STATE OF NEW YORK

4497--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 16, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

(c) Requiring each utility company to 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 company 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;

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

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(d) In the event a rate change approved by the commission becomes effective or in the event the supply portion of a customer's bill will be ten percent or higher than the supply cost from the prior billing cycle, while a residential customer is enrolled in and in compliance with a payment plan, the effect of the rate change shall be included ratably over the remainder of the payment plan period. Included with the first adjusted bill, the utility company shall provide notice to the customer explaining the reason for the change and showing a calculation of how the utility company arrived at the new monthly payment; and

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

2. An individual or household shall be determined to be eligible for a payment plan under this section if such individual or household provides documentation of eligibility to the utility company for any of the following programs, provided such documentation is dated no later than three hundred sixty-five days preceding the date of the payment plan:

(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.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.