

# STATE OF NEW YORK

168

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 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 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-a to read as follows:

3 § 37-a. 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.

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

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

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

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

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- 1 (b) safety net assistance (public assistance);
- 2 (c) supplemental security income (SSI);
- 3 (d) supplemental nutrition assistance program (SNAP);
- 4 (e) veterans disability pension and survivors benefits;
- 5 (f) child health plus;
- 6 (g) lifeline;
- 7 (h) home energy assistance program (HEAP);
- 8 (i) direct vendor or utility guarantee;
- 9 (j) social security disability insurance (SSDI);
- 10 (k) emergency rental assistance program (ERAP);
- 11 (l) Medicaid;
- 12 (m) federal public housing assistance;
- 13 (n) bureau of Indian affairs general assistance;
- 14 (o) Head Start;
- 15 (p) tribal TANF;
- 16 (q) food distribution program on Indian reservation (FDPIR); and
- 17 (r) any other income-based assistance program identified by the
- 18 commission and/or the office of temporary and disability assistance.

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

- 21 (i) The amount due, if any, on the account;
- 22 (ii) The customer's ability to pay;
- 23 (iii) The customer's payment history;
- 24 (iv) The anticipated energy assistance benefits for which the customer  
 25 may be eligible;
- 26 (v) The circumstances which resulted in the past due bills;
- 27 (vi) Hardships which may result from the lack of utility service to  
 28 the customer; and
- 29 (vii) Any other relevant factors related to the circumstances of the  
 30 customer.

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

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