

New York City Water Board

Regulation Number 2

Termination of Service

Effective: July 1, 1999, as subsequently amended through the Fourth Amendment effective July 1, 2025.

Statement of Basis and Purpose

The regulation is authorized by Sections 1045-g(3), 1045-g(4), 1045-g(17), 1045-h(8), and 1045-j(5) of the New York Public Authorities Law, which provide that the rules and regulations of the New York City Water Board (the “Board”) may provide for the discontinuance or disconnection of the supply of water or the provision of wastewater service, or both, for nonpayment of charges imposed by the Board.

The regulation¹ authorizes the New York City Department of Environmental Protection (“DEP”) to terminate water and wastewater services to customers because of nonpayment of assessed charges, failure to provide and/or facilitate Access to the premises required by DEP, or failure to comply with a Billing Interference Cease and Desist Order. The regulation sets forth the conditions under which DEP may terminate service, the notice requirements to which DEP shall adhere, the days of the week and the times of day during which DEP may Terminate Service, special procedures to be followed in the case of medical emergencies and the procedures for avoiding service termination by making payment of all Delinquent Charges, or entering into a payment agreement covering all Open and Delinquent Charges.

This Regulation was considered at a public hearing held on June 17, 1999, was approved by the New York City Water Board at its meeting of June 22, 1999, and became effective July 1, 1999. Subsequently, a First Amendment was approved by the Water Board in May 2002 and became effective July 1, 2002, a Second Amendment was approved by the Water Board in November 2007 and became effective November 9, 2007, a Third Amendment was approved by the Water Board in February 2008 and became effective February 29, 2008, and this Fourth Amendment was considered at public hearings held on May 27, 28, 29, and June 2 and 3, 2025, and was approved by the Water Board on

¹This Fourth Amendment of Regulation No. 2 changes the title of the Regulation from “Discontinuance of Water Supply and/or Sewer Service Because of Nonpayment” to “Termination of Service.” Since its adoption in 1999, Regulation No. 2 has always applied to termination for non-payment, as well as a failure to provide and/or facilitate Access to the meter pursuant to a Demand for Access or failure to comply with a Billing Interference Cease and Desist Order. However, the previous name of Regulation No. 2 could suggest that termination of service was limited to nonpayment not involving Denial of Access or Billing Interference. The Board adopts the broader title, “Termination of Service,” to more accurately describe the contents of this Regulation. No substantive change of this Regulation was meant by the change in the name of the Regulation.

June 6, 2025. This Fourth Amendment changes the title of this Regulation to reflect, as was always the case, that termination may be the consequence of a Determination of Denial of Access or a Determination of Billing Interference in addition to nonpayment; consolidates all termination-related provisions in this Regulation; provides email and mail addresses for the submission of proof of an exemption from termination; adds Physician Assistants to the list of professionals who may certify a medical exemption; extends the length of the validity of initial and renewal medical exemption certifications, and other miscellaneous changes.

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Section 1. Definitions

As used in this Regulation, the following terms² shall have the respective meanings ascribed to them below:

- (1) “Attributed Consumption Charges” are the charges authorized pursuant to the Rate Schedule in addition to any Denial of Access Account Administration Fee or Billing Interference Account Administration Fee, upon DEP’s issuance of a Determination of Denial of Access or a Determination of Billing Interference, respectively.
- (2) “Authorized Representative” means any individual or organization who has an original ‘Letter of Authorization’ (“LOA”) on file with DEP, signed by the owner of the premises and notarized, designating that individual or organization as the Authorized Representative. If such LOA fails to state a specific end date, DEP will deem it to expire one year from the date of notarization. A valid Letter of Authorization must contain a statement that the owner hereby rescinds any previously issued LOA. In cases where an owner has authorized multiple representatives, DEP shall deem the latest dated LOA to be valid, superseding any earlier dated LOA.
- (3) “Billing Interference Account Administration Fee” is the fee authorized pursuant to the Rate Schedule upon DEP’s issuance of a Determination of Billing Interference.
- (4) “Billing Interference Cease and Desist Order” means the notice provided to a Customer by DEP stating that the Billing Interference Account Administration Fee and Attributed Consumption Charges have been imposed on the Customer’s account.
- (5) “Billing Interference Regulation” means Water Board Regulation No. 4, Billing Interference, effective July 1, 2009, as subsequently amended by the Board on June 6, 2025.
- (6) “Board” or “Water Board” shall mean the New York City Water Board.

² Terms used in this Regulation, which are not defined herein, shall have the meanings set forth in New York City Water and Wastewater Rate Schedule then in effect for the period during which Termination of Service was at issue. Should the same term be defined both in this Regulation and the Rate Schedule, for purposes of this Regulation, the definition herein shall govern.

- (7) “Charges” shall mean fees, rents or other charges imposed by the Board and/or DEP.
- (8) “Child” or “Children” shall mean a person under six years of age.
- (9) “City” shall mean The City of New York.
- (10) “Customer” means a current property owner or Authorized Representative of a property owner.
- (11) “Days” unless otherwise stated shall mean calendar days.
- (12) “Delinquent Charges” means Charges which remain unpaid after the due date thereof.
- (13) “Demand for Access” means the issuance of a notice by DEP to a Customer which requires the Customer to provide and/or facilitate Access to the Customer’s premises to DEP at a time and in a manner acceptable to DEP.
- (14) “Denial of Access” means a failure of the Customer to provide and/or facilitate Access to DEP as required in the Demand for Access.
- (15) “Denial of Access Account Administration Fee” is the fee authorized pursuant to the Rate Schedule upon DEP’s issuance of a Determination of Denial of Access.
- (16) “Denial of Access Regulation” means Water Board Regulation No. 3, Denial of Access, effective July 1, 2002, as subsequently amended through the amendment effective July 1, 2025.
- (17) “DEP” shall mean the New York City Department of Environmental Protection.
- (18) “Determination of Billing Interference” means DEP’s written notice of a finding of Billing Interference. When this Regulation refers to any prior Determination of Billing Interference, such reference shall include any prior determination under the Theft of Service Regulation, as the Billing Interference Regulation was known prior to this Amendment dated June 6, 2025.
- (19) “Determination of Denial of Access” means a written notice by DEP that a Customer has failed to provide and/or facilitate Access to the Customer’s premises in accordance with a Demand for Access notice.

- (20) “Determination of Termination Complaint” or “Determination” means the written determination by the Executive Director of the Board in response to a Termination Complaint submitted by a Customer.
- (21) “Nonpayment” shall mean the failure or refusal, by a Customer, to pay Charges on or before the date they are due, thereby rendering them, Delinquent Charges.
- (22) “Notice of Determination” shall mean the notice provided to a Customer stating that the Executive Director of the Board has issued a Determination of Termination Complaint.
- (23) “Notice of Termination” shall mean the notice sent to a Customer pursuant to Section 3.2 at least fifteen (15) days prior to the earliest date on which DEP will effect Termination of Service.
- (24) “Open Charges” means Charges that have been billed to the Customer, but which remain unpaid after the due date thereof..
- (25) “Termination Complaint” shall mean a written complaint submitted in response to a Notice of Termination and in accordance with the procedures set forth in Section 4 hereof.
- (26) “Termination of Service”, “Terminate Service”, “Terminating Service”, “Terminate”, “Termination”, and all such similar word forms shall mean the discontinuance or disconnection of the supply of water and/or the provision of wastewater service to any Customer.
- (27) “Termination of Service Regulation” or “this Regulation” means this Water Board Regulation No. 2, Termination of Service, effective February 29, 2008, as subsequently amended through the amendment effective July 1, 2025.
- (28) “Water Board Regulations” means collectively, the Termination of Service, Denial of Access and Billing Interference Regulations.

Section 2. General

- 2.1 Authorization to Terminate Service. DEP is hereby authorized by the Board, to Terminate the supply of water and/or the provision of wastewater service to any Customer for nonpayment, failure to provide and/or facilitate Access to the premises required by DEP, or failure to comply with a Billing Interference Cease and Desist Order, in such circumstances as are specified in, and subject to the

requirements of, this Regulation.

- 2.2 No Alteration of Rights, Powers and Privileges of DEP and Board. Nothing contained herein shall be deemed to alter, amend or modify the rights, powers, or privileges of DEP or the Board otherwise conferred by law, or to subject DEP or the Board to the jurisdiction of any other governmental agency, authority, board, bureau, department or other body with respect to any Termination of Service.
- 2.3 Termination in Addition to Other Remedies. Anything in this Regulation to the contrary notwithstanding, Termination of Service shall be in addition to, and not in lieu of, any other right or remedy available to DEP or the Board with respect to Delinquent Charges or Open Charges, including (without limitation) the imposition and enforcement of a lien on real property or a collection action to the extent permitted by applicable law.
- 2.4 Delivery of Notices. Unless otherwise specified, delivery of notices as provided herein shall be made by regular mail.
- 2.5 Partial Payments. Notwithstanding any provision of 3.1 hereof, in the event a Customer receives a Notice of Termination pursuant to Section 3.2, payment of a portion of the amount giving rise to such Notice of Termination shall not prevent DEP from Terminating Service to any account unless either (1) all Charges have been paid in full or (2) a valid payment agreement has been executed in accordance with the terms and conditions set forth herein.
- 2.6 Termination of Service due to Public Health Concerns. Nothing contained herein is intended to, nor should it be interpreted as, limiting any powers of DEP to protect the health, safety and welfare of the citizens of the City by entering a premises without notice to prevent a contamination of the Water Supply System or other threat to the public health, safety and welfare, including, but not limited to, situations involving a cross-connection of a property's plumbing system, back-flow to the Water Supply System or a leaking water consuming fixture, water supply or wastewater transport pipe.

Section 3. Termination of Service

- 3.1 (a) Classes of Accounts Where Service May Be Terminated for Nonpayment. Subject to Section 4 below, service may be Terminated for all classes of accounts if there exists:
 - (i) At least one Delinquent Charge for at least six months and total

Delinquent Charges amounting to at least \$500.00;

- (ii) At least one Delinquent Charge for at least three months and total Delinquent Charges amounting to at least \$5,000.00; or
- (b) Classes of Accounts Where Service May Be Terminated for Denial of Access or Failure to Comply with a Billing Interference Cease and Desist Order. If a Customer fails to provide and/or facilitate Access to the meter pursuant to a Demand for Access or fails to comply with a Billing Interference Cease and Desist Order, and the Customer has any Delinquent Charges, DEP may commence Termination of Service pursuant to this Regulation on any class of accounts.
- (c) Additional Criteria for Prioritizing Termination of Service. DEP may, but shall not be obligated to, establish additional criteria within each such class of account, to further prioritize and select accounts where service will be Terminated. Such criteria may include, but shall not be limited to: the dollar amount of Delinquent Charges; the length of time the Delinquent Charges have remained open and unpaid; the expected effectiveness and cost of other collection methods; the type of property which is receiving service; the current use of such property; a prior Determination of Denial of Access; a prior Determination of Billing Interference; the imposition of Attributed Consumption Charges resulting from a prior Determination of Denial of Access or a prior Determination of Billing Interference; and the eligibility of such property for inclusion in any program for the sale or other transfer of liens held by the Board as security for the payment of Delinquent Charges.

3.2 Notice of Termination.

- (a) Time Period for Notice of Termination. Except as provided in Sections, 3.4(e), 4.4 and 6.3 below, prior to any Termination of Service under this Regulation, DEP shall, at least fifteen (15) days prior to the earliest date on which DEP will effect such Termination of Service, serve a written Notice of Termination on the following parties:
 - (i) the subject Customer; and
 - (ii) the owner of the premises which will be affected by such Termination of Service.
- (b) Posting of Notice of Termination. DEP shall also affix a copy of such Notice of Termination on the entranceway of the premises served. Such Notice of Termination in every case shall be served either personally on the person,

firm or corporation to which it is directed, or by mailing the same via overnight mail to such person or entity. In the case of service on the owner of the affected premises, DEP shall be entitled to rely on the name and address of the record owner as reflected in the records of the New York City Department of Finance, as of the date the notice is served. In the case of service on the Customer in the event the Customer is not the owner, DEP shall be entitled to rely on the billing name and address of the Customer as registered in DEP's records.

- (c) Contents of Notice of Termination. Each Notice of Termination served pursuant to Section 3.2(a) above shall clearly state and include:
 - (i) the earliest date on which Termination of Service may occur;
 - (ii) the reasons for Termination of Service, including
 - (a) in the case of nonpayment, the total amount required to be paid to the Board to avoid Termination of Service, and the date by which such payment must be made; or
 - (b) in the case of Denial of Access, a list of attempts to gain Access, the issuance of prior notices and imposition of the Denial of Access Account Administration Fee and associated Attributed Consumption Charges; or
 - (c) in the case of failure to comply with a Billing Interference Cease and Desist Order, a description of the documented Billing Interference condition observed at the property, the issuance of prior notices and imposition of the Billing Interference Account Administration Fee and associated Attributed Consumption Charges;
 - (iii) a description of the actions which the customer must take to avoid Termination of Service;
 - (iv) the address and telephone number of a DEP representative that the Customer may contact in reference to the subject account;
 - (v) a description of the procedures specified in Section 4 below, which are available to the Customer to register a complaint about the subject account, and to have such complaint considered before Termination of Service;

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- (vi) a summary of the exemptions set forth in Section 5 below, together with a notice that any Customer eligible for any such exemption should contact DEP at the telephone number indicated and provide an email address or URL to send the required documentation establishing entitlement to an exemption;
 - (vii) a statement that any payment of Charges due with a check or draft that is subsequently dishonored does not constitute payment, and shall entitle the Board and DEP to Terminate Service on the account without further demand or notice;
 - (viii) an opportunity to enter into a payment agreement with DEP in accordance with this Regulation; and
 - (ix) a description of the process for service restoration.
- (d) Amount to Be Paid. Notwithstanding anything contained in Section 3.1 hereof, the total amount specified in any Notice of Termination as being required to be paid to prevent Termination of Service may include all Delinquent Charges.

3.3 Additional Notice for Multiple Dwellings. If any Termination of Service would result in the discontinuation of water service to an entire multiple dwelling (as defined in the New York Multiple Dwelling Law or the New York Multiple Residence Law), DEP shall, in addition to serving the Notice of Termination required by Section 3.2(a) above, also post and/or mail all additional notices required under Section 116 of the New York Public Service Law, in the manner specified in such Section.

3.4 Physical Termination of Service.

- (a) Timing of Termination.
- (i) DEP shall effect Terminations of Service only on the days of the week and during the times of day permitted under Section 89-b of the New York Public Service Law.
 - (ii) DEP shall not Terminate Service on a date which is more than ninety (90) days after the date of service of the related Notice of Termination required under Section 3.2 above, unless it has, since such date of service, issued a new Notice of Termination in the manner required by Section 3.2 above.

- (b) Verification Prior to Termination.
 - (i) in the case of nonpayment, DEP shall verify that as of 5:00 PM on the day prior to the date on which Termination of Service is scheduled to take place, payment on the subject account in the full amount required to avoid Termination of Service has not been posted to the account or a valid payment agreement has not been executed or DEP has not granted an exemption from Termination pursuant to Section 5 of this Regulation; or
 - (ii) in the case of Denial of Access, DEP shall verify on the day Termination of Service is scheduled to take place that the Customer has not provided or facilitated Access to the meter serving the subject premises as of the beginning of such business day or DEP has not granted an exemption from Termination pursuant to Section 5 of this Regulation; or
 - (iii) in the case of failure to comply with a Billing Interference Cease and Desist Order, DEP shall determine whether the Customer has corrected the Billing Interference condition as of the beginning of such business day or DEP has not granted an exemption from Termination pursuant to Section 5 of this Regulation.
- (c) Discontinuance of Termination. Prior to the time that Termination is to take place, DEP shall discontinue Termination of Service if (i) the customer has filed a Termination Complaint in accordance with Section 4 with respect to any charges, a Denial of Access Determination, or a failure to comply with a Billing Interference Cease and Desist Order, giving rise to such Termination, (ii) such complaint is received after service of, and in the manner specified in, the related Notice of Termination, and (iii) such complaint remains under consideration by DEP. DEP shall also discontinue termination, in the case of Denial of Access, where the Customer has provided and/or facilitated Access to the premises at the time of termination in a manner acceptable to DEP. DEP shall also discontinue termination, in the case of a failure to comply with a Billing Interference Cease and Desist Order, where the Customer has remedied the condition giving rise to a Billing Interference determination to DEP's satisfaction.
- (d) Temporary Discontinuance of Termination of Service. At the time that Termination of Service is to take place, DEP shall temporarily discontinue such Termination of Service if:
 - (i) the Customer claims that payment in full of all Delinquent Charges

giving rise to the Termination has been made, produces a written record of payment, and a DEP representative confirms that sufficient payment has been recorded on the subject account; or

- (ii) the Customer claims that a valid payment agreement covering all Open Charges and Delinquent Charges has been executed, produces a written record of payment, and a DEP representative confirms that a valid payment agreement has been recorded with respect to the subject account; or
 - (iv) the Customer has a valid exemption to Termination of Service and produces a written record that documentation in support of such exemption has been submitted to DEP and that DEP has not yet approved the exemption; or
 - (iii) the Customer asserts that a Termination Complaint with respect to the subject account was filed with the Executive Director of the Board in accordance with Section 4 hereof, and a DEP representative confirms that the Customer has filed a Termination Complaint and that a Determination has not yet been issued by the Executive Director.
- (e) Invalid Payment. If a payment is made pursuant to a Notice of Termination and such payment, whether by check, draft or other media, is dishonored or refused by a bank or paying agent, DEP may require any subsequent payment made to prevent Termination of Service to be made by certified check, money order or guaranteed electronic funds transfer.

Section 4. Termination Complaints

- 4.1 Challenge to Notice of Termination. After receiving a Notice of Termination, a Customer may submit a Termination Complaint in accordance with the procedures set forth in Section 4.3 below. Any complaint that was submitted by the Customer about the Charges prior to receiving a Notice of Termination shall also be resolved in the Determination of Termination Complaint as set forth in Section 4.4 and 4.5 herein.
- 4.2 Retention of Rights if Not Submitting a Termination Complaint. If a Customer declines to submit a Termination Complaint and pays the amount set forth in the Notice of Termination to prevent Termination of Service, such Customer retains any rights to challenge the Charges under the Rate Schedule.
- 4.3 Contents of a Termination Complaint. A Termination Complaint must:

- (a) be submitted in writing;
- (b) include the identification of the property (street address, account number, or borough, block and lot number) and, (i) in the case of termination for nonpayment, the Charge or Charges that the customer is disputing and a statement of the reason(s) why the Customer believes the Charges are incorrect, or, (ii) in the case of Denial of Access, a statement of the reason(s) why the Customer believes the DEP's Demand for Access is unwarranted and that the Denial of Access Determination has not been the subject of a final Determination of the Water Board upholding the finding of a Denial of Access, or, (iii) in the case of a failure to comply with a Billing Interference Cease and Desist Order, a statement of the reason(s) why the Customer believes the Billing Interference Cease and Desist Order is unwarranted and that the Billing Interference Determination has not been the subject of a final Determination of the Water Board upholding the finding of a Billing Interference;³
- (c) include a return address other than a Post Office Box address;
- (d) include a telephone number, a fax number and an e-mail address, if available;
- (e) be addressed to and received by the Executive Director of the Board within ten (10) days from the date of the subject notice of termination issued by DEP; and
- (f) if the Customer is not the owner, a Letter of Authorization from the owner authorizing the Customer to file a Termination Complaint must be included in accordance with Section 1(2).

4.4 Submission of an Incomplete Termination Complaint. The failure by a Customer to comply with all provisions of Section 4.3 may be deemed by DEP to constitute a failure by the Customer to make use of the Termination Complaint procedures. Upon providing notice to the Customer that its Termination Complaint is incomplete, DEP may Terminate Service on the account without further demand or notice no earlier than ten (10) days after such notice of an incomplete Termination Complaint has been issued by DEP via overnight mail, unless the Customer cures the incomplete Termination Complaint to DEP's satisfaction within the ten-day period.

4.5 Determination of Termination Complaint. DEP may not terminate service earlier than ten (10) days after a Determination of Termination Complaint has been issued

³ In the case where a customer has a pending dispute involving Denial of Access or Billing Interference that is not yet the subject of a final Water Board determination at the time the customer submits a Termination Complaint, the Water Board shall make a final determination on Denial of Access or Billing Interference charges at the same time as it issues a Determination of the Termination Complaint.

by the Executive Director of the Board. Such Determination shall be sent by electronic mail to the address specified, if any, in 4.3(d) above. If no electronic mail address is specified, the Determination shall be sent by overnight mail to the address specified in 4.3(c) above. In the event that such Determination is not in favor of the Customer sufficient to prevent Termination of Service, DEP shall affix a Notice of Determination to the entranceway of the premises served at least ten (10) days prior to Termination of Service.

- 4.6 Process After Receiving a Determination. A Determination of Termination Complaint shall be the only written response a Customer shall receive from either DEP or the Board in response to a Termination Complaint as well as any complaint submitted by the Customer prior to receiving a Notice of Termination, if applicable. Such Determination shall be considered a Final Agency Determination.

Section 5. Termination of Residential Service - Special Procedures

5.1 Significant Medical Conditions.

- (a) Suspension of Termination. DEP shall not terminate or refuse to restore service to a residential premises when DEP is notified, by email to watershutoff@dep.nyc.gov or by regular mail to Department of Environmental Protection, 59-17 Junction Boulevard, 13th Floor, Flushing, New York 11373, Attn: Collections, in accordance with this Section that a significant medical condition exists and such condition would be aggravated by a Termination of Service. A significant medical condition exists when a resident of such premises suffers from a serious illness or medical condition that severely affects his or her well-being. The Customer or such resident shall provide written certification by a licensed medical doctor, licensed nurse practitioner, licensed physician assistant or the New York City Department of Health and Mental Hygiene ("NYCDOHMH") that Termination of Service or failure to restore service will aggravate an existing significant medical condition suffered by a resident of the premises.
- (b) Procedures for Initial Certification.
- (i) Qualifications for Certification. Initial certification of a significant medical condition may be made to DEP by a licensed medical doctor, licensed nurse practitioner, licensed physician assistant or the NYCDOHMH either in writing or by telephoning the Deputy Commissioner, Bureau of Customer Services.

- (ii) Effective Date. Initial certification is effective for ninety (90) days from the date DEP receives it.
- (iii) Written Acknowledgement. If the initial certification is made by telephone, DEP must receive a written certification from the licensed medical doctor, licensed nurse practitioner, licensed physician assistant or the NYCDOHMH within ten (10) days or the initial certification by telephone will be void.
- (iv) Written Notice. Within ten (10) days of receipt of written certification, DEP shall provide the Customer and such resident with a written notice that:
 - (aa) DEP received such certification and such certification is effective for ninety (90) calendar days;
 - (bb) advises the Customer and such resident of the procedures required for renewal of certification, including specifically a statement that if the customer or such resident does not renew the certification before the ninety (90)-day period expires or arrangements for payment acceptable to DEP are not made, DEP may proceed with Termination.
- (c) Procedures for Renewal of Certification.
 - (i) Renewal. If the significant medical condition is likely to continue beyond the expiration of any written certification, the certification may be renewed, provided that before the expiration of the initial certification a licensed medical doctor, licensed nurse practitioner, licensed physician assistant or official of the NYCDOHMH submits a new written certification that also states the expected duration of the significant medical condition and explains the reasons why Termination of Service would aggravate the significant medical condition.
 - (ii) Effective Date. A renewed certification remains in effect for 90 days, except for cases certified as chronic by a licensed medical doctor, licensed nurse practitioner, licensed physician assistant or official of the NYCDOHMH. Such renewed certification for those chronic cases shall be in effect for 180 days or longer if documentary evidence supports such longer period. Any request for a renewed certification shall be made in writing to the Deputy

Commissioner, Bureau of Customer Services, who shall be authorized to approve such longer period stating any special conditions to be met by the Customer.

- (iii) Resumption of Termination. DEP may only Terminate Service to a Customer who has submitted a certification of a significant medical condition after written notice, sent via overnight mail, has been provided to the Customer and if applicable, such resident, of DEP's determination that the certification of a significant medical condition is no longer in effect. In such instances, DEP shall affix a notice to the entranceway of the premises served at least ten (10) days prior to termination.

5.2 Customers or Residents who are Elderly, Children, Blind or Disabled.

- (a) Suspension of Termination. DEP shall not Terminate Service or refuse to restore service to a residential premises where the Customer or any other remaining residents of the households are known or identified to DEP, by email to watershutoff@dep.nyc.gov or by regular mail to Department of Environmental Protection, 59-17 Junction Boulevard, 13th Floor, Flushing, New York 11373, Attn: Collections, within the previous six months as being blind, disabled, a Child or 62 years of age or older without complying with the procedures set forth in this section.
- (b) A customer receiving a second or subsequent Notice of Termination more than six months after providing proof of eligibility for the exemption provided by this section 5.2 shall submit proof of continuing eligibility for the exemption by email to watershutoff@dep.nyc.gov or by regular mail to Department of Environmental Protection, 59-17 Junction Boulevard, 13th Floor, Flushing, New York 11373, Attn: Collections, because one or more persons in the residence is blind, disabled, a Child or a person 62 years of age or older and continues to reside in the household.

5.3 Procedures During Cold Weather Periods for Premises with Heat Related Service.

- (a) Suspension of Termination. During Cold Weather Periods, before Terminating Service to any residential premises with Heat Related service, DEP shall first make an attempt to determine whether a resident of the subject premises may suffer serious impairment to health or safety as a result of termination, in accordance with the procedures set forth below. Doubts as to whether a person may suffer serious impairment to health or safety as a result of Termination of Service must be resolved in favor of making such a finding. As used in this Section 5.3, the following terms shall have the

respective meanings assigned to each below:

- (i) A “Cold Weather Period” shall mean that period of time from December 21 to the last day of February of any year and at such other times subject to the approval of the Commissioner of DEP considering temperature and health and safety conditions.
 - (ii) “Heat Related Service” shall mean water service which is necessary for the on-going operation of a Customer’s primary heating system.
- (b) Impairment to Health and Safety. For the purposes of this Section 5.3, a person may suffer serious impairment to health or safety as a result of Termination of Service when there is evidence of any of the following:
- (i) dependency on such service due to age, poor physical condition or mental incapacitation;
 - (ii) use of life support systems;
 - (iii) significant medical condition as set forth in Section 5.1 hereof; or
 - (iv) disability or blindness.
- (c) Procedures. DEP shall not Terminate Service to Customers known to be receiving Heat Related Service during Cold Weather Periods, unless DEP has made an effort to contact personally the Customer or an adult resident at the subject premises at least 72 hours before the intended termination⁴, and if unsuccessful, at the time of Termination of Service, in order to determine whether a resident may suffer a serious impairment to health or safety as a result of Termination of Service, to fully explain the reasons for Termination of Service and to provide the Customer with information on the protections available under this Section 5.3.
- (d) Continuation of Termination. Where DEP determines that a resident may suffer a serious impairment to health or safety as a result of Termination, DEP shall not Terminate Service unless:
- (i) DEP notifies the NYC Human Resources

⁴ DEP shall attempt to contact the customer or an adult resident at the subject premises by telephone once between 9:00am and 5:00pm, and, if unsuccessful, twice between 6:00 p.m. and 9:00 p.m. on weekdays or 9:00 a.m. and 5:00 p.m. on Saturdays and Sundays, if there is a telephone; and make an onsite personal visit, if there is no telephone or if telephone contacts are unsuccessful.

Administration/Department of Social Services (“NYCHRA”) orally and in writing within ten (10) days of an intended service termination, that a resident may suffer a serious impairment to health or safety as a result of termination; and

- (ii) such office, after an investigation, informs DEP that the reported condition is not likely to result in a serious impairment to health or safety, or that an alternative means for protecting the person’s health or safety has been arranged.
- (iii) if DEP has notified such office under Section 5.3 (d)(i) it must inform the Customer of the referral and explain its purpose.

(e) Termination of Service

- (i) if DEP Terminates Service to a Customer under this Section 5.3, and the Customer or an adult resident of the subject premises was not personally contacted by DEP before Termination of Service and the Customer has not contacted DEP for the purpose of requesting reconnection before 12 noon on the day following Termination of Service, DEP must, by onsite personal visit with the Customer or other adult resident, immediately attempt to determine whether there is continuing occupancy and whether a serious impairment to health or safety may result if service remains terminated. If DEP determines that a serious impairment to health or safety may result, it must immediately restore service. If DEP is unable to make an onsite personal visit with the Customer or an adult resident, and does not have reasonable grounds to believe that the premises have been vacated, DEP must immediately refer the name and address of the Customer to the NYCHRA.
- (ii) if DEP discovers that a premises water supply and/or wastewater service lines and/or appurtenances do not comply with City regulations governing such service lines and appurtenances, DEP may decide to Terminate Service to a residential premises because of an unsafe water supply or public health condition arising out of such non-compliant service lines and equipment. DEP shall determine, in accordance with this Section, whether a resident of the subject premises may suffer a serious impairment to health or safety as a result of termination. If DEP determines that a resident may suffer a serious impairment, it must follow the procedures set forth in subdivisions (b) and (c) above; provided however, that continued service is not required if it is impractical for DEP to eliminate such

unsafe condition. In any cases where a resident of the subject premises may suffer a serious impairment to health or safety and DEP Terminates Service to preclude the continuation of an unsafe condition, DEP shall notify the NYCHRA on the same day Service is Terminated and request an immediate consideration of the case.

Section 6. Payment Agreement.

- 6.1 General. DEP shall offer each Customer issued a Notice of Termination the opportunity to enter into a payment agreement in lieu of immediate payment of the full amount demanded by such Notice of Termination. Execution of such an agreement by a Customer and DEP in accordance with the terms set forth herein will enable the Customer to avoid Termination of Service provided that the Customer shall at all times remain in full compliance with all terms of such agreement. Each offer of a payment agreement shall: inform the Customer of the availability of an agreement; state the minimum terms which would be accepted by DEP in such agreement; explain any alternate terms that may be available; state the date by which the Customer must contact DEP and execute an agreement in order to avoid termination of service; indicate the name and telephone number of a DEP representative that the Customer may call to discuss an agreement; and state what action DEP will take if a payment agreement is not executed and returned by its due date.
- 6.2 Terms of Agreement. Any such payment agreement shall set forth:
- (a) the total amount and dates of the Open Charges and Delinquent Charges covered by such agreement;
 - (b) the time period over which such total amount shall be paid;
 - (c) the number, due date and amount of each periodic payment due under the agreement;
 - (d) the amount of the required down payment or initial installment, which shall be due and payable upon execution of the agreement by the Customer; and
 - (e) the interest rate to be charged on the unpaid balance under the agreement, which shall be equal to the interest rate authorized by the New York City Water Board Water and Wastewater Rate Schedule then in effect.
- 6.3 Reservation of Rights to Terminate. Anything in this Regulation to the contrary notwithstanding, including but not limited to Sections 3.1, 3.2 and 6.2, DEP

reserves the right to Terminate Service to any Customer who/which has executed a payment agreement in response to a Notice of Termination without further notice if the Customer fails to pay any installment or other amount owing under such payment agreement when the same is due including but not limited to Charges issued subsequent to such payment agreement. DEP shall issue a notice of default to the Customer by overnight mail and affix such notice to the entranceway of the premises served at least ten (10) days before Termination of Service.

- 6.4 Defaulted Payment Agreement. In the event a Customer has failed to pay an installment under a payment agreement or other amount owing under such payment agreement when the same is due or has otherwise defaulted on a payment agreement DEP shall not be required to offer a subsequent payment agreement for a period of three years with respect to any other Notice of Termination issued to the Customer.

Section 7. Fee for Termination of Service

The Board may establish, and may from time-to-time revise, fees to be charged to Customers in connection with (i) any Termination of Service to a Customer under this Regulation, and (ii) for any restoration of service to such Customer. Such fees for termination and restoration of service shall be due and payable to the Board upon performance of the work by DEP and upon issuance of the charge. If any such fee is not paid when due, it shall be deemed a delinquent charge and shall, to the fullest extent permitted by law, become a lien and charge against the subject real property.

Section 8. Restoration of Service

Once service is terminated pursuant to this Regulation, in the case of nonpayment, it shall not be restored unless and until any Delinquent Charges are paid in full or have been accounted for in a payment agreement acceptable to DEP and the Board. Once service is terminated pursuant to this Regulation, in the case of Denial of Access, it shall not be restored unless and until Access to the premises has been provided and any outstanding amounts owing to the Board for the Denial of Access Account Administration Fee and associated Attributed Consumption Charges are paid in full or have been accounted for in a payment agreement acceptable to DEP and the Board. Once service is terminated pursuant to this Regulation, in the case of a failure to comply with a Billing Interference Cease and Desist Order, it shall not be restored unless and until the Customer complies with the Billing Interference Cease and Desist Order and any outstanding amounts owing to the Board for the Billing Interference Account Administration Fee and associated Attributed Consumption Charges are paid in full or have been accounted for in a payment agreement acceptable to DEP and the Board.

Section 9. Public Service Law

In accordance with the requirements of the New York City Municipal Water Finance Authority Act, all Terminations of service Shall be carried out in accordance with the provisions of Subdivisions three-a, three-b and three-c of Section 89-b and Section 116 of the Public Service Law, as applicable.