STATE OF NEW YORK

2397

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. CARROLL, COOK, COLTON -- read once and referred to the Committee on Cities

AN ACT to amend the public authorities law, in relation to requiring the New York city water board to wait at least thirty days after the adoption of the New York city executive budget to establish the annual fees and charges for the use of the sewerage system and water system

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,~~] **not less than thirty days after the adoption of the executive budget by the city, the annual** 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 therefor, (ii) to pay to the city, in accordance with the agreement, an amount sufficient for the purpose of paying

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

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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. 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.

§ 2. Subdivision 9-a of section 1045-j of the public authorities law, as added by chapter 184 of the laws of 1997, is amended to read as follows:

9-a. [~~The~~] **After the city adopts an executive budget, the** water board shall hold public hearings, in each borough of the city of New York, prior to promulgating or fixing [~~annual water and sewer rates for such city~~] **its annual 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. The water board's annual water and sewer rates cannot be set less than thirty days after the city adopts its budget**. Notice of such public hearing shall be conspicuously published in a newspaper of general circulation, within each borough, at least one week prior to the hearing.

§ 3. This act shall take effect immediately.