STATE OF NEW YORK

2072--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 37-b to read as follows:

§ 37-b. 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 utility companies to provide eligible participants with affordable payment plans. Utility companies shall automatically provide appropriate payment plans to qualifying low income individuals who provide documentation of their eligibility status. Enrollment shall be available at any time during the year. For the purposes of this section, "utility company" shall mean a utility company that provides electric, gas, or steam service.

2. (a) A utility company which offers such a payment plan program shall conspicuously advertise the availability of such plan on the website of such utility company.

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

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

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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) veterans disability pension and survivors benefits;

(f) child health plus;

(g) lifeline;

(h) home energy assistance program (HEAP);

(i) direct vendor or utility guarantee;

(j) social security disability insurance (SSDI);

(k) emergency rental assistance program (ERAP);

(l) Medicaid;

(m) federal public housing assistance;

(n) bureau of Indian affairs general assistance;

(o) Head Start;

(p) tribal TANF;

(q) food distribution program on Indian reservation (FDPIR); and

(r) any other income-based assistance program identified by the commission and/or the office of temporary and disability assistance.

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) A 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 company 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.

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