

4748

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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:

1 Section 1. Legislative findings and intent. The legislature hereby
2 finds that deeming by owners of charges to residential tenants for elec-
3 tric service to be rent is not in the public interest and should be
4 prohibited.
5 S 2. Section 75 of the public service law is amended to read as
6 follows:
7 S 75. Defense in case of excessive charges for gas or electricity OR
8 CHARGES FOR RESIDENTIAL UTILITY SERVICE DEEMED TO BE RENT. If it be
9 alleged and established in an action OR PROCEEDING brought in any court
10 for the collection of any charge for gas or electricity OR FOR
11 POSSESSION OF REAL PROPERTY BY REASON OF UNPAID CHARGES CLAIMED BY THE
12 OWNER OR HIS AGENT FOR UTILITY SERVICE, that a price has been demanded
13 in excess of that fixed by the commission or by statute in the munici-
14 pality wherein the action arose, OR THAT CHARGES FOR UTILITY SERVICE TO
15 ANY RESIDENTIAL TENANT ARE DEEMED TO BE RENT UNDER THE TERMS OF ANY
16 ARRANGEMENT OR AGREEMENT RELATING TO RENTAL OF RESIDENTIAL PROPERTY, no
17 recovery shall be had therein, but the fact that such excessive charges
18 have been made OR THAT CHARGES FOR UTILITY SERVICE FOR RESIDENTIAL USE
19 ARE DEEMED TO BE RENT shall be a complete defense to such action.
20 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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