

Suggested citation if referencing the below information: Sanya Carley and David Konisky, 2023, "Utility Disconnections Dashboard," Energy Justice Lab.



## New York

Last updated: January 30, 2023

Covered utilities: These policies pertain to electricity customers who receive their service from an investor-owned utility in the State of New York. Customers that receive service from a municipal utility or an electric cooperative are not covered by these policies.

McKinney's Public Authorities Law § 1005(5)(g), 16 NYCRR 11.2

### Weather Protections

No utility shall terminate or disconnect service for nonpayment for any customer from November 1<sup>st</sup> to April 15<sup>th</sup> for customers likely to suffer from a serious impairment to health or safety. In addition, no shutoffs will be permitted during a two-week period encompassing Christmas and New Year's Day.

Explanation of customers likely to suffer a serious impairment to health or safety (this may be due to mental or physical problems). They may be unable to manage their resources, carry out activities of daily living, or protect themselves from neglect or hazardous situations without assistance from others. Indications of serious impairment may include, but are not limited to, age, infirmity, or mental incapacitation; use of life support systems, such as dialysis machines or iron lungs; serious illness; physical disability or blindness; and any other factual circumstances which indicate severe or hazardous health situations. These criteria are general standards and the utility's field personnel must be trained to exercise discretion, sound judgment and common sense in ascertaining whether a serious impairment to health or safety is likely to result.

There are no similar protections that limit disconnections during times of hot weather.

16 NYCRR 11.5; 16 NYCRR 11.4

### Medical Protections

Disconnections will be initially delayed for up to 30 days if someone at the customer's residence suffers from a serious illness or medical condition, and termination of service will severely affect their well-being. Medical certificates can be issued by a doctor or local board of health.

The certificate must describe the nature of the medical condition and state that the condition will be aggravated by the absence of utility service. A demonstration of the customer's inability to pay charges for service shall be required before a certificate of medical emergency can be

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renewed. In addition, a utility will not delay a shutoff if the customer notifies the utility that they intend to obtain a medical certificate.

16 NYCRR 11.5

### Other Customer Protections

For elderly customers ages 62 and older and for households that have individuals with disabilities, the utility must contact the customer in person at least 72 hours before termination to set up a payment plan. A disability is a physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions which prevents the exercise of a normal bodily function or is medically diagnosed.

If the customer refuses to enter such a plan, the utility shall send a referral to the local department of social services and service cannot be terminated until 15 business days have passed since the referral. This rule applies if the customer is disabled and all the other residents of the home are 62 or older, 18 or younger, or blind or disabled.

There are no specific protections for households with children or military personnel.

McKinney's Executive Law § 292; 16 NYCRR 11.5

### General Exemptions

Customers and utilities cannot request an exemption from the rules for reasons of hardship.

### Notification Requirements

Written notification of at least 15 days is required from a utility before a customer may be disconnected. In-person or telephone notifications are also required. However, a utility is not required to delay a disconnection if it is unable to reach a customer by a telephone call or an in-person visit.

McKinney's Public Service Law § 32; 16 NYCRR 11.5

### Payment Information, Delinquency, and Fee Information

Customers have 23 days to pay their bills before coming past due if delivered by mail. Customers have only 20 days to pay their bills if delivered by personal service.

There are no minimum arrearages before a utility may disconnect a customer.

Customer may be charged fees associated with a disconnection or a reconnection.

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Utilities may provide customers with payment plans.

16 NYCRR 11.4; 16 NYCRR 11.5

### Landlords and Tenants

When landlords are the customer, tenants will receive 18 days of notice before a disconnection can occur. Tenants will receive 30 days of notice during the winter months.

16 NYCRR 11.7

### Availability of Protection Policies

Utilities and public utility commissions are not required to provide information on available sources of financial assistance.

Information on customer protections will be sent with all disconnection notices. In addition, there must be notice of protections sent out at least annually to all customers.

16 NYCRR 11.4; 16 NYCRR 11.17