

# STATE OF NEW YORK

3850

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to establishing community broadband districts for the purpose of expanding broadband services

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

1 Section 1. Section 190 of the town law, as amended by chapter 378 of  
2 the laws of 2012, is amended to read as follows:  
3 § 190. Establishment or extension of improvement districts. Upon a  
4 petition as hereinafter provided, the town board of any town may estab-  
5 lish or extend in said town a sewer, drainage, water, water quality  
6 treatment, park, public parking, lighting, snow removal, water supply,  
7 sidewalk, a fallout shelter district or refuse and garbage district,  
8 aquatic plant growth control district, ambulance district, watershed  
9 protection improvement district, community broadband district, and in  
10 any town bordering upon or containing within its boundaries any naviga-  
11 ble waters of this state, a harbor improvement district, a public dock  
12 district, or beach erosion control district, and provide improvements or  
13 services, or both, in any such district, wholly at the expense of the  
14 district; but no water supply district shall be established or extended  
15 to include lands situate within the boundaries of a water district. No  
16 such district shall be established or extended in a city or in an incor-  
17 porated village provided, however, that such a district may be estab-  
18 lished or extended wholly or partly within an incorporated village on  
19 consent of the village expressed in a local law, ordinance or resol-  
20 ution, subject to a referendum on petition under section twenty-four of  
21 the municipal home rule law or a permissive referendum under article  
22 nine of the village law, as the case may be, and except, in the case of  
23 a water quality treatment district, on consent of a village expressed in  
24 a local law or by resolution of the board of trustees and not subject to  
25 any referendum.

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

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1 § 2. Paragraph a of subdivision 1 of section 193 of the town law, as  
2 amended chapter 378 of the laws of 2012, is amended to read as follows:

3 a. Whenever a petition shall be presented to the town board pursuant  
4 to this article, for the establishment or extension of a sewer, wastewa-  
5 ter disposal, drainage, water, water quality treatment, park, public  
6 parking, lighting, snow removal, water supply, sidewalk, refuse and  
7 garbage, aquatic plant growth control district, ambulance district,  
8 harbor improvement district, public dock district, beach erosion control  
9 district, watershed protection improvement district, community broadband  
10 district, or a fallout shelter district, the board shall adopt an order  
11 and enter the same in the minutes of its proceedings, reciting in gener-  
12 al terms the filing of such petition, the boundaries of the proposed  
13 district, the improvements proposed, the maximum amount proposed to be  
14 expended for the improvement as stated in the petition or the maximum  
15 amount to be expended for the performance or supplying of services if a  
16 maximum amount is stated in the petition, the estimated cost of hook-up  
17 fees, if any, to, and the cost of the district or extension to, the  
18 typical property and, if different, the typical one or two family home,  
19 and specifying the time when and place where said board will meet to  
20 consider the petition and to hear all persons interested in the subject  
21 thereof, concerning the same. The board shall cause a copy of such  
22 order, certified by the town clerk, to be published at least once in the  
23 official paper, the first publication thereof to be not less than ten  
24 nor more than twenty days before the day set therein for the hearing as  
25 aforesaid, and shall also cause a copy thereof to be posted on the sign-  
26 board of the town maintained pursuant to subdivision six of section  
27 thirty of this chapter, not less than ten nor more than twenty days  
28 before the day designated for the hearing as aforesaid. In the event  
29 that the town maintains a website, such information may also be provided  
30 on the website. Prior to the publication of a copy of the order, the  
31 board shall cause to be prepared, and file for public inspection with  
32 the town clerk, a detailed explanation of how the estimated cost of  
33 hook-up fees, if any, to, and the cost of the district or extension to,  
34 the typical property and, if different, the typical one or two family  
35 home was computed.

36 § 3. Section 198 of the town law is amended by adding a new subdivi-  
37 sion 10-h to read as follows:

38 10-h. Community broadband districts. After a community broadband  
39 district has been established, the town board may take such action as  
40 may be required to adopt plans and specifications and enter into a  
41 contract or contracts, or take other such action, for the expansion and  
42 delivery of broadband services within the community broadband district.

43 § 4. This act shall take effect immediately.