# STATE OF NEW YORK

6609

2021-2022 Regular Sessions

# IN ASSEMBLY

March 19, 2021

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

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:**

Section 1. Subdivision 7 of section 32 of the public service law, as added by chapter 108 of the laws of 2020, is amended to read as follows:

7. For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, **or until December thirty-first, two thousand twenty-one, whichever is earlier,** no utility corporation or municipality shall terminate or disconnect the service of a residential customer because of defaulted deferred payment agreements or arrears owed to the utility corporation or municipality when such customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department. The utility corporation or municipality shall provide such residential 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.

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

9. For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, **or until December thirty-first, two**

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

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**thousand twenty-one, whichever is earlier,** no water-works corporation shall terminate or disconnect the service of a residential customer account because of defaulted deferred payment agreements or arrears owed to the water-works corporation when such customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department. The water-works corporation shall provide such residential customer with the right to enter into, or restructure, a deferred payment without the requirement of a down payment, late fees, or penalties, as such is provided for in article two of this chapter.

**10-a. The public service commission shall have the authority to adjudicate complaints and conduct investigations for violation of this section in the manner provided by the provisions of this article and shall have the authority to enforce the provisions of this section in accordance with section twenty-six of this chapter.**

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

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

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

4. For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, **or until December thirty-first, two thousand twenty-one, whichever is earlier,** no municipality shall terminate or discontinue the service of a residential customer because of bill arrears, taxes, or fees owed to the municipality when such customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department. The municipality shall provide a residential service customer that has experienced a change in financial circumstances due to the COVID-19 state of emergency 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.

**5-a. The public service commission shall have the authority to adjudicate complaints and conduct investigations for violation of this section in the manner provided by the provisions of this article and shall have the authority to enforce the provisions of this section in accordance with section twenty-six of this chapter.**

§ 5. Section 5 of 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, as amended by section 2 of part B of chapter 126 of the laws of 2020, is amended to read as follows:

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

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

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

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

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

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

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

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