

# STATE OF NEW YORK

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1453

2021-2022 Regular Sessions

## IN SENATE

January 12, 2021

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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 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 June thirtieth, two thousand  
5 twenty-two, whichever is later, no utility corporation or municipality  
6 shall terminate or disconnect the service of a residential customer  
7 because of defaulted deferred payment agreements or arrears owed to the  
8 utility corporation or municipality when such customer has experienced a  
9 change in financial circumstances due to the COVID-19 state of emergen-  
10 cy, as defined by the department. The utility corporation or munici-  
11 pality shall provide such residential customer with the right to enter  
12 into, or restructure, a deferred payment agreement without the require-  
13 ment of a down payment, late fees, or penalties, as such is provided for  
14 in this article.

15 § 2. Subdivision 9 of section 89-b of the public service law, as added  
16 by chapter 108 of the laws of 2020, is amended and a new subdivision  
17 10-a is added to read as follows:

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

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9. For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, or until June thirtieth, two thousand twenty-two, whichever is later, 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 June thirtieth, two thousand twenty-two, whichever is later, 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 89-1 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 June thirtieth, two thousand twenty-two, whichever is later, 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:

1     § 5. This act shall take effect immediately and shall expire [~~March~~  
2 ~~31, 2021~~] June 30, 2022 when upon such date the provisions of this act  
3 shall be deemed repealed.

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

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7 of such subdivision and shall be deemed repealed therewith;

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

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

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

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

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