

STATE OF NEW YORK

1199--B

Cal. No. 214

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sens. PARKER, ADDABBO, CHU, FERNANDEZ, GOUNARDES, HOYLMAN-SIGAL, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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

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

LBD04259-09-3

1 before the due date in cases where a customer uses an automatic bill
2 payment plan unless the customer agrees to a different period;

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

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

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

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

29 (b) safety net assistance (public assistance);

30 (c) supplemental security income (SSI);

31 (d) supplemental nutrition assistance program (SNAP);

32 (e) veterans disability pension and survivors benefits;

33 (f) child health plus;

34 (g) lifeline;

35 (h) home energy assistance program (HEAP);

36 (i) direct vendor or utility guarantee;

37 (j) social security disability insurance (SSDI);

38 (k) emergency rental assistance program (ERAP);

39 (l) Medicaid;

40 (m) federal public housing assistance;

41 (n) bureau of Indian affairs general assistance;

42 (o) Head Start;

43 (p) tribal TANF;

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

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

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