

# STATE OF NEW YORK

1200--B

Cal. No. 215

2023-2024 Regular Sessions

## IN SENATE

January 10, 2023

Introduced by Sens. PARKER, ADDABBO, CHU, FERNANDEZ, GOUNARDES, WEBB -- 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, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. The public service law is amended by adding a new section  
2 37-b to read as follows:

3 § 37-b. Utility automatic payment plans. 1. Within one hundred eighty  
4 days of the effective date of this section, notwithstanding any other  
5 provision of law, the commission is authorized and directed to require  
6 utility companies to provide eligible participants with affordable  
7 payment plans. Utility companies shall automatically provide appropriate  
8 payment plans to qualifying low income individuals who provide documen-  
9 tation of their eligibility status. Enrollment shall be available at any  
10 time during the year. For the purposes of this section, "utility compa-  
11 ny" shall mean a utility company that provides electric, gas, or steam  
12 service.

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

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

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1 (b) The commission shall also create a mechanism by which an individ-  
2 ual's documentation is submitted and reasonably and promptly reviewed by  
3 a utility company for qualification as proper documentation of the indi-  
4 vidual's eligibility status. Such mechanism shall also provide for elec-  
5 tronic submission of documentation.

6 3. An individual or household shall be determined to be eligible for a  
7 payment plan if such individual or household provides documentation of  
8 eligibility for any of the following programs:

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

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

11 (c) supplemental security income (SSI);

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

13 (e) veterans disability pension and survivors benefits;

14 (f) child health plus;

15 (g) lifeline;

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

17 (i) direct vendor or utility guarantee;

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

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

20 (l) Medicaid;

21 (m) federal public housing assistance;

22 (n) bureau of Indian affairs general assistance;

23 (o) Head Start;

24 (p) tribal TANF;

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

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

28 4. (a) When devising payment plans, the utility company shall consider  
29 the circumstances and financial condition of the customer including:

30 (i) The amount due, if any, on the account;

31 (ii) The customer's ability to pay;

32 (iii) The customer's payment history;

33 (iv) The anticipated energy assistance benefits for which the customer  
34 may be eligible;

35 (v) The circumstances which resulted in the past due bills;

36 (vi) Hardships which may result from the lack of utility service to  
37 the customer; and

38 (vii) Any other relevant factors related to the circumstances of the  
39 customer.

40 (b) A utility company shall permit each customer a period of not less  
41 than twenty-one days from the date the bill was sent to pay in full,  
42 unless the customer and the utility company agree on a different due  
43 date. A utility company shall not withdraw funds from a customer's  
44 account before the due date in cases where a customer uses an automatic  
45 bill payment plan unless the customer agrees to a different period.

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