

ELMIRA WATER BOARD

Commissioners
Martin D. Chalk, President
John J. Burin, Vice President
Danny W. Gray
William D. Roe
J. Randall Reid



Mark D. LaDouce, PE
General Manager

Alyssa L. Mack
Secretary-Treasurer

To: All Elmira Water Board Customers and Consumers
Regarding: Water Utility Shut-Off for Non-Payment During a State of Emergency

On June 17, 2020 Governor Cuomo signed a moratorium regarding utility termination of services during a pandemic and/or state of emergency (see attached for Senate Bill S8113A).

Senate Bill S8113A Section 2 applies to residential water-works customers. The Elmira Water Board Rules and Regulations Section 2.5 defines a “customer” as “the owner or agent of the owner of a premise who is legally responsible for payment of charges or other facilities and services furnished by the Board. The agent of the owner will be a person or organization possessing the legal authority to act on behalf of the owner. **Under no circumstances will the terms occupant, lessee, tenant, or resident be defined as the agent of the owner.**” If you are a tenant, we recommend you contact the deeded owner or property manager related to the information below.

Below are some specifics that the Elmira Water Board will be required to comply with:

- Water service shall not be terminated due to non-payment of water charges *for the duration of the COVID-19 state of emergency.*
- *For a period of 180 days* after the COVID-19 state of emergency is lifted or expires water service shall not be terminated due to non-payment of water charges **IF** the customer (deeded owner) has experienced a decrease in financial circumstances *due to the COVID-19 state of emergency.*
 - Proof of a decrease in financial circumstances for a customer (deeded owner) will be required. Please contact our customer service department at (607)733-9179 for information regarding acceptable documentation.
 - Residential customers (deeded owners) have the right to enter into a payment agreement. For details and requirements of a payment agreement, please contact our customer service department at (607)733-9179.
- After the lifting or expiration of the state of emergency, all fees and charges that have accumulated on the account must be paid in full.
 - If you wish to enter into a payment agreement, please contact our customer service department at (607)733-9179. All of the Elmira Water Board’s policies and procedures related to payment agreements will be applicable after the period of 180 days has expired.

STATE OF NEW YORK

8113--A

IN SENATE

March 23, 2020

Introduced by Sens. PARKER, HOYLMAN, METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged and said bill committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies

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

21 § 2. Section 89-b of the public service law is amended by adding four
22 new subdivisions 8, 9, 10 and 11 to read as follows:

23 **8. No water-works corporation shall terminate or disconnect the supply**
24 **of water to residential accounts for the non-payment of water rents,**
25 **rates or charges for the duration of the state disaster emergency**
26 **declared pursuant to executive order two hundred two of two thousand**
27 **twenty (hereinafter "the COVID-19 state of emergency"). Water-works**
28 **corporations shall have a duty to restore service, to the extent not**
29 **already required under this chapter, to any residential customer within**
30 **forty-eight hours if such service has been terminated during the penden-**
31 **cy of the COVID-19 state of emergency.**

32 **9. For a period of one hundred eighty days after the COVID-19 state of**
33 **emergency is lifted or expires, no water-works corporation shall termi-**
34 **nate or disconnect the service of a residential customer account because**
35 **of defaulted deferred payment agreements or arrears owed to the water-**
36 **works corporation when such customer has experienced a change in finan-**
37 **cial circumstances due to the COVID-19 state of emergency, as defined by**
38 **the department. The water-works corporation shall provide such residen-**
39 **tial customer with the right to enter into, or restructure, a deferred**
40 **payment agreement without the requirement of a down payment, late fees,**
41 **or penalties, as such is provided for in article two of this chapter.**

42 **10. Every water-works corporation shall provide notice to residential**
43 **customers, in a writing to be included with a bill statement or, when**
44 **appropriate, via electronic transmission, the provisions of this section**
45 **and shall further make reasonable efforts to contact customers who have**
46 **demonstrated a change in financial circumstances due to the COVID-19**
47 **state of emergency for the purpose of offering such customers a deferred**
48 **payment agreement consistent with the provisions of this article.**

49 **11. Implementation of the provisions of this section shall not prohib-**
50 **it a water-works corporation from recovering lost or deferred revenues**
51 **after the lifting or expiration of the COVID-19 state of emergency,**
52 **pursuant to such means for recovery as are provided for in this chapter,**
53 **and by means not inconsistent with any of the provisions of this arti-**
54 **cle. Nothing in this section shall prohibit a water-works corporation**
55 **from disconnecting service when it is necessary to protect the health**
56 **and safety of customers and the public.**

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

LBD15908-07-0