STATE OF NEW YORK

2072

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to requiring the establishment of automatic payment plans

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

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

§ 66-u. Utility automatic payment plans. 1. Within one hundred eighty days of the effective date of this section, notwithstanding any other provision of law, the commission is authorized and directed to require investor owned combination utility companies headquartered in New York to establish a statewide program to provide eligible participants with affordability payment plans. Investor owned combination utility companies shall automatically provide appropriate payment plans to qualifying low income individuals who provide documentation of their eligibility status. The fiscal impact of such a program shall not be borne by customers and shall not be added to bills rendered by the investor owned combination utility company to customers. Enrollment shall be available at any time during the year. For the purposes of this section, "combination utility company" shall mean a utility company that provides electric, gas, or steam service.

2. (a) The commission shall engage with investor owned combination utility companies to establish automated file matching mechanisms that will provide, via electronic means, investor owned combination utility companies with a list of eligible participants within the utility company's service territory. The commission shall provide such information to such utility companies no less than semi-annually. An investor owned combination utility company which offers such a payment plan program shall conspicuously advertise the availability of such plan on the website of such utility company.

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

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(b) The commission shall also create a mechanism by which an individual's documentation is submitted and reasonably and promptly reviewed for qualification as proper documentation of the individual's eligibility status. Such mechanism shall also provide for electronic submission of documentation.

3. An individual or household shall be determined to be eligible for a payment plan if such individual or household provides documentation of eligibility for any of the following programs:

(a) temporary assistance for needy families (family assistance);

(b) safety net assistance (public assistance);

(c) supplemental security income (SSI);

(d) supplemental nutrition assistance program (SNAP);

(e) low income home energy assistance program;

(f) veteran's disability pension;

(g) veteran's surviving spouse pension;

(h) child health plus;

(i) lifeline;

(j) home energy assistance program (HEAP);

(k) direct vendor or utility guarantee;

(l) temporary assistance to needy families (TANF);

(m) social security disability insurance (SSDI);

(n) emergency rental assistance program (ERAP); and

(o) any other income-based assistance program identified by the commission.

4. (a) When devising payment plans, the utility company shall consider the circumstances and financial condition of the customer including:

(i) The amount due, if any, on the account;

(ii) The customer's ability to pay;

(iii) The customer's payment history;

(iv) The anticipated energy assistance benefits for which the customer may be eligible;

(v) The circumstances which resulted in the past due bills;

(vi) Hardships which may result from the lack of utility service to the customer; and

(vii) Any other relevant factors related to the circumstances of the customer.

(b) An investor-owned combination utility company shall permit each customer a period of not less than twenty-one days from the date the bill was sent to pay in full, unless the customer and the utility agree on a different due date. A utility shall not withdraw funds from a customer's account before the due date in cases where a customer uses an automatic bill payment plan unless the customer agrees to a different period.

5. The attorney general may bring a civil action against any investor owned combination utility companies that violate this section to enjoin such violation and may recover a civil penalty of up to one hundred dollars per violation of this section or, for a pattern or practice of such violations, of up to one thousand dollars per violation. A violation shall be judged per individual account.

§ 2. This act shall take effect immediately.