STATE OF NEW YORK

3588

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

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:

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

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

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

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

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

§ 99-x. Liability for loss or damage caused by failure to provide 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.

LBD04150-01-1

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

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