

# 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:

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

3 § 66-v. 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;

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

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

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

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

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

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