

# ELMIRA WATER BOARD

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General Manager

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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.

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