STATE OF NEW YORK

6468

2023-2024 Regular Sessions

IN SENATE

April 21, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to residential gas service rate discount programs for low-income and senior households; and to amend the state finance law, in relation to establishing the residential gas service rate discount for low-income and senior households fund

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 74-c to read as follows:

§ 74-c. Residential gas service rate discount program for low-income and senior households. 1. Every gas corporation shall, no later than sixty days after the effective date of this section, offer a discounted rate program on services to an eligible household to be applied to the actual amount charged to such household for the standard rate of gas, oil, kerosene or petroleum and associated equipment, at a rate determined based on each eligible household's monthly income. For the purposes of this section "eligible households" shall mean any household whose gross income is at or below eighty percent of the area median income, household median age is at or above sixty-two years of age or any other household as determined by the commissioner to be eligible.

2. a. Under the program established pursuant to this section, an eligible household shall pay no more than six percent of such eligible household's total monthly income on gas, oil, kerosene or petroleum services and gas corporations shall offer a discount to ensure such eligible household's gas, oil, kerosene or petroleum bill or payment agreement reflect such discounted price.

b. An eligible household shall submit proof of monthly income to the gas corporation providing services to such eligible household to deter-

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

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mine the discounted price pursuant to paragraph a of this subdivision. Acceptable proof of monthly income shall be determined by the commissioner.

c. An eligible household's discounted price shall be reflected on any bill or payment agreement sent by a gas corporation.

3. Every gas corporation shall submit to the department, no later than November fifteenth of the year this section takes effect, and annually thereafter, a compliance report setting forth:

a. the number of consumers availing themselves of the discount required by this section;

b. a description of the procedures being used to verify the eligibility of households receiving such discount;

c. a description and samples of the advertising or marketing efforts undertaken to advertise or promote such discount;

d. a description of all residential gas rates including pricing, offered by such person, business, corporation, or their agents; and

e. such other information as the department may require to provide funding to such a gas corporation for the administration of this program.

4. The department shall administer the funds made available pursuant to section ninety-one-h of the state finance law to gas corporations based on the needs of eligible households as documented in the annual reports submitted to the department pursuant to subdivision three of this section.

5. Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violation; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by the court or justice, enjoining and restraining any further violations, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than one thousand dollars per violation. Such penalty shall be credited to the residential gas service rate discount for low-income and senior households fund established in section ninety-one-h of the state finance law for the administration of this section. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. The state finance law is amended by adding a new section 91-h to read as follows:

§ 91-h. Residential gas service rate discount for low-income and senior households fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the comptroller, a special fund to be known as the "residential gas service rate discount for low-income and senior households fund".

2. Such fund shall consist of all revenues received by the department of taxation and finance, pursuant to the provisions of section seventy-four-c of the public service law and all other moneys appropriated,

credited or transferred thereto from any other fund or source pursuant to law. Nothing in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. Monies of the fund shall be expended solely for low-income and senior household programs approved by the department of public service.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of public service.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.