

NEW YORK CITY WATER BOARD

February 29, 2008

RESOLUTION

WHEREAS, the Board is authorized pursuant to Section 1045-h(8) of the New York City Municipal Water Finance Authority Act (the "Act") to adopt rules and regulations to provide for the discontinuance or disconnection of the supply of water or the provision of sewer services or both by the City of New York for nonpayment of fees, rates, rents or other charges therefore; and

WHEREAS, pursuant to the Act, the Board previously adopted, and subsequently amended, its Regulation No. 2 authorizing the New York City Department of Environmental Protection ("DEP") to terminate water and sewer service to customers because of nonpayment of assessed charges; and

WHEREAS, to provide the Board and DEP with an enhanced mechanism to enforce collection of charges, in November 2007, Regulation No. 2 was amended by the Board to reflect material changes including: lowering the dollar amount and delinquent period thresholds determining an account's eligibility for service termination because of non-payment; authorizing termination of service where a customer has defaulted on a payment agreement and increasing the down payment required for a payment agreement approved in response to a termination notice; revising the cold weather exception during which DEP will not conduct service terminations; simplifying the Termination Complaint procedure; and, revising provisions relating to the elderly, blind, disabled and the newborn baby exception as circumstances requiring Special Procedures; and

WHEREAS, DEP has proposed additional modifications to Regulation No. 2 including: adding and revising certain defined terms and making various stylistic

changes; modifying provisions to require that payment be received by DEP by 5:00 PM on the day prior to the date service termination is to be performed in order to prevent termination; removing provisions that required DEP to discontinue termination if a customer made an offer to pay as the work was being performed; changing the number of days specified for certain events from five business days to ten calendar days; specifying that a decision by the Board in response to a Termination Complaint, which decision would include any pre-existing complaint if applicable, shall constitute a final agency determination; and revising special procedures applicable in cases where termination may take place at a home where a child resides, to cover homes having a child under six years of age rather than eighteen; and

WHEREAS, the Board has reviewed the proposed changes which are set forth and annexed hereto and has considered the recommendations of staff and believes that the proposed revisions to Regulation No. 2 are reasonable and appropriate; it is therefore

RESOLVED, that the proposed revisions to Regulation No. 2 as described above and in the form annexed hereto are hereby approved and adopted effective February 29, 2008.