STATE OF NEW YORK

8113--A

IN SENATE

March 23, 2020

Introduced by Sens. PARKER, HOYLMAN, METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged and said bill committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 6 of section 32 of the public service law, as added by chapter 686 of the laws of 2002, is amended to read as follows:

6. **No utility corporation or municipality shall terminate or disconnect services to any residential customer for the non-payment of an overdue charge for the duration of the state disaster emergency declared pursuant to executive order two hundred two of two thousand twenty (herein after "the COVID-19 state of emergency").**

Utility corporations and municipalities shall have a duty to restore service, to the extent not already required under this chapter, to any residential customer within forty-eight hours if such service has been terminated during the pendency of the COVID-19 state of emergency.

7. For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, no utility corporation or municipality shall terminate or disconnect the service of a residential customer because of defaulted deferred payment agreements or arrears owed to the utility corporation or municipality when such customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department. The utility corporation or municipality shall provide such residential customer with the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties, as such is provided for in this article.

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

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8. Every utility corporation or municipality shall provide notice to residential customers, in a writing to be included with a bill statement or, when appropriate, via electronic transmission the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to the COVID-19 state of emergency for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this article.

9. Implementation of the provisions of this section shall not prohibit a utility or municipality from recovering lost or deferred revenues after the lifting or expiration of the COVID-19 state of emergency, pursuant to such means for recovery as are provided for in this chapter, and by means not inconsistent with any of the provisions of this article. Nothing in this section shall prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

10. Implementation of the provisions of this section shall not limit the contractual remedies for damages which might be available to the terminating utility provided that an award of such damages is not inconsistent with any of the provisions of this article.

§ 2. Section 89-b of the public service law is amended by adding four new subdivisions 8, 9, 10 and 11 to read as follows:

8. No water-works corporation shall terminate or disconnect the supply of water to residential accounts for the non-payment of water rents, rates or charges for the duration of the state disaster emergency declared pursuant to executive order two hundred two of two thousand twenty (hereinafter "the COVID-19 state of emergency"). Water-works corporations shall have a duty to restore service, to the extent not already required under this chapter, to any residential customer within forty-eight hours if such service has been terminated during the pendency of the COVID-19 state of emergency.

9. For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, no water-works corporation shall terminate or disconnect the service of a residential customer account because of defaulted deferred payment agreements or arrears owed to the water-works corporation when such customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department. The water-works corporation shall provide such residential customer with the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties, as such is provided for in article two of this chapter.

10. Every water-works corporation shall provide notice to residential customers, in a writing to be included with a bill statement or, when appropriate, via electronic transmission, the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to the COVID-19 state of emergency for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this article.

11. Implementation of the provisions of this section shall not prohibit a water-works corporation from recovering lost or deferred revenues after the lifting or expiration of the COVID-19 state of emergency, pursuant to such means for recovery as are provided for in this chapter, and by means not inconsistent with any of the provisions of this article. Nothing in this section shall prohibit a water-works corporation from disconnecting service when it is necessary to protect the health and safety of customers and the public.

§ 3. Section 91 of the public service law is amended by adding four new subdivisions 9, 10, 11 and 12 to read as follows:

9. No telephone corporation shall terminate or disconnect a residential service customer for the non-payment of an overdue charge for the duration of the state disaster emergency declared pursuant to executive order two hundred two of two thousand twenty (hereinafter "the COVID-19 state of emergency"). Telephone corporations shall have a duty to restore service, to the extent not already required under this chapter, to any residential customer within forty-eight hours if such service has been terminated during the pendency of the COVID-19 state of emergency.

10. After the COVID-19 state of emergency is lifted or expires, no telephone corporation shall terminate or disconnect the service of a residential customer account because of defaulted deferred payment agreements or arrears owed to the telephone corporation when such customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department. The telephone corporation shall provide such residential customer with the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties, as such is provided for in article two of this chapter.

11. Every telephone corporation shall provide notice to residential customers in a writing to be included with a bill statement or, when appropriate, via electronic transmission the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to the COVID-19 state of emergency for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this article.

12. Implementation of the provisions of this section shall not prohibit a telephone corporation from recovering lost or deferred revenues after the lifting or expiration of the COVID-19 state of emergency, pursuant to such means for recovery as are provided for in this chapter, and by means not inconsistent with any of the provisions of this article. Nothing in this section shall prohibit a telephone corporation from disconnecting service when it is necessary to protect the health and safety of customers and the public.

§ 4. Section 89-l of the public service law is amended by adding four new subdivisions 3, 4, 5 and 6 to read as follows:

3. No municipality shall terminate or discontinue residential service for the nonpayment of bills, taxes, or fees for the duration of the state disaster emergency declared pursuant to executive order two hundred two of two thousand twenty (hereinafter the "COVID-19 state of emergency"). Every municipality shall have a duty to restore service to any residential customer within forty-eight hours of the effective date of this subdivision if such service has been terminated during the pendency of the COVID-19 state of emergency.

4. For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, no municipality shall terminate or discontinue the service of a residential customer because of bill arrears, taxes, or fees owed to the municipality when such customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department. The municipality shall provide a residential service customer that has experienced a change in financial circumstances due to the COVID-19 state of emergency with the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties, as such is provided for in article two of this chapter.

5. Every municipality shall provide notice to residential customers in a writing to be included with a bill statement or, when appropriate, via electronic transmission the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to the COVID-19 state of emergency for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this article.

6. Implementation of the provisions of this section shall not prohibit a municipality from recovering lost or deferred revenues after the lifting or expiry of the COVID-19 state of emergency, provided that such means are not inconsistent with the provisions of this article. Nothing in this section shall prohibit a municipality from disconnecting service when it is necessary to protect the health and safety of customers and the public.

§ 5. This act shall take effect immediately.