STATE OF NEW YORK

7892

2017-2018 Regular Sessions

IN ASSEMBLY

May 18, 2017

Introduced by M. of A. ENGLEBRIGHT, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the public authorities law, in relation to the septic system replacement fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 2 and subdivision 3 of section 1285-u of the public authorities law, as added by section 9 of part T of chapter 57 of the laws of 2017, are amended to read as follows:

(a) There is hereby created the state septic system replacement fund, which shall be administered by the corporation to reimburse property owners **or at the written request of a property owner, the septic system installer contracted by the property owner,** for up to fifty percent of the eligible costs incurred for eligible septic system projects, provided that no property owner shall be reimbursed more than ten thousand dollars **and no septic system installer may be reimbursed more than ten thousand dollars per property**.

3. (a) A participating county shall notify property owners who may be eligible to participate in the program. Determinations of eligibility will be made by the participating county based on the published program criteria and consideration of a property's location in relation to a waterbody, impacts to groundwater used as drinking water, and the condition of the property owner's current septic system as determined by:

(i) the county health department official; or

(ii) other designated authority having jurisdiction, pursuant to septic inspections required by a municipal separate storm sewer system permit; or

(iii) a septic contractor pursuant to the applicable county sanitary code **provided, however, in cases where a property owner has authorized in writing such contractor to receive reimbursement directly, additional verification shall be required**.

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

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(b) An owner of property served by a septic system or cesspool may apply to a participating county on an application substantially in the form provided by the corporation.

(c) Property owners in participating counties must have signed a property owner participation agreement with the county before the start of the design phase to be eligible for reimbursement from the fund. The agreement must be substantially in the form provided by the corporation and include, without limitation, the program's goals, guidelines, eligibility requirements and reimbursement procedures.

(d) A property owner may apply for reimbursement of eligible costs by submitting to the participating county a reimbursement application, which must include at least:

(i) a signed property owner participation agreement;

(ii) a completed reimbursement application form substantially in the form provided by the corporation;

(iii) any applicable design approval for the septic system project;

(iv) description of all work completed; [~~and~~]

(v) cost documentation and invoice or invoices for eligible costs[~~.~~]**;** **and**

(vi) any written authorization for a septic system installer to receive reimbursement directly.

(e) Participating counties will be responsible for reviewing their property owners' applications and approving, modifying or denying the reimbursement requests as appropriate and issuing reimbursement payments to property owners from financial assistance payments made to the county from the fund.

(f) Participation in this program and the receipt of payments shall not prevent participating counties from providing additional reimbursement to property owners.

(g) Subject to the limitations of paragraph (d) of this subdivision, the county may set graduated incentive reimbursement rates for septic system projects to maximize pollution reduction outcomes.

§ 2. This act shall take effect on the same date and in the same manner as section 9 of part T of chapter 57 of the laws of 2017, takes effect.