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

857

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. KELLNER, MAISEL, ROSENTHAL -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, GLICK -- 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. The public service law is amended by adding a new section 75-a to read as follows:

S 75-A. DEFENSE IN CASE OF CHARGES FOR RESIDENTIAL UTILITY SERVICE DEEMED TO BE RENT. IN AN ACTION OR PROCEEDING BROUGHT IN ANY COURT FOR POSSESSION OF REAL PROPERTY BY REASON OF UNPAID CHARGES CLAIMED BY THE OWNER OR HIS OR HER AGENT FOR UTILITY SERVICE, IF IT IS ALLEGED AND ESTABLISHED 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 OF POSSESSION SHALL BE HAD THEREIN, AND THE FACT 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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