STATE OF NEW YORK

8118

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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:

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

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

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

§ 33. Discontinuance of residential utility service to multiple dwellings. 1. Notwithstanding any other provisions of law, no public utility company or municipality shall discontinue gas, electric or steam service to an entire multiple dwelling (as defined in the multiple dwelling law or the multiple residence law) located anywhere in this state for nonpayment of bills rendered for service [~~unless such~~]**. A public utility company or municipality may commence an action against the owner of the**

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

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premises affected seeking a lien against such multiple dwelling for the amount of such utility bills. A utility shall have given fifteen days written notice of its intention so to [~~discontinue~~] seek such lien as follows:

(a) Such notice shall be served personally on the owner of the premises affected, or in lieu thereof, to the person, firm, or corporation to whom or which the last preceding bill has been rendered and from whom or which the utility has received payment therefor, and to the superintendent or other person in charge of the building or premises affected, if it can be readily ascertained that there is such superintendent or other person in charge.

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

(c) In addition to the notice prescribed by paragraph (a) or (b) of this subdivision, fifteen days written notice shall be (i) posted in the public areas of such multiple dwelling, (ii) mailed to the "Occupant" of each unit in that multiple dwelling, (iii) mailed to the local health officer and the director of the social services district for the political subdivision in which the multiple dwelling is located, (iv) if the multiple dwelling is located in a city or a village, mailed to the mayor thereof, or if there be none, to the manager, or, if the multiple dwelling is located in a town, then mailed to the town supervisor, (v) mailed to the county executive of the county in which the multiple dwelling is located, or if there be none, then to the chairman of such county's legislative body, and (vi) mailed to the office of the New York state long term care ombudsman, if the multiple dwelling is a residential health care facility as defined in subdivision three of section twenty-eight hundred one of the public health law, an adult care facility as defined in subdivision twenty-one of section two of the social services law, or an assisted living residence as defined in subdivision one of section forty-six hundred fifty-one of the public health law as added by chapter two of the laws of two thousand four. Notice required by subparagraphs (iv) and (v) of this paragraph may be mailed to the persons specified therein or to their respective designees. The notice required by this paragraph shall state [~~the intended date of discontinuance of service,~~] the amount due for such service, and [~~the procedure by which any tenant or public agency may make such payment and thereby avoid discontinuance of service~~] that the utility will not discontinue service and shall seek a lien against the owner.

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

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

2. For the purposes of this section, the department charged with enforcing the multiple dwelling law shall prepare a schedule of all multiple dwellings within its jurisdiction and shall provide a copy of such schedule to any gas, steam or electric corporation or municipality subject to the provisions of this section. Such schedule shall be revised semi-annually and a revised copy provided to such corporation.

Every county, and every municipality to which the multiple dwelling law does not apply, which county or municipality has compiled or hereafter may compile a listing of all multiple dwellings within its jurisdiction shall make such listing available without charge to any gas, steam or electric corporation providing service in such county or municipality.

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

~~4.~~] **3.** Any person who willfully interferes with the posting of the notice specified in [~~clause~~] **subparagraph** (i) of paragraph (c) of subdivision one [~~above~~] **of this section** by any gas, steam or electric corporation or municipality, willfully defaces or mutilates any such notice, or willfully removes the same from the place where it is posted by such company prior to the date specified therein for the discontinuance of service shall be guilty of a violation and, upon conviction, shall be punished by a fine not exceeding twenty-five dollars.

[~~5. The commission shall maintain rules and regulations for the payment by tenants of utility bills for gas, electric or steam service in a multiple dwelling to which this section applies where the owner of any such multiple dwelling, or the person, firm or corporation to whom or which the last preceding bill has been rendered or from whom or which the utility or municipality has received payment therefor, has failed to pay such utility bills. Such rules and regulations shall (a) provide that utility service may not be discontinued to any such multiple dwelling as long as the tenants continue to make timely payments in accordance with established procedures; (b) include designation of an office to advise tenants of the rights and procedures available pursuant to such rules and regulations; (c) assure that tenants shall not be liable for bills more than two months in arrears; and (d) require the commission upon petition of twenty-five percent of the tenants of such multiple dwelling to meet with representatives of such tenants and the owner, person, firm or corporation to whom or which the last preceding bill has been rendered or from whom or which the utility has received payment therefor.~~]

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

§ 116. Discontinuance of water service to multiple dwellings. 1. Notwithstanding any other provisions of law, no public utility company shall discontinue water service to an entire multiple dwelling (as defined in the multiple dwelling law or the multiple residence law) located anywhere in this state for nonpayment of bills rendered for service [~~unless such~~]**. A public utility company may commence an action against the owner of the premises affected seeking a lien against such multiple dwelling for the amount of such utility bills. A** utility shall

have given fifteen days' written notice of its intention so to [~~discontinue~~] **seek such lien** as follows:

(a) Such notice shall be served personally on the owner of the premises affected, or in lieu thereof, to the person, firm, or corporation to whom or which the last preceding bill has been rendered and from whom or which the utility has received payment therefor, and to the superintendent or other person in charge of the building or premises affected, if it can be readily ascertained that there is such superintendent or other person in charge.

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

(c) In addition to the notice prescribed by **paragraph** (a) or (b) [~~above~~] **of this subdivision**, fifteen days' written notice shall be (i) posted in the public areas of such multiple dwelling, (ii) mailed to the "Occupant" of each unit in that multiple dwelling, (iii) mailed to the local health officer and the director of the social services district for the political subdivision in which the multiple dwelling is located, (iv) if the multiple dwelling is located in a city or a village, mailed to the mayor thereof, or if there be none, to the manager, or, if the multiple dwelling is located in a town, then mailed to the town supervisor, and (v) mailed to the county executive of the county in which the multiple dwelling is located, or if there be none, then to the chairman of such county's legislative body. Notice required by **subparagraphs** (iv) and (v) of this paragraph may be mailed to the persons specified therein or to their respective designees. The notice required by this paragraph shall state the [~~intended date of discontinuance of service,~~] the amount due for such service, and [~~the procedure by which any tenant or public agency may make such payment and thereby avoid discontinuance of service~~] **that the utility will not discontinue service and shall seek a lien against the owner**.

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

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

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

[~~3. Any water corporation which willfully fails to comply with the provisions of this section shall be liable for a penalty of twenty-five dollars for each occupied unit of the multiple dwelling for each day during which service is unlawfully discontinued; provided, however, that~~

~~when the only non-compliance with this section is failure to mail notice to each "Occupant" as required by clause (ii) of paragraph (c) of subdivision one above the penalty shall be twenty-five dollars for each occupied unit of the multiple dwelling to which notice was not mailed for each day during which service is unlawfully discontinued. An action to recover a penalty under this section may be brought by the counsel to the commission in any court of competent jurisdiction in this state in the name of the people of the state of New York. Any monies recovered in such action shall be paid to the state treasury to the credit of the general fund.~~

~~4.~~] **3.** Any person who willfully interferes with the posting of the notice specified in [~~clause~~] **subparagraph** (i) of paragraph (c) of subdivision one [~~above~~] **of this section** by any water corporation, willfully defaces or mutilates any such notice, or willfully removes the same from the place where it is posted by such company prior to the date specified therein for the discontinuance of service shall be guilty of a violation and, upon conviction, shall be punished by a fine not exceeding twenty-five dollars.

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

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