

STATE OF NEW YORK

10521

IN ASSEMBLY

May 24, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Mosley) --
read once and referred to the Committee on Corporations, Authorities
and Commissions

AN ACT to amend the public service law, in relation to issuing a morato-
rium 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 Assem-
bly, do enact as follows:

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

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

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

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

23 8. Every utility corporation or municipality shall provide notice to
24 residential customers, in a writing to be included with a bill statement
25 or, when appropriate, via electronic transmission the provisions of this
26 section and shall further make reasonable efforts to contact customers

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

LBD15908-08-0

1 who have demonstrated a change in financial circumstances due to the
2 COVID-19 state of emergency for the purpose of offering such customers a
3 deferred payment agreement consistent with the provisions of this arti-
4 cle.

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

13 10. Implementation of the provisions of this section shall not limit
14 the contractual remedies for damages which might be available to the
15 terminating utility provided that an award of such damages is not incon-
16 sistent with any of the provisions of this article.

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

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

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

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

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

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

55 9. No telephone corporation shall terminate or disconnect a residen-
56 tial service customer for the non-payment of an overdue charge for the

1 duration of the state disaster emergency declared pursuant to executive
2 order two hundred two of two thousand twenty (hereinafter "the COVID-19
3 state of emergency"). Telephone corporations shall have a duty to
4 restore service, to the extent not already required under this chapter,
5 to any residential customer within forty-eight hours if such service has
6 been terminated during the pendency of the COVID-19 state of emergency.

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

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

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

32 § 4. Section 89-1 of the public service law is amended by adding four
33 new subdivisions 3, 4, 5 and 6 to read as follows:

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

42 4. For a period of one hundred eighty days after the COVID-19 state of
43 emergency is lifted or expires, no municipality shall terminate or
44 discontinue the service of a residential customer because of bill
45 arrears, taxes, or fees owed to the municipality when such customer has
46 experienced a change in financial circumstances due to the COVID-19
47 state of emergency, as defined by the department. The municipality shall
48 provide a residential service customer that has experienced a change in
49 financial circumstances due to the COVID-19 state of emergency with the
50 right to enter into, or restructure, a deferred payment agreement with-
51 out the requirement of a down payment, late fees, or penalties, as such
52 is provided for in article two of this chapter.

53 5. Every municipality shall provide notice to residential customers in
54 a writing to be included with a bill statement or, when appropriate, via
55 electronic transmission the provisions of this section and shall further
56 make reasonable efforts to contact customers who have demonstrated a

1 change in financial circumstances due to the COVID-19 state of emergency
2 for the purpose of offering such customers a deferred payment agreement
3 consistent with the provisions of this article.

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

11 § 5. This act shall take effect immediately.