

# STATE OF NEW YORK

9306

## IN ASSEMBLY

February 23, 2022

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public service law, in relation to prohibiting termination of utility services due to financial hardship caused by the COVID-19 pandemic; repealing certain provisions of such law relating thereto; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivisions 8 and 9 of section 32 of the public service  
2 law are REPEALED and four new subdivisions 8, 9, 11 and 12 are added to  
3 read as follows:

4 8. Every utility corporation or municipality shall provide notice to  
5 residential and small business customers, in a writing to be included  
6 with a bill statement or, when appropriate, via electronic transmission  
7 the provisions of this section and shall further make reasonable efforts  
8 to contact customers who have experienced a financial hardship due to  
9 the COVID-19 pandemic for the purpose of offering such customers a  
10 deferred payment agreement consistent with the provisions of this arti-  
11 cle.

12 9. Implementation of the provisions of this section shall not prohibit  
13 a utility or municipality from recovering lost or deferred revenues  
14 after June thirtieth, two thousand twenty-two, pursuant to such means  
15 for recovery as are provided for in this chapter, and by means not  
16 inconsistent with any of the provisions of this article. Nothing in  
17 this section shall prohibit a utility corporation or municipality from  
18 disconnecting service necessary to protect the health and safety of  
19 customers and the public.

20 11. No utility corporation or municipality shall terminate or discon-  
21 nect the service of a residential customer or small business customer  
22 because of defaulted deferred payment agreements or arrears owed to the  
23 utility corporation or municipality when such customer has experienced a  
24 financial hardship due to the COVID-19 pandemic, as defined by the  
25 department. The utility corporation or municipality shall provide such

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

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1 residential or small business customer with the right to enter into, or  
2 restructure, a deferred payment agreement without the requirement of a  
3 down payment, late fees, or penalties, as such is provided for in this  
4 article with such prohibition on down payments, late fees, or penalties  
5 applicable to all arrears incurred during such deferment pursuant to  
6 this subdivision. For purposes of this section the department shall  
7 define the term "small business customer."

8 12. A utility corporation or municipality shall have a duty to restore  
9 service, to the extent not already required under this chapter, to any  
10 residential or small business customer that has experienced financial  
11 hardship from the COVID-19 pandemic within forty-eight hours if such  
12 service has been terminated for the default of a deferred payment agree-  
13 ment or non-payment of arrears and with no penalties for such termi-  
14 nation or restoration of service.

15 § 2. Subdivision 12 of section 89-b of the public service law, as  
16 added by chapter 106 of the laws of 2021, is renumbered subdivision 13.

17 § 3. Subdivisions 10 and 11 of section 89-b of the public service law  
18 are REPEALED, and four new subdivisions 10, 11, 14 and 15 are added to  
19 read as follows:

20 10. Every water-works corporation shall provide notice to residential  
21 and small business customers, in a writing to be included with a bill  
22 statement or, when appropriate, via electronic transmission the  
23 provisions of this section and shall further make reasonable efforts to  
24 contact customers who have experienced a financial hardship due to the  
25 COVID-19 pandemic for the purpose of offering such customers a deferred  
26 payment agreement consistent with the provisions of this article.

27 11. Implementation of the provisions of this section shall not prohib-  
28 it a water-works corporation from recovering lost or deferred revenues  
29 after June thirtieth, two thousand twenty-two, pursuant to such means  
30 for recovery as are provided for in this chapter, and by means not  
31 inconsistent with any of the provisions of this article. Nothing in  
32 this section shall prohibit a water-works corporation from disconnecting  
33 service necessary to protect the health and safety of customers and the  
34 public.

35 14. No water-works corporation shall terminate or disconnect the  
36 service of a residential or small business customer account because of  
37 defaulted deferred payment agreements or arrears owed to the water-works  
38 corporation when such customer has experienced a financial hardship due  
39 to the COVID-19 pandemic, as defined by the department. The water-works  
40 corporation shall provide such residential or small business customer  
41 with the right to enter into, or restructure, a deferred payment agree-  
42 ment without the requirement of a down payment, late fees, or penalties,  
43 as such is provided for in this article with such prohibition on down  
44 payments, late fees, or penalties applicable to all arrears incurred  
45 during such deferment pursuant to this subdivision. For purposes of this  
46 section the department shall define the term "small business customer."

47 15. Water-works corporations shall have a duty to restore service, to  
48 the extent not already required under this chapter, to any residential  
49 or small business customer that has experienced financial hardship from  
50 the COVID-19 pandemic within forty-eight hours if such service has been  
51 terminated for the default of a deferred payment agreement or non-pay-  
52 ment of arrears and with no penalties for such termination or restora-  
53 tion of service.

54 § 4. Subdivisions 5 and 5-a of section 89-1 of the public service law  
55 are REPEALED and four new subdivisions 5, 5-a, 7 and 8 are added to read  
56 as follows:

1 5. Every municipality shall provide notice, in the same frequency that  
2 the customer receives a regular bill, to residential customers, non-re-  
3 sidential customers whose accounts service residential premises, and  
4 small business customers in a writing to be included with a bill state-  
5 ment or, when appropriate, via electronic transmission the provisions of  
6 this section and shall further make reasonable efforts to contact  
7 customers who have experienced a financial hardship due to the COVID-19  
8 pandemic for the purpose of offering such customers a deferred payment  
9 agreement consistent with the provisions of this section and article two  
10 of this chapter.

11 5-a. Notwithstanding the provisions of subdivision one of this  
12 section, for the purposes of subdivisions three, four and five of this  
13 section, a "municipality" shall also include a public water authority  
14 established pursuant to article five of the public authorities law.  
15 Every municipality shall be subject to the jurisdiction of the commis-  
16 sion for purposes of enforcing the provisions of subdivisions three,  
17 four, and five of this section pursuant to section twenty-four, twenty-  
18 five, and twenty-six of this chapter.

19 7. No municipality shall terminate or discontinue service to, or  
20 place, sell or enforce any lien on the real property of, a residential  
21 customer, a non-residential customer whose account services residential  
22 premises, or small business customer because of bill arrears, taxes, or  
23 fees owed to the municipality when such customer has experienced a  
24 financial hardship due to the COVID-19 pandemic, as defined by the  
25 department. The municipality shall provide such residential customer, a  
26 non-residential customer whose account services residential premises, or  
27 small business customer with the right to enter into, or restructure, a  
28 deferred payment agreement without the requirement of a down payment,  
29 late fees, or penalties, as such is provided for in article two of this  
30 chapter. The duration of a deferred payment agreement entered into or  
31 restructured pursuant to this subdivision shall be determined as such is  
32 provided for in article two of this chapter and shall not be limited to  
33 the covered period. A deferred payment agreement entered into or  
34 restructured pursuant to this subdivision shall remain subject to the  
35 provisions of article two of this chapter until the termination of the  
36 agreement as such is provided in article two of this chapter. For  
37 purposes of this section the department shall define the term "small  
38 business customer." The term "covered period" shall mean between the  
39 effective date of this section and June thirtieth, two thousand twenty-  
40 two.

41 8. A municipality shall have a duty to restore service, to the extent  
42 not already required under this chapter, to any residential or small  
43 business customer that has experienced financial hardship from the  
44 COVID-19 pandemic within forty-eight hours if such service has been  
45 terminated for the default of a deferred payment agreement or non-pay-  
46 ment of arrears and with no penalties for such termination or restora-  
47 tion of service.

48 § 5. Severability clause. If any clause, sentence, paragraph, subdivi-  
49 sion, section or subpart of this act shall be adjudged by any court of  
50 competent jurisdiction to be invalid, such judgment shall not affect,  
51 impair, or invalidate the remainder thereof, but shall be confined in  
52 its operation to the clause, sentence, paragraph, subdivision, section  
53 or subpart thereof directly involved in the controversy in which such  
54 judgment shall have been rendered. It is hereby declared to be the  
55 intent of the legislature that this act would have been enacted even if  
56 such invalid provisions had not been included herein.

1 § 6. This act shall take effect immediately and shall have been deemed  
2 to have been in full force and effect on and after December 21, 2021 and  
3 shall expire on June 30, 2022 when upon such date the provisions of this  
4 act shall be deemed repealed provided, however, that the amendments to  
5 subdivision 13 of section 89-b of the public service law made by section  
6 two of this act shall not affect the expiration of such subdivision and  
7 shall be deemed to be repealed therewith.