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

4635

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. BRENNAN, GREENE, MAISEL -- Multi-Sponsored by -- M. of A. ABBATE, COLTON, GIANARIS, GLICK, GOTTFRIED, HEASTIE, JACOBS, MILLMAN, NOLAN, ORTIZ, PHEFFER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to complaint procedures for grievances before the New York city water board

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

Section 1. Subdivision 4 of section 1045-g of the public authorities law, as amended by chapter 467 of the laws of 2001, is amended to read as follows:

4. To establish, fix, revise, charge and collect and enforce the payment of all fees, rates, rents and other service charges for the use of, or services furnished by the sewerage system, water system, or both, as the case may be, so as to receive revenues which, together with other revenues available to the board, if any, shall be at least sufficient at all times so that such system or systems shall be placed on a self-sustaining basis in accordance with section one thousand forty-five-j of this title; provided, however that the water board shall not establish a limit of less than four years commencing from the date of the bill for services to challenge any fee, rate, rent or other service charges for the use of or services furnished by the water and/or sewerage systems; any such challenge shall specifically set forth the basis for such claim; AND PROVIDED FURTHER, HOWEVER, THAT THE WATER BOARD SHALL ESTABLISH A WRITTEN PROCEDURE TO PROCESS CUSTOMER COMPLAINTS WHICH ALLOW FOR THE ACCEPTANCE AND PROCESSING OF COMPLAINTS WITHIN TEN CALENDAR DAYS. SUCH PROCEDURE SHALL REQUIRE THAT COMPLAINTS BE ACKNOWLEDGED BY THE BOARD WITHIN THREE CALENDAR DAYS, BE PROMPTLY INVESTIGATED, AND THE RESULTS OF SUCH INVESTIGATION BE REPORTED TO THE CUSTOMER IN PLAIN AND COMPREHENSIBLE LANGUAGE. UPON EXHAUSTION OF ALL COMPLAINT PROCEDURES, OR AFTER THIRTY DAYS IF THE WATER BOARD FAILS TO RESPOND TO THE COMPLAINT,

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

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THE WATER BOARD SHALL PROVIDE THE CUSTOMER WITH AN APPEAL PROCESS THAT INCLUDES THE RIGHT TO A HEARING AND A FINAL ADJUDICATION BY AN INDEPENDENT ADMINISTRATIVE LAW JUDGE WHO SHALL DIRECT SUCH BOARD TO PRODUCE APPROPRIATE RECORDS;

S 2. Subdivisions 1 and 8 of section 1045-j of the public authorities law, as added by chapter 513 of the laws of 1984, are amended to read as follows:

1. The water board shall, SUBJECT TO THE PROVISIONS OF SUBDIVISION FOUR OF SECTION ONE THOUSAND FORTY-FIVE-G OF THIS TITLE, establish, fix and revise, from time to time, fees, rates, rents or other charges for the use of, or services furnished, rendered or made available by, the sewerage system or water system, or both, as the case may be, owned by the water board pursuant to this title in such amount at least sufficient at all times so as to provide funds in an amount sufficient together with other revenues available to the board, if any, (i) to pay to the authority, in accordance with any agreement with the authority, an amount sufficient for the purpose of paying the principal of and the interest on the outstanding notes or bonds of the authority as the same shall become due and payable and maintaining or funding a capital or debt service reserve fund therefor and, to the extent requested by the city in, or annually pursuant to, the agreement to pay to the city, in accordance with the agreement, an amount sufficient for the purpose of paying the principal of and interest on general obligation bonds thereof issued for or allocable to the water system or sewerage system or both, as the case may be, as the same shall become due and payable, and to maintain or fund reserves therefor, (ii) to pay to the city, in accordance with the agreement, an amount sufficient for the purpose of paying the costs of administering, maintaining, repairing and operating and the cost of constructing capital improvements to the water system or sewerage system or both, as the case may be, (iii) to pay to the city in accordance with the agreement entered into pursuant to section one thousand forty-five-i of this title an amount sufficient for the purpose of paying liabilities issued for or allocable to the water system or sewerage system or both, as the case may be, as the same shall become due and payable, (iv) to meet any requirements of any agreement including requirements relating to the establishment of reserves for renewal and replacement and for uncollected charges and covenants respecting rates, (v) to pay all other reasonable and necessary expenses of the authority and the water board in relation thereto, and (vi) to the extent requested by the city in or pursuant to the agreement, to pay or provide for such other purposes or projects as such city considers appropriate and in the public interest. Any surplus of funds remaining in the water board after such payments have been made shall be returned to the city for deposit in the general fund.

8. The water board shall prepare and transmit to the city on or before the first day of December in each year a list of those persons or property owners within such city who are in arrears in the payment of fees, rates, rents or other charges for a period of sixty days or more after the last day fixed for payment thereof without penalty PROVIDED, HOWEVER, SUCH PERSON OR PROPERTY OWNER SHALL BE ADVISED OF THE PROCEDURES FOR REGISTERING COMPLAINTS AND FOR THE APPEAL PROCESS WITH RESPECT THERETO. The list shall contain a brief description of the properties for which the services were provided, the names of the persons liable to pay for the same and the amounts chargeable to each, including penalties and interest computed to the next succeeding December thirty-first. The city shall levy such sums against the properties liable and shall state the

amount thereof in a separate column in the annual tax rolls of such city under the name of "delinquent water charges" or "delinquent sewerage charges" or "delinquent water and sewerage charges" as may be appropriate and as may be directed by the water board. Such amounts, as and when collected by the commissioner of finance of the city, shall be paid over to the water board. All of the provisions of the tax laws of the state covering the enforcement and collection of unpaid taxes of the city shall apply to the collection of such unpaid fees, rates, rents or other charges.

S 3. Section 1045-y of the public authorities law, as amended by chapter 514 of the laws of 1984, is amended to read as follows:

S 1045-y. Audit and annual report. The accounts of the authority and the water board shall be subject to the supervision of the city comptroller. The authority and the water board shall annually submit to the mayor, the comptroller and the director of management and budget a detailed report. THE REPORT SHALL INCLUDE A RECORD OF ALL COMPLAINTS RECEIVED FOR THE YEAR, WITH A DESCRIPTION OF THE NUMBER AND NATURE OF THE COMPLAINTS, THE NUMBER OF DISPOSITIONS FAVORABLE TO COMPLAINANTS AND PLANS TO REVISE PROCEDURES TO REDUCE THE PROBLEMS THAT GAVE RISE TO SUCH COMPLAINTS. In addition, an annual audit of the authority shall be conducted by an independent certified public accountant. Such audited report shall be submitted to the mayor, the comptroller and the director of management and budget.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.