

# STATE OF NEW YORK

4105--A

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 -- committee discharged, bill amended, 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-b to read as follows:

3 § 37-b. Minimum standards for payment plans. 1. The commission is  
4 authorized and directed to set minimum standards for payment plans for  
5 eligible customers set up by utility companies. Such standards shall  
6 include 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 2. (a) A payment agreement under this section shall provide for  
15 installments as low as ten dollars per month and no down payment,  
16 provided the customer or applicant demonstrates financial need for such  
17 terms.

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

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

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1 (c) While enrolled in a residential payment plan, a residential  
2 customer's utility service may not be terminated unless the residential  
3 customer violates a rule of the utility company on file with the commis-  
4 sion, disconnection is necessary for reasons of health, safety, or state  
5 or national emergencies, or termination is ordered by the commission.

6 (d) Payment plans shall be offered to allow a customer to pay past-due  
7 amounts over a period of time, unless the amounts due relate to theft of  
8 service, tampering, an unauthorized use of service, or failure to abide  
9 by the terms of a time-payment plan.

10 (e) In the event a rate change approved by the commission becomes  
11 effective or in the event the supply portion of a customer's bill will  
12 be twenty percent or higher than the supply cost over two consecutive  
13 billing cycles, while a residential customer is enrolled in and in  
14 compliance with a payment plan, such customer shall be provided the  
15 option to spread the effect of the rate change ratably over the remain-  
16 der of the payment plan period. Included with the first adjusted bill,  
17 the utility company shall provide notice to the customer explaining the  
18 reason for the change and showing a calculation of how the utility  
19 company arrived at the new monthly payment.

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

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

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

27 (c) supplemental security income (SSI);

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

29 (e) veterans disability pension and survivors benefits;

30 (f) child health plus;

31 (g) lifeline;

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

33 (i) direct vendor or utility guarantee;

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

35 (k) Medicaid;

36 (l) federal public housing assistance;

37 (m) bureau of Indian affairs general assistance;

38 (n) Head Start;

39 (o) tribal TANF;

40 (p) food distribution program on Indian reservation (FDPIR); and

41 (q) any other income-based assistance program identified by the  
42 commission and/or the office of temporary and disability assistance.

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