

# STATE OF NEW YORK

10479

## IN ASSEMBLY

May 27, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cunningham)  
-- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to establishing minimum standards for payment plans for eligible customers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public service law is amended by adding a new section  
2 66-t to read as follows:

3 § 66-t. Minimum standards for payment plans. 1. The commission is  
4 authorized and directed to set standards for payment plans for eligible  
5 customers set up by utility companies. Such standards shall include:

6 (a) Whether a payment agreement is reasonable. Reasonableness shall be  
7 determined by considering the current household income, ability to pay,  
8 payment history including prior defaults on similar agreements, the size  
9 of the bill, the amount of time and the reasons why the bill has been  
10 outstanding, and any special circumstances creating extreme hardships  
11 within the household. The utility company may require the person to  
12 confirm financial difficulty with an acknowledgment from another state  
13 or local agency;

14 (b) Requiring each utility company to make available to its residen-  
15 tial customers for utility service provided at the customer's primary  
16 residence a payment plan which averages estimated utility costs over a  
17 ten-month or twelve-month period to eliminate, insofar as it is practi-  
18 cable, seasonal fluctuations in utility bills;

19 (c) Requiring each utility company to permit each customer a period of  
20 not less than twenty-one days from the date the bill was sent to pay in  
21 full, unless the customer and the utility agree on a different due date.  
22 A utility company shall not withdraw funds from a customer's account  
23 before the due date in cases where a customer uses an automatic bill  
24 payment plan unless the customer agrees to a different period;

25 (d) In the event a rate change approved by the commission becomes  
26 effective while a residential customer is enrolled in and in compliance  
27 with a payment plan, the effect of the rate change shall be included  
28 ratably over the remainder of the payment plan period. Included with the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 first adjusted bill, the utility company shall provide notice to the  
2 customer explaining the reason for the change and showing a calculation  
3 of how the utility company arrived at the new monthly payment; and

4 (e) While enrolled in a residential payment plan a residential custom-  
5 er's utility service may not be terminated unless the residential  
6 customer violates a rule of the utility company on file with the commis-  
7 sion, disconnection is necessary for reasons of health, safety, or state  
8 or national emergencies, or termination is ordered by the commission.  
9 Payment plans shall be offered to allow a customer to pay past-due  
10 amounts over a period of time, unless the amounts owing relate to theft  
11 of service, tampering, an unauthorized use of service, or failure to  
12 abide by the terms of a time-payment plan. The customer shall make the  
13 initial payment within one business day of agreeing to the time-payment  
14 plan.

15 2. An individual or household shall be determined to be eligible for a  
16 payment plan under this section if such individual or household provides  
17 documentation of eligibility to the utility company for any of the  
18 following programs:

19 (a) temporary assistance for needy families (family assistance);  
20 (b) safety net assistance (public assistance);  
21 (c) supplemental security income (SSI);  
22 (d) supplemental nutrition assistance program (SNAP);  
23 (e) low income home energy assistance program;  
24 (f) veteran's disability pension;  
25 (g) veteran's surviving spouse pension;  
26 (h) child health plus;  
27 (i) lifeline;  
28 (j) home energy assistance program (HEAP);  
29 (k) direct vendor or utility guarantee;  
30 (l) temporary assistance to needy families (TANF);  
31 (m) social security disability insurance (SSDI);  
32 (n) emergency rental assistance program (ERAP); and  
33 (o) any other income-based assistance program identified by the  
34 commission.

35 § 2. This act shall take effect immediately.