STATE OF NEW YORK

6542

2025-2026 Regular Sessions

IN ASSEMBLY

March 5, 2025

Introduced by 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 Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "utility shutoff protection act".

§ 2. Legislative findings. The legislature finds and declares that:

1. It is the duty of the legislature to ensure that New York residents are protected from utility disconnections for nonpayment during periods of extreme heat or cold, when they would be relying on air conditioning or heating the most.

2. New York's utility shutoff moratorium during the COVID-19 pandemic provided crucial relief for millions of households, enabling zero utility shutoffs in 2021, but the expiration of this COVID-19 moratorium - absent any accompanying legislation to curb utility companies' record high gas and electricity rates - has left New York residents at risk of having their power cut off for nonpayment. According to NY Department of Public Service (DPS) data, more than 180,000 New York households experienced gas or electricity shutoffs for nonpayment in 2023.

3. This act serves as an expansion of existing residential utility protections in New York state. Residential service cannot be terminated for nonpayment Friday through Sunday, on public holidays, the day before a holiday, or on a day before the utility business office is closed. New York also bans utility shutoffs during the two-week period that includes Christmas and New Year's Day. Altogether, state law protects residents from utility shutoffs between 170 and 180 calendar days, or about 50 percent of the year.

4. This legislation provides much-needed coherence and predictability to the presently scattered landscape of private residential shutoff

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

LBD00373-02-5

policies. Every utility regulated by the Public Service Commission (hereinafter, "the commission") already follows certain seasonal and temperature-based restrictions on disconnecting residents, but these policies vary dramatically across companies. Con Edison, which serves most of New York city and Westchester county, already suspends residential shutoffs on 204 calendar days per year, on average, based on National Weather Service data. But National Grid-the primary utility provider in upstate New York that serves 2.2 million customers in Buffalo, Syracuse, Albany, and most of the Mohawk valley and the north country-lacks any shutoff protection during colder weather. New York residents' safety during the hottest and coldest months of the year should never depend on where they live or who their energy provider is.

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

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

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

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

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

6. (a) Notwithstanding any other provision of law, rule or regulation, no residential utility service shall be terminated by a utility corporation or municipality for nonpayment during any summer protection season or winter protection season.

(b) By the first day of every summer protection season and winter protection season, and continuing through the last day of each such protection season, utility corporations and municipalities shall restore all residential utility services that were otherwise discontinued for nonpayment. Such utility corporations and municipalities shall not charge residential customers any fee for such restoration of residential utility services. Further, such utility corporations and municipalities shall be prohibited from assessing any penalties or late fees that would accrue during every summer protection season and winter protection season where a residential customer fails to make timely payment for residential utility services.

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

(ii) To obtain accurate data, the commission shall establish procedures expanding the reporting requirements of utility corporations and municipalities to include the information required under subparagraph (i) of this paragraph.

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

(d) The commission shall promulgate any rules and regulations necessary to:

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

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

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

(e) Nothing in this subdivision shall be construed to waive a residential customer's obligation to make timely payment for residential utility services, or any payment for arrears.

(f) The provisions of this subdivision shall not apply to any non-residential utility services.

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

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

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

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

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