

STATE OF NEW YORK

9445

IN ASSEMBLY

March 7, 2022

Introduced by M. of A. GALLAGHER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to authorizing local water and sewerage authorities to charge fees for surface runoff

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 1196-b of the public authorities law is amended by adding a new subdivision 22 to read as follows:

22. "Surface runoff charge" shall mean the imposition of a fee, rate, rent or other service charge for the use of, or services furnished by a sewerage facility, sewerage system, or both, as the case may be, either in a minimum amount or in an amount determined as a function of (a) the gross area of the real property and (b) the impervious area of the property. For the purposes of this subdivision, "impervious area of the property" shall mean the area of the real property that restricts water absorption.

§ 2. Subdivisions 22 and 23 of section 1196-d of the public authorities law, as added by chapter 510 of the laws of 1984, are amended to read as follows:

22. To provide for the discontinuance or disconnection of the supply of water or the provision of sewerage service, or both, as the case may be, for non-payment of fees, rates, rents or other charges therefor imposed by the authority, provided such discontinuance or disconnection of any supply of water or the provision of sewerage service, or both, as the case may be, shall not be carried out except in the manner and upon the notice as is required of a waterworks corporation pursuant to subdivisions three-a, three-b and three-c of section eighty-nine-b and section one hundred sixteen of the public service law; ~~and~~

23. To develop a policy for the collection of surface runoff charges, and to create credits that may be applied thereto based on behavior or improvements that absorb, detain, or retain water and thereby reduce the usage of sewerage facilities or sewerage systems; provided, however, that no less than half of the revenues from the collection of such charges by an authority shall be reserved, allocated, or disbursed

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

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pursuant to an agreement between the authority and a public benefit corporation, state agency, municipality, governing body, or other suitable public entity for the planning, construction, or maintenance of climate resiliency, stormwater management, or green infrastructure projects within the district. For the purposes of this subdivision, "green infrastructure" shall mean the range of publicly-owned measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest or reuse, civil engineering, or landscaping to store, infiltrate or evapotranspire stormwater and reduce flows to sewerage systems, sewerage facilities, or to surface waters; and

24. To do all things necessary, convenient or desirable to carry out its purposes and for the exercise of the powers granted in this title.

§ 3. This act shall take effect immediately.