

Council Member Farrell, on the behalf of Finance, Assessment and Taxation Committee introduced the following, which was approved:

LOCAL LAW K OF 2020 (As Amended 11/02/2020)

A LOCAL LAW AMENDING CHAPTER 313 (SOLID WASTE) OF PART II OF THE CODE OF THE CITY OF ALBANY IN RELATION TO BILLING OF THE FEE FOR CURBSIDE COLLECTION OF WASTE

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Subsections C, D, E, and G of section 313-3 (Scope) of Article I (Removal of Garbage) of Chapter 313 (Solid Waste) of the Code of the City of Albany are hereby amended to read as follows:

§ 313-3 Scope

- C. Bills for curbside collection program fees. Bills for curbside collection program fees shall be prepared and sent to each owner annually [~~starting February 1 of each calendar year; provided, however, that for calendar year 2017 and thereafter, bills may be prepared and sent to each owner in the same manner as water and sewer charges are now billed, distributed and collected~~]. Such bill shall be included with the property tax bill sent to each property owner in January, whenever feasible.
- D. Penalties for nonpayment. [~~After three months of nonpayment, a property owner who fails to pay charges that have been established and imposed for the curbside collection program, a penalty of \$50 per unit will be added to the base curbside collection fee~~] The penalty for late or non-payment of curbside collection program fees in the City of Albany shall be: 4% in the first month or fraction thereof, for any amount of the curbside collection program fee that is not timely received by the City Treasurer, in whole or in part. After the first month of late payment, the penalty shall be an additional 1% in each succeeding month or fraction thereof.
- E. Exemption from curbside collection program. Property owners are eligible for and may apply for an exemption from curbside collection fees as follows:
 - (4) If the property is owned and occupied by a person who, because of age or disability [is] qualified for an exemption from City real property taxes based on an enhanced STAR exemption or low-income exemption at any time during the preceding year, such qualification shall constitute an automatic exemption under this subsection;

G. All curbside collection program charges, and penalties and interest thereon shall be a lien upon the real property [~~benefited by the~~] for which any curbside collection program charge or penalty was not paid. from the date that the fee is due and payable, and such lien shall be prior and superior to every other lien or claim, except the lien of an existing tax or local assessment. The Treasurer shall certify to the Common Council the amount of any such lien which has not been paid at the time and in the manner prescribed, with a description of the real property affected thereby, and the Common Council shall include such amount in the annual tax levy and shall levy the same upon the property in default.

Section 2. This local law shall take effect upon public hearing, final passage, and filing with the Secretary of State; provided, however, that the amendments made by this Local Law shall not affect the expiration of, and shall expire at the same time and manner as provided in section 5 of Local Law No. 1-2016 as amended by Local No. 5-2019.

**APPROVED AS TO FORM THIS
2ND DAY OF NOVEMBER, 2020**

Corporation Counsel

TO: Danielle Gillespie, City Clerk

FROM: Brett Williams, Esq., Sr. Assistant Corporation Counsel

RE: Request for Common Council Legislation
Supporting Memorandum

DATE: October 27, 2020

SPONSOR: Council Member _____

LOCAL LAW K of 2020 (As Amended 11/02/2020)

TITLE

A LOCAL LAW AMENDING CHAPTER 313 (SOLID WASTE) OF PART II OF THE CODE OF THE CITY OF ALBANY IN RELATION TO BILLING OF THE FEE FOR CURBSIDE COLLECTION OF WASTE

GENERAL PURPOSE OF LEGISLATION

As the law enacting the waste collection fee law is currently written, the Treasurer's Office produces and sends a bill for the fee to each owner of each property subject to it. This requires a great deal of time, effort, and work for the Treasurer's Office.

The Treasurer's Office has explored and found a way to attach waste collection fee bills to property tax bills, which go out in January. This will save the Treasurer's Office a great deal of work and will mean that residents will receive one less separate bill from the City. This should increase the rate of on time payments of the fee.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

This local law does away with the separate bill for the waste collection fee that property owners currently receive and instead states that "Such bill shall be included with the property tax bill sent to each property owner in January."

The waste collection fee law as currently written has its own fine structure for late or non-payment of the fee. Since billing is being aligned with property tax bills, this local law brings penalties for non-payment in line as well. Waste collection fee penalties will now mirror the Code's language on penalties for late or non-payment of property taxes in § 333-33.2 (B).

FISCAL IMPACT

This local law will likely increase compliance with and payment of the waste collection fee. However, the change to the structure of the late fees could have some budgetary impact, into which the Treasurer's Office and Budge are currently looking.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Anane, Balarin, Doeschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe,
Johnson, Kimbrough, Love, O’Brien, and Robinson

Affirmative 14 Negative 0 Present 0

Clerk of the Common Council

President of the Common Council

Mayor

Date

I, Danielle Gillespie, City Clerk and Clerk of the Common Council, do hereby certify that Local Law K - 2020 was passed at a meeting of the Albany Common Council on November 16, 2020.

In Affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this _____ day of November 2020.

Danielle Gillespie, Clerk of the Common Council