STATE OF NEW YORK

7668

IN SENATE

January 5, 2022

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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:

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 Subdivisions 8 and 9 of section 32 of the public service law are REPEALED and four new subdivisions 8, 9, 11 and 12 are added to read as follows:

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

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

11. No utility corporation or municipality shall terminate or disconnect the service of a residential customer or small business customer because of defaulted deferred payment agreements or arrears owed to the utility corporation or municipality when such customer has experienced a financial hardship due to the COVID-19 pandemic, as defined by the

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

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

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

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

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

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

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

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

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

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

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

5-a. Notwithstanding the provisions of subdivision one of this section, for the purposes of subdivisions three, four and five of this section, a "municipality" shall also include a public water authority established pursuant to article five of the public authorities law. Every municipality shall be subject to the jurisdiction of the commission for purposes of enforcing the provisions of subdivisions three, four, and five of this section pursuant to section twenty-four, twenty-five, and twenty-six of this chapter.

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

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

§ 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or subpart of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or subpart thereof directly involved in the controversy in which such

judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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