STATE OF NEW YORK

120--B

Cal. No. 627

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. CLEARE, BROUK, FERNANDEZ, OBERACKER, ZELLNER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public service law, in relation to prohibiting termination of residential utility service during forecasts of extreme temperature

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

Section 1. Paragraph (c) of subdivision 3 of section 32 of the public service law, as added by chapter 713 of the laws of 1981, is amended to read as follows:

(c) Special procedures for cold weather periods. (i) The commission shall establish procedures to be followed by a utility or municipality supplying heat related service in cold weather periods. Such procedures shall be designed to identify and assist, prior to termination of service, those residents who may suffer serious impairment to health or safety as a result of any such termination. The commission shall establish the applicable cold weather periods; specify criteria for identifying residents who are likely to suffer serious impairments, and require that such service not be terminated unless a representative of the utility or municipality makes a diligent effort to contact by telephone or

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

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in person an adult resident of the customer's premises at least seventy-two hours prior to termination, makes a personal visit at the time of termination and provides the customer with information regarding the protections available under this article. The commission shall provide for the manner in which such contacts and personal visits are made. (ii) The commission shall [~~also~~] require a utility or municipality supplying service to continue service to customers where a serious impairment to health or safety is likely to result from termination of service and the person supplied is unable because of mental or physical problems to manage [~~his or her~~] their own resources or to protect [~~himself or herself~~] themself from neglect or hazardous situations without the assistance of others. Doubts shall be resolved in favor of continued service. Continuations of service shall be for a period of time to be established by the commission. The commission shall consult with the department of social services and the state office for the aging in implementing the provisions of this paragraph.

§ 2. Section 32 of the public service law is amended by adding a new subdivision 3-a to read as follows:

3-a. (a) For the purposes of this subdivision, the term "forecast of extreme temperature" shall mean a forecast by the national weather service or such other authoritative source as designated by the commission that indicates:

(i) the heat index or ambient air temperature will reach eighty-five degrees Fahrenheit or above during any time of day or night; or

(ii) lowest forecasted ambient air temperature or wind chill will reach thirty-two degrees Fahrenheit or below during any time of day or night.

(b) A utility or municipality supplying residential heat, electricity, or water shall not terminate such service the day preceding, the day of, and the two days following a forecast of extreme temperature. A utility or municipality shall also immediately halt any scheduled termination if, at any point, during that day, the heat index, wind chill, or ambient air temperature reaches or exceeds the threshold set forth in paragraph (a) of this subdivision, regardless of whether the earlier forecast predicted that threshold would be met.

(c) Any provider of submetered residential electric or water service, including any submetering billing company or third-party administrator acting on behalf of a building owner or manager, shall be subject to the same provisions applicable under this subdivision.

§ 3. Severability clause. If any clause, sentence, paragraph, subdivision or part of this article of the application thereof to any person, firm or corporation, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this act; or in its application to the person, firm, corporation, or circumstance, directly involved in the controversy in which such judgement shall have been rendered.

§ 4. This act shall take effect immediately.