

STATE OF NEW YORK

10171

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Mamdani) --
read once and referred to the Committee on Corporations, Authorities
and Commissions

AN ACT to amend the public service law, in relation to enacting the
"utility shutoff protection act"

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

1 Section 1. This act shall be known and may be cited as the "utility
2 shutoff protection act".
3 § 2. Legislative findings. The legislature finds and declares that:
4 1. It is the duty of the legislature to ensure that New York residents
5 are protected from utility disconnections for nonpayment during periods
6 of extreme heat or cold, when they would be relying on air conditioning
7 or heating the most.
8 2. New York's utility shutoff moratorium during the COVID-19 pandemic
9 provided crucial relief for millions of households, enabling zero utili-
10 ty shutoffs in 2021, but the expiration of this COVID-19 moratorium -
11 absent any accompanying legislation to curb utility companies' record
12 high gas and electricity rates - has left New York residents at risk of
13 having their power cut off for nonpayment. According to NY Department of
14 Public Service (DPS) data, more than 180,000 New York households experi-
15 enced gas or electricity shutoffs for nonpayment in 2023.
16 3. This act serves as an expansion of existing residential utility
17 protections in New York state. Residential service cannot be terminated
18 for nonpayment Friday through Sunday, on public holidays, the day before
19 a holiday, or on a day before the utility business office is closed. New
20 York also bans utility shutoffs during the two-week period that includes
21 Christmas and New Year's Day. Altogether, state law protects residents
22 from utility shutoffs between 170 and 180 calendar days, or about 50
23 percent of the year.
24 4. This legislation provides much-needed coherence and predictability
25 to the presently scattered landscape of private residential shutoff
26 policies. Every utility regulated by the Public Service Commission
27 (hereinafter, "the commission") already follows certain seasonal and

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

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1 temperature-based restrictions on disconnecting residents, but these
2 policies vary dramatically across companies. Con Edison, which serves
3 most of New York city and Westchester county, already suspends residen-
4 tial shutoffs on 204 calendar days per year, on average, based on
5 National Weather Service data. But National Grid-the primary utility
6 provider in upstate New York that serves 2.2 million customers in
7 Buffalo, Syracuse, Albany, and most of the Mohawk valley and the north
8 country-lacks any shutoff protection during colder weather. New York
9 residents' safety during the hottest and coldest months of the year
10 should never depend on where they live or who their energy provider is.

11 5. Finally, this act aligns with the surge in utility shutoff morato-
12 ria nationwide, as the climate crisis continues to accelerate the
13 frequency and severity of extreme weather. According to a 2023 Congres-
14 sional Research Service report, 32 U.S. states have already enacted some
15 level of seasonal utility shutoff protections. Wisconsin's "annual
16 winter moratorium" bans residential gas or electric utility discon-
17 nections from November 1 to April 15, while Illinois similarly prohibits
18 utilities from shutting off residential power or heat from December 1 to
19 March 31.

20 § 3. Section 2 of the public service law is amended by adding two new
21 subdivisions 30 and 31 to read as follows:

22 30. The term "summer protection season", when used in this chapter,
23 shall mean the period beginning upon the first of May and ending upon
24 the thirty-first of August in each year.

25 31. The term "winter protection season", when used in this chapter,
26 shall mean the period beginning upon the first of December of each year
27 and ending upon the twenty-eighth of February of the following year.

28 § 4. Subdivision 6 of section 32 of the public service law is renum-
29 bered subdivision 7 and a new subdivision 6 is added to read as follows:

30 6. (a) Notwithstanding any other provision of law, rule or regulation,
31 no residential utility service shall be terminated by a utility corpo-
32 ration or municipality for nonpayment during any summer protection
33 season or winter protection season.

34 (b) By the first day of every summer protection season and winter
35 protection season, and continuing through the last day of each such
36 protection season, utility corporations and municipalities shall restore
37 all residential utility services that were otherwise discontinued for
38 nonpayment. Such utility corporations and municipalities shall not
39 charge residential customers any fee for such restoration of residential
40 utility services.

41 (c) (i) The commission shall submit an annual report to the governor,
42 the temporary president of the senate and the speaker of the assembly,
43 containing the following information related to residential utility
44 shutoffs: (1) a distribution of residential utility terminations based
45 on household income, age, and geographic location; (2) a distribution of
46 the length of time for reconnecting disconnected households, as well as
47 the cost of deferred payment plans in furtherance of such reconnection;
48 (3) data on the health, safety, and financial consequences that utility
49 terminations have on residents; and (4) any other information that the
50 commission deems appropriate.

51 (ii) To obtain accurate data, the commission shall establish proce-
52 dures expanding the reporting requirements of utility corporations and
53 municipalities to include the information required under subparagraph
54 (i) of this paragraph.

55 (iii) The commission shall make the report created under subparagraph
56 (i) of this paragraph publicly available on its website.

1 (d) The commission shall promulgate any rules and regulations neces-
2 sary to:

3 (i) Implement the provisions of paragraphs (a), (b) and (c) of this
4 subdivision;

5 (ii) Prohibit utility corporations and municipalities from increasing
6 the costs of any residential utility service as a result of compliance
7 with this section; and

8 (iii) Establish procedures for utility corporations and municipalities
9 discontinuing any residential utility services for nonpayment upon the
10 conclusion of summer protection seasons and winter protection seasons.

11 (e) Nothing in this subdivision shall be construed to waive a residen-
12 tial customer's obligation to make timely payment for residential utili-
13 ty services, or any payment for arrears.

14 (f) The provisions of this subdivision shall not apply to any non-re-
15 sidential utility services.

16 § 5. Section 33 of the public service law is amended by adding a new
17 subdivision 6 to read as follows:

18 6. The provisions of subdivision six of section thirty-two of this
19 article shall apply to any multiple dwelling otherwise subject to the
20 provisions of this section.

21 § 6. Section 34 of the public service law is amended by adding a new
22 subdivision 5 to read as follows:

23 5. The provisions of subdivision six of section thirty-two of this
24 article shall apply to any two family dwelling otherwise subject to the
25 provisions of this section.

26 § 7. This act shall take effect on the ninetieth day after it shall
27 have become a law. Effective immediately, the addition, amendment and/or
28 repeal of any rule or regulation necessary for the implementation of
29 this act on its effective date are authorized to be made and completed
30 on or before such effective date.