

NOTICE TO CUSTOMERS OF THE DIX HILLS WATER DISTRICT

For the period from December 22, 2021, until June 30, 2022, the Town will not 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 Town sends such customer a notice of its intention to take such action.

To Residential Customers

- If you have had an overdue charge beginning on or after March 7, 2020, and you have experienced a change in financial circumstances due to the COVID-19 state of emergency, you may be eligible to enter into a Deferred Payment Agreement (“DPA”).
- You have through June 29, 2022, to avail yourself of this protection.
- You will be required to submit a sworn self-certification that you have experienced a change of financial circumstances due to the COVID-19 state of emergency, which must relate to the period beginning March 7, 2020. The residential customer self-certification form is published at <https://huntingtonny.gov/dhwd> . You may be asked to document the change in financial circumstances, which may include qualifying for unemployment, experiencing a reduction in household income, incurring significant costs, or experiencing other financial hardship, directly or indirectly, due to the COVID-19 state of emergency.
- Upon submitting an accepted self-certification of a change in financial circumstances due to the COVID-19 state of emergency, you may be eligible to enter into a DPA to prevent future terminations or disconnections. If you enter into a DPA, you may be required to complete a financial statement and provide supporting documentation.
- Any DPA for arrears incurred during the pendency of the COVID-19 state of emergency, which began on March 7, 2020, will not include late fees, penalties or interest.
- The term of the DPA, which must comply with the Home Energy Fair Practices Act, may extend beyond June 30, 2022.
- If you already have an active DPA or hereafter enter into a 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.

To Small Business Customers

- These sections only apply to a “small business,” which for the purpose of the statutory amendments to Public Service Law section 89-1 and this notice include only small businesses with twenty-five (25) or fewer employees that are not a: (a) publicly held company, or a subsidiary thereof, or; (b) seasonal, short-term, or temporary customer, or; (c) high usage customer as defined by the New York State Public Service Commission, or; (d) customer that the Town can demonstrate has the resources to pay the bill, provided that Town shall notify such customer of the reasons therefor and of the customer's right to contest this determination before the New York State Public Service Commission.
- If you are a qualifying small business customer who has had an overdue charge beginning on or after March 7, 2020 and you have experienced a change in financial circumstances due to the COVID-19 state of emergency, you may be eligible to enter into a Deferred Payment Agreement (“DPA”).
- You have through June 29, 2022, to avail yourself of this protection.
- To enter into a DPA, you must first complete and submit the small business customer self-certification published at <https://huntingtonny.gov/dhwd> and provide appropriate documentation that you: have twenty-five (25) or fewer employees; that you are not a publicly held company; and that you are not a seasonal or temporary customer of the DHWD. A high usage customer will be determined by the New York State Department of Public Service Commission in the consumer complaint process, as necessary.
- You may also be asked to document the change in financial circumstances. A change in financial circumstances may include qualifying for unemployment, experiencing a reduction in income, incurring significant costs, or experiencing other financial hardship, directly or indirectly, due to the COVID-19 state of emergency.
- If your self-certification of a change of financial circumstance due to the COVID-19 state of emergency is accepted, you may be eligible to enter into a DPA to prevent future terminations or disconnections. If you enter into a DPA, you may be required to complete a financial statement and provide supporting documentation.
- Any DPA for arrears incurred during the pendency of the COVID-19 state of emergency, which began on March 7, 2020, will not include late fees, penalties or interest.
- The term of the DPA, which must comply with the Home Energy Fair Practices Act, may extend beyond June 30, 2022.
- If you already have an active DPA, or hereafter enter into a 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.

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Section 89-1 of the Public Service Law has been amended effective May 11, 2021.

The amendments, which at present are set to expire and be deemed repealed on July 1, 2022, currently provide as follows:

3. No municipality shall terminate or discontinue service to, 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 small business with twenty-five or fewer employees that is not a (a) publicly held company, or a subsidiary thereof, (b) seasonal, short-term, or temporary customer, (c) high usage customer as defined by the commission, or (d) customer that the utility can demonstrate has the resources to pay the bill, provided that the utility notifies the small business customer of its reasons and of the customer's right to contest this determination through the commission's complaint procedures, for the nonpayment of bills, taxes, or fees, and no bills, taxes, or fees charged to such customers shall otherwise become a lien on real property, for the duration of the state disaster emergency declared pursuant to executive order two hundred two of two thousand twenty (hereinafter the "COVID-19 state of emergency") or at any time when a customer is in compliance with the terms of a deferred payment agreement entered into pursuant to subdivision four of this section. Every municipality shall have a duty to restore service to any residential customer, non-residential customer whose account serves residential premises, or small business customer within forty-eight hours of the effective date of this subdivision if such service has been terminated during the pendency of the COVID-19 state of emergency.

4. For a period of one hundred eighty days after either the COVID-19 state of emergency is lifted or expires or December thirty-first, two thousand twenty-one, whichever is earlier, no municipality shall terminate or discontinue 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 small business customer because of bill arrears, taxes, or fees owed to the municipality when such customer has experienced a change in financial circumstances due to the COVID-19 state of emergency, as defined by the department. The municipality shall provide a residential customer, a non-residential customer whose account serves residential premises, or small business service customer that has experienced a change in financial circumstances due to the COVID-19 state of emergency with the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties, as such is provided for in article two of this chapter. The duration of a deferred payment agreement entered into or restructured pursuant to this subdivision shall be determined as such is provided for in article two of this chapter and shall not be limited to the period described in the first sentence of this subdivision. A deferred payment agreement entered into or restructured pursuant to this subdivision shall remain subject to the provisions of article two of this chapter until the termination of the agreement as such is provided in article two of this chapter.

4-a. No municipality shall terminate or discontinue service to, or place, sell or enforce any lien on the real property of any residential customer, non-residential customer which serves residential premises, or a small business customer for the nonpayment of bill arrears, taxes, or fees after either the COVID-19 state of emergency is lifted or expires or December thirty-first, two thousand twenty-one, whichever is earlier, unless at least thirty days previously it sent to that customer a notice of its intention to do so together with a notice of rights under this section in the form set forth in subdivision five of this section.

5. Every municipality shall provide notice, in the same frequency that the customer receives a regular bill, to residential customers, non-residential customers whose accounts serve residential premises, and small business customers in a writing to be included with a bill statement or, when appropriate, via electronic transmission the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to the COVID-19 state of emergency for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this section and article two of this chapter.

5-a. Notwithstanding the provisions of subdivision one of this section, for the purposes of subdivisions three, four, five and six of this section, a "municipality" shall also include a public water authority established pursuant to article five of the public authorities law. Every municipality shall be subject to the jurisdiction of the commission for the purposes of enforcing the provisions of subdivisions three, four, four-a, five, five-a and six of this section pursuant to sections twenty-four, twenty-five and twenty-six of this chapter.

6. Implementation of the provisions of this section shall not prohibit a municipality from recovering lost or deferred revenues after the lifting or expiry of the COVID-19 state of emergency, provided that such means are not inconsistent with the provisions of this article. Nothing in this section shall prohibit a municipality from disconnecting service when it is necessary to protect the health and safety of customers and the public.