

STATE OF NEW YORK

8811

2019-2020 Regular Sessions

IN ASSEMBLY

November 25, 2019

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the
Committee on Governmental Operations

AN ACT to amend the executive law, the public service law and the general
municipal law, in relation to making the opportunity to receive
basic utility service, clean air and clean water a civil right

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

1 Section 1. Section 291 of the executive law is amended by adding a new
2 subdivision 4 to read as follows:

3 4. The opportunity to obtain basic utility service, clean air and
4 clean water, without discrimination because of age, race, creed, color,
5 national origin, sexual orientation, gender identity or expression,
6 military status, sex, marital status, or disability, as specified in
7 section two hundred ninety-six of this article, is hereby recognized as
8 and declared to be a civil right.

9 § 2. The public service is amended by adding a new section 28 to read
10 as follows:

11 § 28. Liability for loss or damage caused by failure to provide basic
12 utility service. Any gas, electric or steam corporation or municipality
13 that fails to provide basic utility service as set forth in subdivision
14 four of section two hundred ninety-one of the executive law shall be
15 liable to any person affected by such failure for all loss, damage or
16 injury caused thereby or resulting therefrom and where the court finds
17 that such failure to provide such service is willful, it may, in its
18 discretion, fix a reasonable counsel or attorneys' fee. An action to
19 recover for such loss, damage or injury may be brought in any court of
20 competent jurisdiction by any such person.

21 § 3. The general municipal law is amended by adding a new section 99-x
22 to read as follows:

23 § 99-x. Liability for loss or damage caused by failure to provide
24 water. Any county, city, town or village that provides water to persons

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

LBD13802-01-9

1 residing within this state that fails to provide clean water as set
2 forth in subdivision four of section two hundred ninety-one of the exec-
3 utive law shall be liable to any person affected by such failure for all
4 loss, damage or injury caused thereby or resulting therefrom and where
5 the court finds that such failure to provide such service is willful, it
6 may, in its discretion, fix a reasonable counsel or attorneys' fee. An
7 action to recover for such loss, damage or injury may be brought in any
8 court of competent jurisdiction by any such person.

9 § 4. This act shall take effect on the sixtieth day after it shall
10 have become a law.