

STATE OF NEW YORK

8118--A

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sens. KAVANAGH, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law and the public service law, in relation to prohibiting utility service terminations in multiple dwellings

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

1 Section 1. Subdivision 1 of section 235-a of the real property law, as
2 amended by chapter 143 of the laws of 2020, is amended to read as
3 follows:

4 1. In any case in which a residential tenant shall lawfully make a
5 payment to a utility company pursuant to the provisions of [~~sections~~
6 ~~thirty-three,~~ section thirty-four [~~and one hundred sixteen~~] of the
7 public service law, or to a utility company as defined in subdivision
8 twenty-three of section two of the public service law, public authority,
9 water-works corporation, as defined in subdivision twenty-seven of
10 section two of the public service law, or municipal water system, as
11 prescribed in section eighty-nine-1 of the public service law, for water
12 service which a landlord is responsible for but has failed or refused to
13 provide payment therefor, such payment shall be deductible from any
14 future payment of rent.

15 § 2. Section 33 of the public service law, as added by chapter 713 of
16 the laws of 1981, paragraphs (c) and (d) of subdivision 1 as amended by
17 chapter 195 of the laws of 2010, is amended to read as follows:

18 § 33. Discontinuance of residential utility service to multiple dwell-
19 ings. 1. Notwithstanding any other provisions of law, no public utility
20 company or municipality shall discontinue gas, electric or steam service
21 to an entire multiple dwelling (as defined in the multiple dwelling law

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

LBD13069-02-6

1 or the multiple residence law) located anywhere in this state for
2 nonpayment of bills rendered for service [~~unless such~~]. A public utility
3 company or municipality may commence an action against the owner of the
4 premises affected seeking a lien against such multiple dwelling for the
5 amount of such utility bills. A utility shall have given fifteen days
6 written notice of its intention so to [~~discontinue~~] seek such lien as
7 follows:

8 (a) Such notice shall be served personally on the owner of the prem-
9 ises affected, or in lieu thereof, to the person, firm, or corporation
10 to whom or which the last preceding bill has been rendered and from whom
11 or which the utility has received payment therefor, and to the super-
12 intendent or other person in charge of the building or premises
13 affected, if it can be readily ascertained that there is such super-
14 intendent or other person in charge.

15 (b) In lieu of personal delivery to the person or persons, firm or
16 corporation specified in paragraph (a) [~~above~~] of this subdivision, such
17 notice may be mailed in a postpaid wrapper to the address of such person
18 or persons, firm or corporation.

19 (c) In addition to the notice prescribed by paragraph (a) or (b) of
20 this subdivision, fifteen days written notice shall be (i) posted in the
21 public areas of such multiple dwelling, (ii) mailed to the "Occupant" of
22 each unit in that multiple dwelling, (iii) mailed to the local health
23 officer and the director of the social services district for the poli-
24 tical subdivision in which the multiple dwelling is located, (iv) if the
25 multiple dwelling is located in a city or a village, mailed to the mayor
26 thereof, or if there be none, to the manager, or, if the multiple dwell-
27 ing is located in a town, then mailed to the town supervisor, (v) mailed
28 to the county executive of the county in which the multiple dwelling is
29 located, or if there be none, then to the [~~chairman~~] chairperson of such
30 county's legislative body, and (vi) mailed to the office of the New York
31 state long term care ombudsman, if the multiple dwelling is a residen-
32 tial health care facility as defined in subdivision three of section
33 twenty-eight hundred one of the public health law, an adult care facili-
34 ty as defined in subdivision twenty-one of section two of the social
35 services law, or an assisted living residence as defined in subdivision
36 one of section forty-six hundred fifty-one of the public health law as
37 added by chapter two of the laws of two thousand four. Notice required
38 by subparagraphs (iv) and (v) of this paragraph may be mailed to the
39 persons specified therein or to their respective designees. The notice
40 required by this paragraph shall state [~~the intended date of disconti-~~
41 ~~nuance of service,~~] the amount due for such service, and [~~the procedure~~
42 ~~by which any tenant or public agency may make such payment and thereby~~
43 ~~avoid discontinuance of service~~] that the utility will not discontinue
44 service and shall seek a lien against the owner.

45 [~~(d) The written notice required by subparagraphs (iii), (iv), (v) and~~
46 ~~(vi) of paragraph (c) of this subdivision shall be repeated not more~~
47 ~~than four days nor less than two days prior to such discontinuance.~~

48 ~~1-a. Whenever a notice of intention to discontinue utility service has~~
49 ~~been made pursuant to the provisions of this section and obligations~~
50 ~~owed the utility or municipality have been satisfied, the utility or~~
51 ~~municipality shall notify, in the same manner as it gave such notice of~~
52 ~~intention, the occupant of each unit that the intention to discontinue~~
53 ~~utility service no longer exists.]~~

54 2. For the purposes of this section, the department charged with
55 enforcing the multiple dwelling law shall prepare a schedule of all
56 multiple dwellings within its jurisdiction and shall provide a copy of

1 such schedule to any gas, steam or electric corporation or municipality
2 subject to the provisions of this section. Such schedule shall be
3 revised semi-annually and a revised copy provided to such corporation.
4 Every county, and every municipality to which the multiple dwelling law
5 does not apply, which county or municipality has compiled or hereafter
6 may compile a listing of all multiple dwellings within its jurisdiction
7 shall make such listing available without charge to any gas, steam or
8 electric corporation providing service in such county or municipality.

9 ~~3. [Any gas, electric or steam corporation or municipality which will-
10 fully fails to comply with the provisions of this section shall be
11 liable for a penalty of twenty five dollars for each occupied unit of
12 the multiple dwelling for each day during which service is unlawfully
13 discontinued; provided, however, that when the only non-compliance with
14 this section is failure to mail notice to each "Occupant" as required by
15 clause (ii) of paragraph (c) of subdivision one above the penalty shall
16 be twenty five dollars for each occupied unit of the multiple dwelling
17 to which notice was not mailed for each day during which service is
18 unlawfully discontinued. An action to recover a penalty under this
19 section may be brought by the counsel to the commission in any court of
20 competent jurisdiction in this state in the name of the people of the
21 state of New York. Any moneys recovered in such action shall be paid to
22 the state treasury to the credit of the general fund.~~

23 4.] Any person who willfully interferes with the posting of the notice
24 specified in [~~clause~~] subparagraph (i) of paragraph (c) of subdivision
25 one [~~above~~] of this section by any gas, steam or electric corporation or
26 municipality, willfully defaces or mutilates any such notice, or will-
27 fully removes the same from the place where it is posted by such company
28 prior to the date specified therein for the discontinuance of service
29 shall be guilty of a violation and, upon conviction, shall be punished
30 by a fine not exceeding twenty-five dollars.

31 ~~[5. The commission shall maintain rules and regulations for the
32 payment by tenants of utility bills for gas, electric or steam service
33 in a multiple dwelling to which this section applies where the owner of
34 any such multiple dwelling, or the person, firm or corporation to whom
35 or which the last preceding bill has been rendered or from whom or which
36 the utility or municipality has received payment therefor, has failed to
37 pay such utility bills. Such rules and regulations shall (a) provide
38 that utility service may not be discontinued to any such multiple dwell-
39 ing as long as the tenants continue to make timely payments in accord-
40 ance with established procedures; (b) include designation of an office
41 to advise tenants of the rights and procedures available pursuant to
42 such rules and regulations; (c) assure that tenants shall not be liable
43 for bills more than two months in arrears; and (d) require the commis-
44 sion upon petition of twenty-five percent of the tenants of such multi-
45 ple dwelling to meet with representatives of such tenants and the owner,
46 person, firm or corporation to whom or which the last preceding bill has
47 been rendered or from whom or which the utility has received payment
48 therefor.]~~

49 § 3. Section 116 of the public service law, as amended by chapter 713
50 of the laws of 1981, subdivision 5 as separately amended by chapter 511
51 of the laws of 1981, is amended to read as follows:

52 § 116. Discontinuance of water service to multiple dwellings. 1.
53 Notwithstanding any other provisions of law, no public utility company
54 shall discontinue water service to an entire multiple dwelling (as
55 defined in the multiple dwelling law or the multiple residence law)
56 located anywhere in this state for nonpayment of bills rendered for

1 service [~~unless such~~]. A public utility company or municipality may
2 commence an action against the owner of the premises affected seeking a
3 lien against such multiple dwelling for the amount of such utility
4 bills. A utility shall have given fifteen days' written notice of its
5 intention so to [~~discontinue~~] seek such lien as follows:

6 (a) Such notice shall be served personally on the owner of the prem-
7 ises affected, or in lieu thereof, to the person, firm, or corporation
8 to whom or which the last preceding bill has been rendered and from whom
9 or which the utility has received payment therefor, and to the super-
10 intendent or other person in charge of the building or premises
11 affected, if it can be readily ascertained that there is such super-
12 intendent or other person in charge.

13 (b) In lieu of personal delivery to the person or persons, firm or
14 corporation specified in paragraph (a) [~~above~~] of this subdivision, such
15 notice may be mailed in a postpaid wrapper to the address of such person
16 or persons, firm or corporation.

17 (c) In addition to the notice prescribed by paragraph (a) or (b)
18 [~~above~~] of this subdivision, fifteen days' written notice shall be (i)
19 posted in the public areas of such multiple dwelling, (ii) mailed to the
20 "Occupant" of each unit in that multiple dwelling, (iii) mailed to the
21 local health officer and the director of the social services district
22 for the political subdivision in which the multiple dwelling is located,
23 (iv) if the multiple dwelling is located in a city or a village, mailed
24 to the mayor thereof, or if there be none, to the manager, or, if the
25 multiple dwelling is located in a town, then mailed to the town supervi-
26 sor, and (v) mailed to the county executive of the county in which the
27 multiple dwelling is located, or if there be none, then to the [~~chair-~~
28 ~~man~~] chairperson of such county's legislative body. Notice required by
29 subparagraphs (iv) and (v) of this paragraph may be mailed to the
30 persons specified therein or to their respective designees. The notice
31 required by this paragraph shall state the [~~intended date of discontin-~~
32 ~~uance of service, the~~] amount due for such service, and [~~the procedure~~
33 ~~by which any tenant or public agency may make such payment and thereby~~
34 ~~avoid discontinuance of service~~] that the utility will not discontinue
35 service and shall seek a lien against the owner.

36 [~~(d) The written notice required by clauses (iii), (iv) and (v) of~~
37 ~~paragraph (c) above shall be repeated not more than four days nor less~~
38 ~~than two days prior to such discontinuance.~~

39 [~~1-a. Whenever a notice of intention to discontinue utility service has~~
40 ~~been made pursuant to the provisions of this section and obligations~~
41 ~~owed the utility have been satisfied, the utility shall notify, in the~~
42 ~~same manner as it gave such notice of intention, the occupant of each~~
43 ~~unit that the intention to discontinue utility service no longer~~
44 ~~exists.]~~

45 2. For the purposes of this section, the department charged with
46 enforcing the multiple dwelling law shall prepare a schedule of all
47 multiple dwellings within its jurisdiction and shall provide a copy of
48 such schedule to any water corporation subject to the provisions of this
49 section. Such schedule shall be revised semi-annually and a revised copy
50 provided to such corporation. Every county, and every municipality to
51 which the multiple dwelling law does not apply, which county or muni-
52 cipality has compiled or hereafter may compile a listing of all multiple
53 dwellings within its jurisdiction shall make such listing available
54 without charge to any water corporation providing service in such county
55 or municipality.

1 3. ~~[Any water corporation which willfully fails to comply with the~~
2 ~~provisions of this section shall be liable for a penalty of twenty five~~
3 ~~dollars for each occupied unit of the multiple dwelling for each day~~
4 ~~during which service is unlawfully discontinued; provided, however, that~~
5 ~~when the only non-compliance with this section is failure to mail notice~~
6 ~~to each "Occupant" as required by clause (ii) of paragraph (c) of subdivi-~~
7 ~~sion one above the penalty shall be twenty five dollars for each occu-~~
8 ~~pied unit of the multiple dwelling to which notice was not mailed for~~
9 ~~each day during which service is unlawfully discontinued. An action to~~
10 ~~recover a penalty under this section may be brought by the counsel to~~
11 ~~the commission in any court of competent jurisdiction in this state in~~
12 ~~the name of the people of the state of New York. Any monies recovered in~~
13 ~~such action shall be paid to the state treasury to the credit of the~~
14 ~~general fund.~~

15 4.] Any person who willfully interferes with the posting of the notice
16 specified in [~~elause~~] subparagraph (i) of paragraph (c) of subdivision
17 one [~~above~~] of this section by any water corporation, willfully defaces
18 or mutilates any such notice, or willfully removes the same from the
19 place where it is posted by such company prior to the date specified
20 therein for the discontinuance of service shall be guilty of a violation
21 and, upon conviction, shall be punished by a fine not exceeding twenty-
22 five dollars.

23 [~~5. The commission shall maintain rules and regulations for the~~
24 ~~payment by tenants of utility bills for water service in a multiple~~
25 ~~dwelling to which this section applies where the owner of any such~~
26 ~~multiple dwelling, or the person, firm or corporation to whom or which~~
27 ~~the last preceding bill has been rendered or from whom or which the~~
28 ~~utility has received payment therefore, has failed to pay such utility~~
29 ~~bills. Such rules and regulations shall (i) provide that utility service~~
30 ~~may not be discontinued to any such multiple dwelling as long as the~~
31 ~~tenants continue to make timely payments in accordance with established~~
32 ~~procedures; (ii) include designation of an office to advise tenants of~~
33 ~~the rights and procedures available pursuant to such rules and regu-~~
34 ~~lations; (iii) assure that tenants shall not be liable for bills more~~
35 ~~than two months in arrears; and (iv) require the commission upon peti-~~
36 ~~tion of twenty five percent of the tenants of such multiple dwelling to~~
37 ~~meet with representatives of such tenants and the owner, person, firm or~~
38 ~~corporation to whom or which the last preceding bill has been rendered~~
39 ~~or from whom or which the utility has received payment therefore.]~~

40 § 4. This act shall take effect on the ninetieth day after it shall
41 have become a law.