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www.dps.ny.gov

September 23, 2020

To: Municipal water providers
Water works corporations

Re: Protecting Residential Water Customers During the COVID-19 Pandemic

As you may know, a recent amendment to the Public Service Law enacts a moratorium on disconnecting residential electricity, gas, steam, telephone, and water customers during the COVID-19 state of emergency. In cooperation with the Department of Health, Division of Environmental Health Protection, I am reaching out to public water systems administrators and operators to offer technical guidance and answer questions you may have.

The new law, which amends Public Service Law §89-b and §89-l, prohibits water works corporations and municipalities from disconnecting residential customers for nonpayment during the COVID-19 state of emergency. The law further prohibits disconnections for nonpayment for 180 days after the state of emergency is lifted or expired (which is currently set for October 4, 2020) if the customer has experienced a change in financial circumstances during the state of emergency. The law does not eliminate a customer's obligation to pay for service and instead requires water systems to offer deferred payment agreements with no money down, late fees, or penalties to customers who would otherwise be subject to be disconnection for nonpayment. Water systems must notify their residential customers of these protections. The Department of Public Service recently published the enclosed guidance in Matter 20-01676 to help utility providers interpret and implement the law.

If you have any questions about these customer protections, please contact us at utility.moratorium@dps.ny.gov.

Sincerely,

Alicia Sullivan
Deputy Counsel

cc: Roger Sokol, NYS Department of Health

Enclosures



Spotlight On: COVID-19 Moratorium on Utility and Municipal Shutoffs

New York State Public Service Law* provides temporary protections for essential utility and municipal services during the COVID-19 pandemic. If you experienced a change of financial circumstances due to the COVID-19 pandemic, utilities and municipalities may not shut off your service for nonpayment, must reconnect your service within 48 hours, and must offer you a deferred payment agreement to pay any balance due.

There are immediate steps you can take to protect your utility service:

❖ **Contact your service provider:**

Your first step is always to contact your utility or municipality. Some utilities and municipalities may require you to self-certify that you've experienced a change in financial circumstances during the COVID-19 pandemic to protect your account from shutoff.

❖ **Ask for a deferred payment agreement:**

A deferred payment agreement allows you to pay your balance due in affordable, installment payments. Until March 31, 2021, utilities and municipalities are required to offer deferred payment agreements with no money down, late fees or penalties. You may be required to submit a financial statement documentation to your service provider. You are still responsible for your utility or municipality bill during and after the moratorium period.

❖ **Pay what you can:**

While your account may be protected from shutoff, you will still be responsible for the charges for service. Paying what you can now will help you avoid a larger bill later.

❖ **Don't wait until it's too late.**

These temporary protections are only available until March 31, 2021. The sooner you contact your utility, the sooner your account will be protected from shutoff.

*Public Service Law §§32, 89-b, 89-l and 91 (Chapter 108 and 126 of the Laws of 2020).

Frequently Asked Questions

Q: Who is eligible for these protections?

A: Residential customers.

Q: What about small business and commercial customers?

A: The new law does not cover small businesses and commercial customers. However, many utilities are offering assistance to their small businesses and other commercial customers. Contact your utility to inquire.

Q: What utility and municipal services are covered?

A: Electricity, natural gas, steam, landline telephone, and water.

Q: Which water systems are covered?

A: These protections are available to residential customers of private water companies and municipal (water districts, city, town, village) water systems.

Q: What about cable, internet, and cell phone service?

A: These services are not covered by the law. However, your provider may be offering other, similar protections. Contact your provider to inquire.

Q: How do I certify to my utility or municipality that I've been financially impacted by COVID?

A: Contact your utility or municipality and explain that you've experienced a change in financial circumstances since March 7, 2020 due to COVID-19. Your utility or municipality must accept your self-certification and **cannot** require you document a job loss, pay cut, unemployment filing or other change in your finances as part of the self-certification.

Q: What can I do if my service was shutoff for nonpayment?

A: Contact your utility or municipality and ask for your service to be turned on. By law, utilities and municipalities **must** reconnect you within 48 hours until the moratorium expires on March 31, 2021. You can also ask for a deferred payment agreement to help you keep current on your bills.

Q: I need help paying my heating bill this winter.

A: Eligible customers should apply to the Home Energy Assistance Program (HEAP) for help paying their winter heating bills. HEAP opens in November and covers utility and municipal electric and heating services as well as heating oil, propane, and wood. Contact your local Department of Social Services or otda.ny.gov/programs/heap/ for more info.

Q: What can I do if my utility does not protect my account?

A: Your first step is always to contact your utility and try to work it out with them. If you still need help after speaking with your utility, contact the Department of Public Service Helpline at 1-800-342-3377 (Monday-Friday, 8:30 am – 4:00 pm) or www.dps.ny.gov/complaints.