

1231

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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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. The public service law is amended by adding a new section 75-a  
6 to read as follows:  
7     S 75-A. DEFENSE IN CASE OF CHARGES FOR RESIDENTIAL UTILITY SERVICE  
8 DEEMED TO BE RENT. IN AN ACTION OR PROCEEDING BROUGHT IN ANY COURT FOR  
9 POSSESSION OF REAL PROPERTY BY REASON OF UNPAID CHARGES CLAIMED BY THE  
10 OWNER OR HIS OR HER AGENT FOR UTILITY SERVICE, IF IT IS ALLEGED AND  
11 ESTABLISHED THAT CHARGES FOR UTILITY SERVICE TO ANY RESIDENTIAL TENANT  
12 ARE DEEMED TO BE RENT UNDER THE TERMS OF ANY ARRANGEMENT OR AGREEMENT  
13 RELATING TO RENTAL OF RESIDENTIAL PROPERTY, NO RECOVERY OF POSSESSION  
14 SHALL BE HAD THEREIN, AND THE FACT THAT CHARGES FOR UTILITY SERVICE FOR  
15 RESIDENTIAL USE ARE DEEMED TO BE RENT SHALL BE A COMPLETE DEFENSE TO  
16 SUCH ACTION.  
17     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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