

STATE OF NEW YORK

4118--C

Cal. No. 861

2019-2020 Regular Sessions

IN SENATE

February 28, 2019

Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the administrative code of the city of New York, in relation to repair or replacement of damaged residential lateral sewer and water pipes

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

1 Section 1. The administrative code of the city of New York is amended
2 by adding two new sections 24-316.1 and 24-531 to read as follows:

3 § 24-316.1 Water lateral pipe repair or replacement. When at least
4 three properties within a radius of seven hundred fifty feet have been
5 issued a three-day notice to repair a damaged residential lateral water
6 pipe pursuant to subdivision (p) of section 20-02 of title 15 of the
7 rules of the city of New York within a six-month period, and, after
8 investigation by the department of environmental protection of the city
9 of New York and an opportunity to submit evidence to such department, in
10 accordance with rules promulgated by such department, by any applicable
11 public utility company, as defined in section two of the public service
12 law, such department concludes, based on substantial evidence, that the
13 infrastructure, electric current or other activity of any such public
14 utility company was a cause of significant damage to such residential
15 lateral water pipe, such public utility company shall be responsible for
16 the repair or replacement of such pipe. In any investigation by the
17 department of environmental protection pursuant to this section, the

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

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1 applicable public utility company shall cooperate with such investi-
2 gation, and comply with any requests by such department relating to such
3 investigation. Any public utility found to have caused significant
4 damage, after an investigation as provided in this section, shall be
5 responsible for all costs associated with such investigation, and
6 payment shall be due for such costs within sixty days after the depart-
7 ment of environmental protection has issued its conclusion.

8 § 24-531 Sewer lateral pipe repair or replacement. When at least
9 three properties within a radius of seven hundred fifty feet have been
10 issued a three-day notice to repair a damaged residential lateral sewer
11 pipe pursuant to subdivision (p) of section 20-02 of title 15 of the
12 rules of the city of New York within a six-month period, and, after
13 investigation by the department of environmental protection of the city
14 of New York and an opportunity to submit evidence to such department, in
15 accordance with rules promulgated by such department, by any applicable
16 public utility company, as defined in section two of the public service
17 law, such department concludes, based on substantial evidence, that the
18 infrastructure, electric current or other activity of any such public
19 utility company was a cause of significant damage for such residential
20 lateral sewer pipe, such public utility company shall be responsible for
21 the repair or replacement of such pipe. In any investigation by the
22 department of environmental protection pursuant to this section, the
23 applicable public utility company shall cooperate with such investi-
24 gation, and comply with any requests by such department relating to such
25 investigation. Any public utility found to have caused significant
26 damage, after an investigation as provided in this section, shall be
27 responsible for all costs associated with such investigation, and
28 payment shall be due for such costs within sixty days after the depart-
29 ment of environmental protection has issued its conclusion.

30 § 2. This act shall take effect immediately.