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

7383

I N S E N A T E

April 25, 2016

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend chapter 696 of the laws of 1887, relating to providing hospitals, orphan asylums and other charitable institutions in the city of New York with water, in relation to credits for charges in which services were not supplied

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

Section 1. Section 3 of chapter 696 of the laws of 1887, relating to providing hospitals, orphan asylums and other charitable institutions in the city of New York with water, is amended by adding a new subdivision c to read as follows:

C. 1. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, BEFORE ANY WATER CHARGES ARE IMPOSED ON ANY ENTITY ENUMERATED IN SECTION ONE OF THIS ACT, THE CITY OF NEW YORK SHALL MAKE CERTAIN THAT THERE ARE NO CHARGES BEING LEVIED FOR SERVICES WHICH WERE NOT SUPPLIED TO SUCH ENTITY.

2. IN INSTANCES WHERE THE CITY OF NEW YORK HAS EMPLOYED AN IMPROPER METER MULTIPLIER, AND WHERE THE CITY OF NEW YORK HAS HAD ACTIVE OR CONSTRUCTIVE KNOWLEDGE OF THE EXISTENCE OF SUCH INCORRECT MULTIPLIER, THE CITY OF NEW YORK SHALL GRANT THE ENTITY CREDIT FOR THE PERIOD WHEN BILLING WAS BASED ON THE IMPROPER MULTIPLIER. SUCH CREDIT SHALL BE AVAILABLE IN INSTANCES, INCLUDING, BUT NOT LIMITED TO, WHERE AN ENTITY HAS INSTALLED A COOLING TOWER METER, IN ACCORDANCE WITH CITY REGULATIONS, AND AN AVERAGE DAILY FLOW HAS BEEN DETERMINED FROM ACTUAL METER READINGS. IN SUCH CASES, THE AVERAGE DAILY FLOW SHALL BE MEASURED AND RECORDED BY THE CITY OF NEW YORK AND THEN APPLIED, USING TYPICAL PROCESSES FOR SUCH CALCULATIONS, TO THE PERIODS IN WHICH SERVICES WERE NOT SUPPLIED TO ESTABLISH THE AMOUNT OF THE CREDIT TO BE GRANTED FOR THE RELEVANT PERIOD, BEGINNING WITH THE DATE OF INSTALLATION OF THE METER.

3. IN ANY INSTANCE WHERE THERE HAVE BEEN CHARGES LEVIED FOR SERVICES NOT SUPPLIED, CREDITS ALLOWED UNDER THIS SUBDIVISION SHALL BE APPLIED RETROACTIVELY UP TO TEN YEARS FROM THE EFFECTIVE DATE OF THIS SUBDIVI-

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

LBD14696-02-6

SION. ANY INTEREST CHARGES LEVIED AGAINST SUCH ENTITY FOR SERVICES NOT SUPPLIED SHALL BE CREDITED TO SUCH ENTITY'S ACCOUNT.

4. THIS SUBDIVISION SHALL APPLY RETROACTIVELY TO ALL RELEVANT CLAIMS OF OVERCHARGES, FAILURE TO APPLY APPROPRIATE CREDITS, AND/OR IMPROPER ESTIMATION OF AN ENTITY'S USAGE, WITHOUT LIMITATION, FOR ALL PERIODS PRE-DATING THE EFFECTIVE DATE OF THIS SUBDIVISION. ANY CLAIMS BY AN ENTITY PREVIOUSLY DETERMINED BY COURT ORDER TO BE TIME-BARRED OR RESOLVED THROUGH SETTLEMENT ARE HEREBY REVIVED, AND ACTION THEREON MAY BE COMMENCED TO AVAIL SUCH ENTITY OF THE RIGHTS AND REMEDIES SET FORTH IN THIS SUBDIVISION.

S 2. This act shall take effect immediately.