

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).<sup>2</sup> 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."

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<sup>2</sup> Article 2 of the Public Service Law and 16 NYCRR §14.10.

If you have experienced a change in financial circumstances due to the COVID-19 state of emergency, please complete, sign and return a copy of this Notice, with the below Self-Certification filled out, to the Town of LaGrange Receiver of Taxes at Town Hall located at 120 Stringham Road, LaGrangeville, NY 12540.

If you do not return a signed Certification attesting that you have experienced a change in financial circumstances due to the COVID-19 state of emergency, the Town of LaGrange will assume that you have experienced no such change.

**Self-Certification for Residential Customer:**

Name of Residential Customer: \_\_\_\_\_

Address of Residential Customer: \_\_\_\_\_

I attest that due to the COVID-19 state of emergency, which began on March 7, 2020, I have experienced a change in financial circumstances.

\_\_\_\_\_  
Signature of Residential Customer

**Self-Certification for Small Business Customer:**

Name of Small Business Customer: \_\_\_\_\_

Address of Small Business Customer: \_\_\_\_\_

I attest that due to the COVID-19 state of emergency, which began on March 7, 2020, the business that I own or am an officer of has experienced a change in financial circumstances;

I certify that my small business currently has twenty-five (25) or fewer employees;

I certify that my small business is not a publicly held company, or a subsidiary thereof; and

I certify that the business is not a seasonal, short-term, or temporary customer of the utility.

\_\_\_\_\_  
Signature of Small Business Customer

If you experienced a change in financial circumstance due to the COVID-19 state of emergency, the Town of LaGrange will give you the right to enter into a Deferred Payment Agreement (DPA). You may be required to complete a financial statement and provide supporting documentation before a DPA will be offered to you.