

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE

MATTER 20-01676 - In the Matter of the Implementation of the Public Service Law Sections 32, 89-b, 89-1, 91, 216 and General Business Law Section 399-zzzzz (Chapter 106 of the Laws of 2021) Regarding Issuing a Moratorium on Utility Service Terminations and Disconnections of Residential and Small Business Customers During the COVID-19 State of Emergency.

NOTICE OF UPDATED DEPARTMENT OF PUBLIC SERVICE GUIDANCE
TO MUNICIPAL WATER PROVIDERS RELATING TO SERVICE
DISCONNECTIONS, LIENS, AND DEFERRED PAYMENT AGREEMENTS

(Issued December 17, 2021)

On December 21, 2021, the 180-day period of additional protections from terminations or disconnections for qualifying municipal water customers will end.¹ However, effective December 22, 2021, to June 30, 2022, utilities and municipalities subject to Public Service Law §§32, 89-b, 89-1, 91, and 216, and General Business Law §399-zzzzz (Chapter 106 of the Laws of 2021) must continue to offer important customer protections. The Department's updated guidance concerning these continued customer protections, which includes (1) disconnections notices; (2) notices of the sale, placement, or enforcement of a lien; and (3) offering deferred payment agreements to customers who have demonstrated a change of financial circumstances due to the COVID-19 state of emergency, is attached to this Notice.

¹ This updated guidance is specifically tailored to municipalities and public authorities that provide domestic water service. The Department of Public Service's Administrative Guidance issued on May 24, 2021, July 6, 2021, and July 28, 2021, remain in effect until June 30, 2022, for all utility providers (Chapter 106 of the Laws of 2021).

MATTER 20-01676

If there are questions concerning these requirements or the guidance attached hereto, please email utility.moratorium@dps.ny.gov.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE

MATTER 20-01676 - In the Matter of the Implementation of the Public Service Law Sections 32, 89-b, 89-l, 91, 216 and General Business Law Section 399-zzzzz (Chapter 106 of the Laws of 2021) Regarding Issuing a Moratorium on Utility Service Terminations and Disconnections of Residential and Small Business Customers During the COVID-19 State of Emergency.

UPDATED DEPARTMENT OF PUBLIC SERVICE GUIDANCE TO
MUNICIPAL WATER PROVIDERS CONCERNING SERVICE
DISCONNECTIONS, LIENS, AND DEFERRED PAYMENT AGREEMENTS

(Dated December 17, 2021)

CONSUMER PROTECTIONS APPLICABLE TO MUNICIPAL WATER PROVIDERS

1. For the period from December 22, 2021, until June 30, 2022, no municipal water provider shall terminate or disconnect the service of, or place, sell or enforce any lien on the real property of a residential customer, a non-residential customer whose account serves residential premises, or a qualified small business customer unless, at least 30 days prior to the disconnection or lien action, the provider sends the customer a notice of its intention to take such action.
2. For the period from December 22, 2021, until June 30, 2022, municipal water providers shall, in the same frequency that the customer receives a regular bill, provide notice in a writing to be included with the bill statement of the availability of these customer protections and make further reasonable efforts to contact customers who have demonstrated a change of financial circumstances due to the COVID-19 state of emergency for the purposes of offering a deferred payment agreement (DPA).
3. All DPAs offered to eligible customers until June 30, 2022 must comply with the provisions of the Home

Energy Fair Practices Act (HEFPA).² Public Service Law (PSL) §37 requires that, "all deferred payment agreements authorized by this article be fair and equitable, considering the customer's financial circumstances." The term of the DPA is governed by HEFPA and may extend beyond June 30, 2022.

4. If a residential customer, a non-residential customer whose account serves residential premises or a qualified small business customer enters into or has an active DPA for which payments are being made in a timely manner, the arrears included in the DPA shall not be considered "unpaid" and therefore shall not be the basis for disconnection nor included in any lien nor serve as the basis for any lien action.
5. Municipalities shall, as appropriate, update any prior implementation plans filed with the Department of Public Service (Department) in Matter 20-01676 by filing an amended implementation plan with the Secretary to the Commission in the Department's Document and Matter Management (DMM) system. Municipalities that have not yet filed an implementation plan shall promptly do so.
6. Municipalities shall revise all notices provided to customers regarding the requirements of Chapter 106 with this updated information. Copies of the updated notices shall be filed with the Secretary in DMM in Matter 20-01676. As an example, municipalities may utilize the following notice language: "Residential customers, non-residential customers which contain residential premises, and small business customers with fewer than 25 employees are eligible to enter into a Deferred Payment Agreement until June 30, 2022."

² Article 2 of the Public Service Law and 16 NYCRR §14.10.