

# STATE OF NEW YORK

5690

2025-2026 Regular Sessions

## IN SENATE

February 27, 2025

Introduced by Sen. BROUK -- 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 enacting the "utility shutoff protection act"

The People of the State of New York, represented in Senate and Assembly, 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 utility  
10 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.

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

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1 4. This legislation provides much-needed coherence and predictability  
2 to the presently scattered landscape of private residential shutoff  
3 policies. Every utility regulated by the Public Service Commission  
4 (hereinafter, "the commission") already follows certain seasonal and  
5 temperature-based restrictions on disconnecting residents, but these  
6 policies vary dramatically across companies. Con Edison, which serves  
7 most of New York city and Westchester county, already suspends residen-  
8 tial shutoffs on 204 calendar days per year, on average, based on  
9 National Weather Service data. But National Grid-the primary utility  
10 provider in upstate New York that serves 2.2 million customers in  
11 Buffalo, Syracuse, Albany, and most of the Mohawk valley and the north  
12 country-lacks any shutoff protection during colder weather. New York  
13 residents' safety during the hottest and coldest months of the year  
14 should never depend on where they live or who their energy provider is.

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

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

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

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

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

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

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

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

1 terminations have on residents; and (4) any other information that the  
2 commission deems appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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