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

3792

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. CYMBROWITZ, COLTON, PHEFFER -- Multi-Sponsored by -- M. of A. ROBINSON -- read once and referred to the Committee on Cities

AN ACT to amend the public authorities law, in relation to exempting veterans organizations in New York city from sewer and water charges

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

Section 1. Subdivision 5 of section 1045-j of the public authorities law, as amended by chapter 514 of the laws of 1984, is amended to read as follows:

5. Such fees, rates, rents or other charges, if not paid when due, shall constitute a lien upon the premises served and a charge against the owners thereof, which lien and charge shall bear interest at the same rate as would unpaid taxes of the city. Such lien shall take precedence over all other liens or encumbrances, except taxes, and may be foreclosed against the lot or building served in the same manner as a lien for such taxes. The amount which remains due and unpaid for sixty days may, with interest thereon at the same rate as unpaid city taxes and with reasonable attorneys' fees, be recovered by the water board in a civil action in the name of the water board against such owners. The city, and any state agency shall be subject to the same fees, rates, rents or other charges under the same conditions as other users of such water system or sewerage system, or both, as the case may be. Tax exempt organizations shall be charged according to the provisions of chapter six hundred ninety-six of the laws of eighteen hundred eighty-seven, as amended by chapters eight hundred ninety-three and eight hundred ninety-four of the laws of nineteen hundred eighty and by provisions which may by law extend the provisions of such chapters from time to time; PROVIDED THAT VETERANS ORGANIZATIONS, AS DEFINED IN SECTION FOUR HUNDRED FIFTY-TWO OF THE REAL PROPERTY TAX LAW AND LOCATED IN THE CITY, SHALL NOT BE CHARGED ANY INCONSISTENT PROVISION OF LAW NOTWITHSTANDING. Any

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

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agreement for the supply of water or sewerage services between the city or an agency thereof and any other municipality or water supply system, or any administrative determination by a state agency, or any other arrangement in this regard, in effect at the time the water board shall be established, shall remain in full force and effect and be binding upon the water board as if it were a party to such agreement, determination or other arrangement. All rights, powers, duties, obligations and functions provided by law with respect to the fixing of charges or rates for the supply of water or sewerage services to users outside the city, including but not limited to those set forth in [article one of title K of chapter fifty-one] SECTION 5-429 of the administrative code of the city of New York and article eight of the environmental conservation law, shall be deemed to apply, as appropriate, to the water board established pursuant to this title. In addition to any other lawful enforcement methods and pursuant to rules and regulations of the water board promulgated pursuant to this title, the payment of fees, rates, rents or other charges for water service or sewerage service to any premises may be enforced by discontinuing the water service or sewerage service to such premises provided that 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 water-works 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.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.