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:

Section 1. Section 190 of the town law, as amended by chapter 378 of the laws of 2012, is amended to read as follows:

§ 190. Establishment or extension of improvement districts. Upon a petition as hereinafter provided, the town board of any town may establish or extend in said town a sewer, drainage, water, water quality treatment, park, public parking, lighting, snow removal, water supply, sidewalk, a fallout shelter district or refuse and garbage district, aquatic plant growth control district, ambulance district, watershed protection improvement district, **community broadband district,** and in any town bordering upon or containing within its boundaries any navigable waters of this state, a harbor improvement district, a public dock district, or beach erosion control district, and provide improvements or services, or both, in any such district, wholly at the expense of the district; but no water supply district shall be established or extended to include lands situate within the boundaries of a water district. No such district shall be established or extended in a city or in an incorporated village provided, however, that such a district may be established or extended wholly or partly within an incorporated village on consent of the village expressed in a local law, ordinance or resolution, subject to a referendum on petition under section twenty-four of the municipal home rule law or a permissive referendum under article nine of the village law, as the case may be, and except, in the case of a water quality treatment district, on consent of a village expressed in a local law or by resolution of the board of trustees and not subject to any referendum.

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

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

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

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

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

§ 4. This act shall take effect immediately.