to read as follows:

a. One-half (i) the uniform annual water charges and extra and miscellaneous charges for water not metered and (ii) annual service charges shall become due and payable, in advance if entered on January first, nineteen hundred seventy-four for the period commencing January first, nineteen hundred seventy-four and ending June thirtieth, nineteen hundred seventy-four. Commencing on June thirtieth, nineteen hundred seventy-four, uniform annual water charges and extra and miscellaneous charges for water not metered and annual service charges shall be due and payable in advance on the thirtieth day of June in each year, if entered. If any of such rents and charges which become due and payable on or before June thirtieth, nineteen hundred seventy-six shall not have been paid to the commissioner of finance or his or her designee on or before the last day of the month following the month of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of seven percent per annum from the date when such rents and charges became due and payable to December thirty-first, nineteen hundred seventy-six, and at the rate of fifteen percent per annum from January first, nineteen hundred seventy-seven to the date of payment. If any of such rents and charges which shall become due and payable on or after June thirtieth, nineteen hundred seventy-seven are not paid to the commissioner of finance or his or her designee on or before the last day of the month following the month of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of fifteen percent per annum from the date when such rents and charges became due and payable to the date of payment. If not so entered and payable, but entered at any time subsequent thereto, they shall be due and payable when entered and notice thereof shall be mailed within five days of such entry to the [premises against which they are imposed addressed to either the owner or the occupant and] OWNER OF SUCH PREMISES AT THE ADDRESS OR ADDRESSES REGISTERED WITH THE DEPARTMENT OF FINANCE PURSUANT TO SECTION 11-309.1 OF THIS CHAPTER, if entered on or before December thirty-first, nineteen hundred seventy-six but not paid on or before the last day of the month following the month of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of seven percent per annum from the date of entry to December thirty-first, nineteen hundred seventy-six, and at the rate of fifteen percent per annum from January first, nineteen hundred seventy-seven to the date of payment; if entered on or after January first, nineteen hundred seventy-seven but not paid on or before the last day of the month following the month of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of fifteen percent per annum from the date of entry to the date of payment.

b. All charges for meters and their connections and for their setting, repair and maintenance, and all charges in accordance with meter rates for supply of water measured by meter, including minimum charges for the supply of water measured by meter, shall be due and payable when entered, and notice thereof shall be mailed within five days of such entry stating the amount due and the nature of the rent or charge to the [last known address of the person whose name appears on the record of

such rents and charges as being the owner, occupant or agent or, where no name appears] OWNER OF SUCH PREMISES AT THE ADDRESS OR ADDRESSES REGISTERED WITH THE DEPARTMENT OF FINANCE PURSUANT TO SECTION 11-309.1 OF THIS CHAPTER, AND to the premises addressed to either the owner or the occupant, and if entered on or before December thirty-first, nineteen hundred seventy-six but not paid on or before the last day of the month following the month of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of seven percent per annum from the date of entry to December thirty-first, nineteen hundred seventy-six, and at the rate of fifteen percent per annum from January first, nineteen hundred seventy-seven to the date of payment; if entered on or after January first, nineteen hundred seventy-seven but not paid on or before the thirtieth day following the date of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of fifteen percent per annum from the date of entry to the date of payment.

S 3. Subdivisions b and c of section 11-313 of the administrative code of the city of New York, as amended by local law number 26 and subdivision b as separately amended by local law number 59 of the city of New York for the year 1996, are amended to read as follows:

b. The sewer rents charged against metered premises in accordance with the provisions of paragraphs two and three of subdivision b of section 24-514 of the code and the rules duly promulgated pursuant to such section, including the minimum rents for the use of the sewer system, charged pursuant to such section and rules, and the sewer rents charged against any premises in accordance with the provisions of paragraphs four and five of subdivision b of section 24-514 of the code and rules duly promulgated pursuant to such section, including the minimum rents for the use of the sewer system, charged pursuant to such section and rules shall become due and shall become a charge or lien on the premises when the amount thereof shall have been fixed by the commissioner of environmental protection, and an entry thereof shall have been made against such premises with the date of such entry, in the book in which sewer rents are to be entered. The sewer surcharges charged against any premises pursuant to section 24-523 of the code shall become due and shall become a charge or lien on the premises when the amount thereof shall have been fixed by the commissioner of environmental protection and an entry thereof shall have been made against such premises in the book in which sewer surcharges are to be entered. A notice thereof, stating the amount due and the nature of the rent, surcharge or charge shall be mailed, within five days after such entry, to the [last known address of the person whose name appears upon the records in the office of the department of finance as being the owner, occupant or agent or, where no name appears, to the premises addressed to either the owner or the occupant] OWNER OF SUCH PREMISES AT THE ADDRESS OR ADDRESSES REGISTERED WITH THE DEPARTMENT OF FINANCE PURSUANT TO SECTION 11-309.1 OF THIS CHAPTER. If such rent, surcharge or charge shall have been entered on or before December thirty-first, nineteen hundred seventy-six but not paid on or before the last day of the month following the month of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of seven percent per annum from the date of entry to December thirty-first, nineteen hundred seventy-six, and at the rate of fifteen percent per annum from January first, nineteen hundred seventy-seven to the date of payment; if entered on or after January first,

nineteen hundred seventy-seven but not paid on or before the thirtieth day following the date of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of fifteen percent per annum from the date of entry to the date of payment. The rents or charges for the use of the sewer system charged during any specified period of time pursuant to the provisions of section 24-514 of the code and the rules promulgated thereunder shall be computed, in accordance with the provisions of such section and the rules duly promulgated thereunder, on the basis of water rents or charges computed for the same period.

c. Sewer rents charged against unmetered premises in accordance with the provisions of paragraphs two and three of subdivision b of section 24-514 of the code and the rules duly promulgated pursuant to such section, for the use of the sewer system during the one-year period commencing on the first day of July of each year, shall be due and payable and shall become a charge or lien on the premises on the first day of January following such first day of July, if entered, except that commencing on June thirtieth, nineteen hundred seventy-four such sewer rents shall be due and payable in advance on the thirtieth day of June in each year, if entered, and shall become a charge or lien on the premises on such date. If any of such rents or charges which became due and payable on or before June thirtieth, nineteen hundred seventy-six shall not have been paid to the commissioner of finance or his or her designee within thirty days after such first day of January, or, commencing on the thirtieth day of June, nineteen hundred seventy-four, on or before the last day of the month following the month of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of seven percent per annum from the date when such charges became due and payable to December thirty-first, nineteen hundred seventy-six, and at the rate of fifteen percent per annum from January first, nineteen hundred seventy-seven to the date of payment. If any of such rents or charges which shall become due and payable on or after June thirtieth, nineteen hundred seventy-seven are not paid to the commissioner of finance or his or her designee on or before the last day of the month following the month of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of fifteen percent per annum from the date when such rents or charges became due and payable to the date of payment. If not so entered and payable, but entered at any time subsequent thereto, they shall be due and payable and shall become a charge or lien on the premises when entered and notice thereof shall be mailed within five days after such entry, to the [last known address of the person whose name appears upon the records in the department of finance as the owner or the occupant or if no name appears] OWNER OF SUCH PREMISES AT THE ADDRESS OR ADDRESSES REGISTERED WITH THE DEPARTMENT OF FINANCE PURSUANT TO SECTION 11-309.1 OF THIS CHAPTER, AND to the premises addressed to either the owner or occupant. If any of such rents or charges which were entered on or before December thirty-first, nineteen hundred seventy-six but not paid on or before the last day of the month following the month of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of seven percent per annum from the date of entry to December thirty-first, nineteen hundred seventy-six, and at the rate of fifteen percent per annum from January first, nineteen hundred seventy-seven to the date of payment; if entered on or

after January first, nineteen hundred seventy-seven but not paid on or before the last day of the month following the month of entry, it shall be the duty of the commissioner of finance or his or her designee to charge, collect and receive interest thereon to be calculated at the rate of fifteen percent per annum from the date of entry to the date of payment. The sewer rents charged against unmetered premises for the use of the sewer system during the one-year period commencing on the first day of July of each year shall be computed in accordance with the provisions of section 24-514 of the code and the rules duly promulgated thereunder, upon the basis of water rents or charges computed for the same period.

S 4. Section 11-314 of the administrative code of the city of New York, as amended by local law number 59 of the city of New York for the year 1996, is amended to read as follows:

S 11-314 Notice of rules and regulations; penalty for nonpayment; water supply cut off. The rates and charges for supply of water, the annual service charges and minimum charges, the sewer rents, the sewer surcharges, the rules and regulations concerning the use of water, all other rules and regulations affecting users of water or concerning charges for supply of water, restrictions of the use of water, installation of meters, and all rules and regulations affecting property connected with the sewer system, penalties and fines for violations of rules and regulations shall be printed on each bill and permit so far as in the judgment of the commissioner of environmental protection they are applicable. This section and such printing and the printing of this section on such bills and permits shall be sufficient notice to owners, tenants or occupants of premises to authorize the imposition and recovery of any charges, surcharges and fines imposed under such rules and regulations and of any penalties imposed in pursuance of this chapter in addition to cutting off the supply of water. Where water charges payable in advance or sewer rents or charges payable as provided in subdivision c of section 11-313 of this chapter, are not paid within the period covered by such charges or rents, and a notice of such nonpayment is mailed by the commissioner of finance to the [premises addressed to "owner or occupant,"] OWNER OF SUCH PREMISES AT THE ADDRESS OR ADDRESSES REGISTERED WITH THE DEPARTMENT OF FINANCE PURSUANT TO SECTION 11-309.1 OF THIS CHAPTER, the commissioner of environmental protection may shut off the supply of water to such premises. Where water charges not payable in advance or sewer rents, sewer surcharges or charges payable as provided in subdivisions b and d of section 11-313 of this chapter have been made by the department and remain unpaid for more than thirty days or where the commissioner of environmental protection has certified that there is a flagrant and continued violation of a provision or provisions of section 24-523 of the code or of any rule or regulation promulgated pursuant thereto or of any order of the commissioner of environmental protection issued pursuant thereto, after notice thereof mailed to the [premises addressed to "owner or occupant,"] OWNER OF SUCH PREMISES AT THE ADDRESS OR ADDRESSES REGISTERED WITH THE DEPARTMENT OF FINANCE PURSUANT TO SECTION 11-309.1 OF THIS CHAPTER, the commissioner of environmental protection may shut off the supply of water to the premises.

S 5. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately any rules or regulations necessary for the timely implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.