

STATE OF NEW YORK

1453--A

Cal. No. 116

2021-2022 Regular Sessions

IN SENATE

January 12, 2021

Introduced by Sens. PARKER, GAUGHRAN, HARCKHAM, HINCHEY, HOYLMAN, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public service law, in relation to extending a moratorium on utility termination of services after the COVID-19 state of emergency is lifted or expires; and to amend chapter 108 of the laws of 2020 amending the public service law, relating to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Subdivision 7 of section 32 of the public service law, as
2 added by chapter 108 of the laws of 2020, is amended to read as follows:
3 7. For a period of one hundred eighty days after the COVID-19 state of
4 emergency is lifted or expires, or until December thirty-first, two
5 thousand twenty-one, whichever is earlier, no utility corporation or
6 municipality shall terminate or disconnect the service of a residential
7 customer because of defaulted deferred payment agreements or arrears
8 owed to the utility corporation or municipality when such customer has
9 experienced a change in financial circumstances due to the COVID-19
10 state of emergency, as defined by the department. The utility corpo-
11 ration or municipality shall provide such residential customer with the
12 right to enter into, or restructure, a deferred payment agreement with-
13 out the requirement of a down payment, late fees, or penalties, as such
14 is provided for in this article.

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

LBD05968-02-1

1 § 2. Subdivision 9 of section 89-b of the public service law, as added
2 by chapter 108 of the laws of 2020, is amended and a new subdivision
3 10-a is added to read as follows:

4 9. For a period of one hundred eighty days after the COVID-19 state of
5 emergency is lifted or expires, or until December thirty-first, two
6 thousand twenty-one, whichever is earlier, no water-works corporation
7 shall terminate or disconnect the service of a residential customer
8 account because of defaulted deferred payment agreements or arrears owed
9 to the water-works corporation when such customer has experienced a
10 change in financial circumstances due to the COVID-19 state of emergen-
11 cy, as defined by the department. The water-works corporation shall
12 provide such residential customer with the right to enter into, or
13 restructure, a deferred payment without the requirement of a down
14 payment, late fees, or penalties, as such is provided for in article two
15 of this chapter.

16 10-a. The public service commission shall have the authority to adju-
17 dicating complaints and conduct investigations for violation of this
18 section in the manner provided by the provisions of this article and
19 shall have the authority to enforce the provisions of this section in
20 accordance with section twenty-six of this chapter.

21 § 3. Subdivision 10 of section 91 of the public service law, as
22 amended by section 1 of part B of chapter 126 of the laws of 2020, is
23 amended to read as follows:

24 10. For a period of one hundred eighty days after the COVID-19 state
25 of emergency is lifted or expires, or until December thirty-first, two
26 thousand twenty-one, whichever is earlier, no telephone corporation
27 shall terminate or disconnect the service of a residential customer
28 account because of defaulted deferred payment agreements or arrears then
29 owed to the telephone corporation when such customer has experienced a
30 change in financial circumstances due to the COVID-19 state of emergen-
31 cy, as defined by the department. The telephone corporation shall
32 provide such residential customer with the right to enter into, or
33 restructure, a deferred payment agreement without the requirement of a
34 down payment, late fees, or penalties.

35 § 4. Subdivision 4 of section 89-1 of the public service law, as added
36 by chapter 108 of the laws of 2020, is amended and a new subdivision 5-a
37 is added to read as follows:

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

50 5-a. The public service commission shall have the authority to adju-
51 dicating complaints and conduct investigations for violation of this section
52 in the manner provided by the provisions of this article and shall have
53 the authority to enforce the provisions of this section in accordance
54 with section twenty-six of this chapter.

55 § 5. Section 5 of chapter 108 of the laws of 2020 amending the public
56 service law, relating to issuing a moratorium on utility termination of

1 services during periods of pandemics and/or state of emergencies, as
2 amended by section 2 of part B of chapter 126 of the laws of 2020, is
3 amended to read as follows:

4 § 5. This act shall take effect immediately and shall expire [~~March~~
5 ~~31, 2021~~] December thirty-first, 2021 when upon such date the provisions
6 of this act shall be deemed repealed.

7 § 6. This act shall take effect immediately; provided, however, that:

8 (a) the amendments to subdivision 7 of section 32 of the public
9 service law made by section one of this act shall not affect the repeal
10 of such subdivision and shall be deemed repealed therewith;

11 (b) the amendments to subdivision 9 of section 89-b of the public
12 service law made by section two of this act shall not affect the repeal
13 of such subdivision and shall be deemed repealed therewith;

14 (c) subdivision 10-a of section 89-b of the public service law as
15 added by section two of this act shall be repealed on the same date and
16 in the same manner as chapter 108 of the laws of 2020, as amended;

17 (d) the amendments to subdivision 10 of section 91 of the public
18 service law made by section three of this act shall not affect the
19 repeal of such subdivision and shall be deemed repealed therewith;

20 (e) the amendments to subdivision 4 of section 89-1 of the public
21 service law made by section four of this act shall not affect the repeal
22 of such subdivision and shall be deemed repealed therewith; and

23 (f) subdivision 5-a of section 89-1 of the public service law as added
24 by section four of this act shall be repealed on the same date and in
25 the same manner as chapter 108 of the laws of 2020, as amended.