

STATE OF NEW YORK

4497--B

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 -- 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 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 37-a to read as follows:

3 § 37-a. 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, including any down payment require-
7 ments, is reasonable. Reasonableness shall be determined by considering
8 the current household income, ability to pay, payment history including
9 prior defaults on similar agreements, the size of the bill, the amount
10 of time and the reasons why the bill has been outstanding, and any
11 special circumstances creating extreme hardships within the household.
12 The utility company may require the person to confirm financial diffi-
13 culty with an acknowledgment from another state or local agency;

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

20 (c) In the event a rate change approved by the commission becomes
21 effective or in the event the supply portion of a customer's bill will
22 be ten percent or higher than the supply cost from the prior billing

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

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1 cycle, while a residential customer is enrolled in and in compliance
2 with a payment plan, the effect of the rate change shall be included
3 ratably over the remainder of the payment plan period. Included with the
4 first adjusted bill, the utility company shall provide notice to the
5 customer explaining the reason for the change and showing a calculation
6 of how the utility company arrived at the new monthly payment; and

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

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

23 (a) temporary assistance for needy families (family assistance);
24 (b) safety net assistance (public assistance);
25 (c) supplemental security income (SSI);
26 (d) supplemental nutrition assistance program (SNAP);
27 (e) veterans disability pension and survivors benefits;
28 (f) child health plus;
29 (g) lifeline;
30 (h) home energy assistance program (HEAP);
31 (i) direct vendor or utility guarantee;
32 (j) social security disability insurance (SSDI);
33 (k) emergency rental assistance program (ERAP);
34 (l) Medicaid;
35 (m) federal public housing assistance;
36 (n) bureau of Indian affairs general assistance;
37 (o) Head Start;
38 (p) tribal TANF;
39 (q) food distribution program on Indian reservation (FDPIR); and
40 (r) any other income-based assistance program identified by the
41 commission and/or the office of temporary and disability assistance.

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