

# STATE OF NEW YORK

4105

2025-2026 Regular Sessions

## IN ASSEMBLY

January 31, 2025

Introduced by M. of A. CUNNINGHAM, SANTABARBARA -- read once and referred to the Committee on Energy

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  
23 cycle, while a residential customer is enrolled in and in compliance  
24 with a payment plan, the effect of the rate change shall be included  
25 ratably over the remainder of the payment plan period. Included with the

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

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1 first adjusted bill, the utility company shall provide notice to the  
2 customer explaining the reason for the change and showing a calculation  
3 of how the utility company arrived at the new monthly payment; and

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

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

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

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

22 (c) supplemental security income (SSI);

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

24 (e) veterans disability pension and survivors benefits;

25 (f) child health plus;

26 (g) lifeline;

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

28 (i) direct vendor or utility guarantee;

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

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

31 (l) Medicaid;

32 (m) federal public housing assistance;

33 (n) bureau of Indian affairs general assistance;

34 (o) Head Start;

35 (p) tribal TANF;

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

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

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