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

6802--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 12, 2009

Introduced by M. of A. BRENNAN, ABBATE, PHEFFER -- Multi-Sponsored by -- M. of A. BENEDETTO, BRODSKY, BROOK-KRASNY, COLTON, COOK, CYMBROWITZ, GLICK, HYER-SPENCER, JACOBS, LANCMAN, MAISEL, MILLMAN, ORTIZ -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to sewer and water rates for those granted senior citizen real property tax exemptions in the city of New York

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

Section 1. Subdivision 1 of section 1045-j of the public authorities law, as added by chapter 513 of the laws of 1984, is amended to read as follows:

1. The water board shall 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

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

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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. WHEN SETTING SUCH RATES WITHIN ANY CITY OR COUNTY THAT SHALL HAVE ADOPTED A LOCAL LAW PURSUANT TO SECTION FOUR HUNDRED SIXTY-SEVEN AND/OR SECTION FOUR HUNDRED FIFTY-NINE-C OF THE REAL PROPERTY TAX LAW, THOSE REAL PROPERTY OWNERS WHOSE APPLICATIONS FOR A PARTIAL EXEMPTION FROM TAXATION AS SET FORTH IN SECTION FOUR HUNDRED SIXTY-SEVEN AND/OR SECTION FOUR HUNDRED FIFTY-NINE-C OF THE REAL PROPERTY TAX LAW HAVE BEEN GRANTED SHALL HAVE THEIR RATES FOR WATER AND SEWER CHARGES FROZEN AT THE RATE IN EFFECT ON JULY FIRST, TWO THOUSAND NINE OR THE DATE ON WHICH THE EXEMPTION AFORESAID IS GRANTED, WHICHEVER IS LATER, UNTIL SUCH RATE EQUALS THAT PRODUCED BY MULTIPLYING THE CURRENT FULL RATE TIMES A FACTOR REPRESENTING ONE MINUS THE PERCENTAGE OF ASSESSED VALUATION EXEMPT FROM TAXATION PURSUANT TO SUCH SECTION FOUR HUNDRED SIXTY-SEVEN OR SECTION FOUR HUNDRED FIFTY-NINE-C. THEREAFTER, THE RATES OF SUCH PARTIALLY EXEMPTED REAL PROPERTY OWNERS SHALL INCREASE IN SUCH A MANNER AS TO MAINTAIN SUCH PERCENTAGE DIFFERENTIAL. ANY REVENUE FOREGONE AS A RESULT OF THIS REALLOCATION SHALL BE SPREAD AMONG ALL CLASSES OF CUSTOMER. 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.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.