SERVICE DISCONNECTIONS:
INFORMATION FOR LANDLORDS AND TENANTS

The Niagara Falls Water Board (NFWB) discontinues service to properties with past-due balances in order to ensure it is collecting revenue needed to pay its operational costs. Prior to service disconnection, a late notice is mailed to the billing address on file for the property warning that if payment is not received service may be disconnected. If payment is not received, a final notice warning of service disconnection if payment is not made by the 1st of the following month is mailed. If payment is not received, as a final measure the NFWB will physically "tag" properties with a water shut-off notice advising that immediate action is required to avoid disconnection.

NFWB bills are the responsibility of the owner of the property where services are rendered. Property owners can choose to have bills delivered to the property, to the owner's mailing address, or to the tenant, but the property owner remains responsible for payment of the bill. As part of a lease, landlords can require tenants to pay NFWB bills, but the property owner ultimately will remain responsible for payment.

Occasionally, occupants of dwellings contact the NFWB after receiving a shut-off notice because their landlord has not paid an outstanding bill. The NFWB does not become involved in landlord/tenant matters but has prepared this document to answer the most frequent questions it receives in this situation.

The following information is not intended as legal advice and the NFWB shall not be liable for any action taken based on this information. This information is provided for general informational purposes only and is not a substitute for legal advice from a qualified professional.

What if a landlord won't pay the past-due balance owed to the NFWB?

Anyone, including a tenant, may pay a property's water bill in order to avoid shutoff. Payment instructions, including the amount due, can be obtained from NFWB customer service at nfwb.org and (716) 283-9770.

Tenants who pay water bills that their landlord was obligated to pay may be able to deduct that payment from their rent payment pursuant to NY Real Property Law § 235-a, a copy of which is attached.

Real Property Law § 235-a also provides that the owner of a multiple dwelling who is responsible for the payment of charges for water service and who causes the discontinuance of water service by failure or refusal to pay the charges may be liable for compensatory and punitive damages to a tenant whose water service is disconnected.

Can a landlord attempt to evict the occupant of a dwelling by allowing water service to be disconnected for non-payment?

No. Chapter VIII of the Niagara County Sanitary Code prohibits renting a dwelling to someone if it is not connected to the water and sewer systems.   Other statutes and regulations may apply.

In addition, a copy of NY Real Property Actions and Proceedings Law § 768 is attached. That statute defines "unlawful eviction" to include "engaging in a course of conduct which interferes with or is intended to interfere with or disturb the comfort, repose, peace or quiet of such occupant in the use or occupancy of the dwelling unit, to induce the occupant to vacate the dwelling unit including, but not limited to, the interruption or discontinuance of essential services." Violation of Real Property Actions and Proceedings Law § 768 is a Class A misdemeanor and violators also are subject to civil penalties as set forth in that statute.

If the NFWB doesn't give legal advice or get involved in landlord/tenant matters, what can I do if I need help?

Consult an attorney. For persons who meet financial eligibility requirements, free legal advice may be available. For example, Neighborhood Legal Services provides free services for financially-eligible persons. The NLS Niagara Falls office can be contacted at (716) 284-8831 or by requesting assistance through their **online intake form**.

The NFWB is not affiliated with the Neighborhood Legal Services and other resources may be available.