S T A T E O F N E W Y O R K

7353

2009-2010 Regular Sessions

I N A S S E M B L Y

March 31, 2009

Introduced by M. of A. KELLNER -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to the collection of charges for residential utility service deemed to be rent

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and intent. The legislature hereby finds that deeming by owners of charges to residential tenants for electric service to be rent is not in the public interest and should be prohibited.

S 2. Section 75 of the public service law is amended to read as follows:

S 75. Defense in case of excessive charges for gas or electricity OR CHARGES FOR RESIDENTIAL UTILITY SERVICE DEEMED TO BE RENT. If it be alleged and established in an action OR PROCEEDING brought in any court for the collection of any charge for gas or electricity OR FOR POSSESSION OF REAL PROPERTY BY REASON OF UNPAID CHARGES CLAIMED BY THE OWNER OR HIS AGENT FOR UTILITY SERVICE, that a price has been demanded in excess of that fixed by the commission or by statute in the municipality wherein the action arose, OR THAT CHARGES FOR UTILITY SERVICE TO ANY RESIDENTIAL TENANT ARE DEEMED TO BE RENT UNDER THE TERMS OF ANY ARRANGEMENT OR AGREEMENT RELATING TO RENTAL OF RESIDENTIAL PROPERTY, no recovery shall be had therein, but the fact that such excessive charges have been made OR THAT CHARGES FOR UTILITY SERVICE FOR RESIDENTIAL USE ARE DEEMED TO BE RENT shall be a complete defense to such action.

S 3. This act shall take effect immediately.

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

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