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

145

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to authorizing the installation of water usage sub-meters by owners of multiple dwellings as defined herein

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

Section 1. Article 15 of the environmental conservation law is amended by adding a new title 4 to read as follows:

TITLE 4

SUB-METERING

SECTION 15-0401. LEGISLATIVE FINDINGS.

15-0403. DEFINITIONS.

15-0405. INSTALLATION OF SUB-METERS REQUIRED.

S 15-0401. LEGISLATIVE FINDINGS.

THE STATE LEGISLATURE FINDS THAT IN ORDER TO PROVIDE FOR THE MAXIMUM BENEFIT FROM THE STATE'S WATER RESOURCES TO THE BROADEST RANGE OF PUBLIC, PRIVATE USERS AT A MINIMUM COST AND WITH THE LEAST ADVERSE ENVIRONMENTAL IMPACT, IT IS NECESSARY AND IN THE PUBLIC INTEREST TO MANAGE MORE EFFECTIVELY AND EFFICIENTLY THE STATE'S WATER SUPPLIES. TO FACILITATE THE CONSERVATION OF WATER, TO MINIMIZE WASTE, AND TO MAKE SPECIFIC DETERMINATIONS OF THE AMOUNTS AND LOCATIONS OF ALL USERS OF WATER, SUB-METERING OF WATER USERS IN MULTIPLE DWELLINGS IS NECESSARY. WATER CONSERVATION IS HARDER TO ACHIEVE IN MULTIPLE DWELLINGS BECAUSE TENANTS ARE NOT AWARE OF THEIR WATER USAGE. THEREFORE TO MINIMIZE WASTE AN OWNER OF A MULTIPLE DWELLING IS ENCOURAGED TO IMPLEMENT SUB-METERING FOR EACH INDIVIDUAL UNIT.

S 15-0403. DEFINITIONS.

1. "SUB-METER" SHALL MEAN A DEVICE WHICH RECORDS OR MEASURES THE WATER USAGE FOR EACH INDIVIDUAL UNIT WITHIN A RESIDENTIAL MULTIPLE DWELLING.

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

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2. "UNIT" SHALL MEAN A FAMILY APARTMENT WITHIN A MULTIPLE DWELLING.

3. "MULTIPLE DWELLING", FOR THE PURPOSES OF THIS TITLE, IS A DWELLING WHICH IS EITHER RENTED, LEASED, LET OR HIRED OUT, TO BE OCCUPIED, OR IS OCCUPIED AS A RESIDENCE OR HOME OF THREE OR MORE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER.

S 15-0405. INSTALLATION OF SUB-METERS REQUIRED.

1. WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS TITLE, OWNERS MAY INSTALL SUB-METERS IN ALL MULTIPLE DWELLINGS AT THEIR OWN EXPENSE.

2. THE OPTION TO INSTALL SUB-METERS AS PROVIDED IN THIS SECTION SHALL NOT APPLY TO ANY REAL PROPERTY WHILE AN ACTION FOR FORECLOSURE OF A TAX LIEN PURSUANT TO EITHER TITLE TWO OR TITLE THREE OF ARTICLE ELEVEN OF THE REAL PROPERTY TAX LAW IS PENDING.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LEGISLATIVE BODY OF ANY LOCAL GOVERNMENT MAY DULY ENACT OR ADOPT LOCAL LAWS OR ORDINANCES OR, IN THE CITY OF NEW YORK, THE NEW YORK CITY WATER BOARD CREATED PURSUANT TO SECTION ONE THOUSAND FORTY-SIX OF THE PUBLIC AUTHORITIES LAW, MAY PROMULGATE REGULATIONS PROVIDING STANDARDS FOR THE INSTALLATION OF SUB-METERS AND IMPOSING HIGHER OR MORE RESTRICTIVE STANDARDS FOR THE SUB-METERING OF WATER WITHIN THE JURISDICTION OF SUCH LOCAL GOVERNMENT OR WATER BOARD THAN ARE GENERALLY APPLICABLE TO SUCH LOCAL GOVERNMENT OR WATER BOARD UNDER THE PROVISIONS OF THIS SECTION.

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