

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:

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 disconnect
4 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 municipi-
19 ality 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 § 5. This act shall take effect immediately.