

40A:5A-28 to 40A:5A-30 & 48:2-29.54 to 48:2-29.56

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2022 **CHAPTER:** 4

NJSA: 40A:5A-28 to 40A:5A-30 & 48:2-29.54 to 48:2-29.56
(Extends prohibition on certain utility discontinuances for certain customers.)

BILL NO: S2356 (Substituted for A3671 (1R))

SPONSOR(S) Brian P. Stack and others

DATE INTRODUCED: 3/14/2022

COMMITTEE: **ASSEMBLY:** ---

SENATE: Senate Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 3/24/2022

SENATE: 3/24/2022

DATE OF APPROVAL: 3/25/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

S2356

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A3671 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

end

§§1-3
Note to
C.40A:5A-28 to
40A:5A-30 and
C.48:2-29.54 to
48:2-29.56
§3
T & E

P.L. 2022, CHAPTER 4, *approved March 25, 2022*
Senate, No. 2356 (*Second Reprint*)

1 AN ACT concerning extended utility service protections for certain
2 customers and amending P.L.2021, c.317 (C.40A:5A-28 et al.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. Section 1 of P.L.2021, c.317 is amended to read as follows:

8 1. As used in sections 1 and 2 of P.L.2021, c.317:

9 “Local authority” means an authority, as defined in section 3 of
10 P.L.1983, c.313 (C.40A:5A-3), or a water district established
11 pursuant to R.S.40:62-96 et seq., that provides electric, sewer, or
12 water service.

13 “Municipal utility” means a municipal public utility, as defined
14 in N.J.S.40A:1-1, or a joint meeting or regional service agency as
15 defined in section 3 of P.L.2007, c.63 (C.40A:65-3), that provides
16 electric, sewer, or water service.

17 “Public utility” means a public utility, as defined pursuant to
18 R.S.48:2-13, that provides electric, gas, sewer, or water service.

19 “Residential customer” means a residential customer of record of
20 a local authority, municipal utility, or a public utility or any
21 residential tenant of a residence where the owner or any agent or
22 other representative of the owner of the residence is a non-
23 residential customer of record of a local authority, municipal utility,
24 or public utility.

25 “Submitted an application” means a residential customer has
26 created an application via the online portal or telephone hotline
27 operated by the Department of Community Affairs, or has
28 submitted a paper application to the Department of Community
29 Affairs or through a home energy assistance grantee agency. A
30 residential customer who has submitted an application shall include
31 those residential customers who have yet to provide, mail, or upload
32 documents that are required in order for the application for the
33 utility assistance program to be deemed complete.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted March 21, 2022.

²Assembly floor amendments adopted March 24, 2022.

1 “Utility emergency” means any condition constituting a potential
2 danger to life, health, or property that requires a local authority,
3 municipal utility, or public utility to discontinue or interrupt the
4 provision of electric, gas, sewer, or water service.
5

6 2. Section 2 of P.L.2021, c.317 is amended to read as follows:

7 2. a. The provisions of Executive Order No. 246 of 2021
8 concerning a grace period for residential customers of certain
9 utilities, including paragraphs two through four, nine through 14, 16
10 through 18, and 21, shall remain in effect for any local authority,
11 municipal utility, and public utility that provides, sewer, or water
12 service, and any municipal utility or rural electric cooperative that
13 provides electric service, through March 15, 2022. Any residential
14 customer sewer, or water service discontinuance, and any
15 discontinuance of electric service to a residential customer of a
16 municipal utility or rural electric cooperative occurring between the
17 end of the grace period established pursuant to Executive Order No.
18 246 of 2021 and the effective date of P.L.2021, c.317 (C.40A:5A-
19 28 et al.) shall be nullified and service shall be restored
20 immediately. Notwithstanding any other provisions of law, a local
21 authority or municipal utility shall not place, sell, or enforce a lien
22 on real property for the unpaid balance of any electric or water
23 charges, or for the unpaid balance of any sewer charges not sold at
24 tax sale as of January 1, 2022 or otherwise accrued to a lien that
25 was struck off to a municipality or sold prior to January 1,
26 2022, until after the expiration of the extended grace period
27 pursuant to this section. The extended grace period provided for in
28 this section shall expire on March 15, 2022.

29 b. Notwithstanding any other provisions of law, prior to
30 discontinuing service to a residential customer, or placing, selling,
31 or enforcing a lien on real property owned by a residential customer
32 for the unpaid balance of any water charges accrued between the
33 declaration of a public health emergency in Executive Order No.
34 103 of 2020 and March 15, 2022, a local authority, municipal
35 utility, or public utility shall offer the residential customer a utility
36 service bill payment plan for the unpaid balance of any water
37 charges accrued prior to March 15, 2022. The utility service bill
38 payment plan shall have a minimum 12-month duration unless the
39 residential customer requests a shorter payback period, and shall not
40 require payment of a down payment, deposit, reconnection costs,
41 interest, or penalties. The local authority, municipal utility, or
42 public utility may offer residential customers a combined payment
43 and payment forgiveness plan with a duration of less than 12
44 months that involves forgiveness of at least 50 percent of the
45 outstanding principal upon the consent of the residential
46 customer. **[If]** Except as otherwise provided in subsection k. of this
47 section, if a residential customer does not agree to a utility service
48 bill payment plan pursuant to this subsection within 30 days of

1 being offered the plan by the local authority, municipal utility, or
2 public utility, the local authority, municipal utility, or public utility
3 may take appropriate enforcement action after March 15, 2022,
4 including discontinuing service or placing, selling, or enforcing a
5 lien, to the extent otherwise permitted by law.

6 c. Notwithstanding any other provisions of law, prior to
7 discontinuing service to a residential customer, or placing, selling,
8 or enforcing a lien on real property owned by a residential
9 customer, for the unpaid balance of any electric charges accrued
10 between the declaration of a public health emergency in Executive
11 Order No. 103 of 2020 and March 15, 2022, a municipal electric
12 utility or rural electric cooperative shall offer the residential
13 customer a utility service bill payment plan for the unpaid balance
14 of any electric charges accrued prior to March 15, 2022. The utility
15 service bill payment plan shall have a minimum 12-month duration
16 unless the residential customer requests a shorter payback period,
17 and shall not require payment of a down payment, deposit,
18 reconnection costs, interest, or penalties. The municipal electric
19 utility or rural electric cooperative may offer residential customers a
20 combined payment and payment forgiveness plan with a duration of
21 less than 12 months that involves forgiveness of at least 50 percent
22 of the outstanding principal upon the consent of the residential
23 customer. **[If]** Except as otherwise provided in subsection k. of this
24 section, if a residential customer does not agree to a utility service
25 bill payment plan pursuant to this subsection within 30 days of
26 being offered the plan by the municipal electric utility or rural
27 electric cooperative, the municipal electric utility or rural electric
28 cooperative may take appropriate enforcement action after March
29 15, 2022, including discontinuing service or placing, selling, or
30 enforcing a lien, to the extent otherwise permitted by law.

31 d. Notwithstanding any other provisions of law, prior to
32 discontinuing service to a residential customer for the unpaid
33 balance of any electric or gas charges accrued between the
34 declaration of a public health emergency in Executive Order No.
35 103 of 2020 and the expiration date of Executive Order No. 246 of
36 2021, or in the case of a customer participating in the Winter
37 Termination Program set forth in N.J.A.C.14:3-3A.5, any electric or
38 gas charges accrued between the declaration of a public health
39 emergency in Executive Order No. 103 of 2020 and March 15,
40 2022, a public utility shall offer the residential customer a utility
41 service bill payment plan for the unpaid balance of any electric or
42 gas charges accrued prior to the expiration date of Executive Order
43 No. 246 of 2021 or, in the case of a customer participating in the
44 Winter Termination Program set forth in N.J.A.C.14:3-3A.5, any
45 electric or gas charges accrued prior to March 15, 2022. The utility
46 service bill payment plan shall have a minimum 12-month duration
47 unless the residential customer requests a shorter payback period,
48 and shall not require payment of a down payment, deposit,

1 reconnection costs, interest, or penalties. The public utility may
2 offer residential customers a combined payment and payment
3 forgiveness plan with a duration of less than 12 months that
4 involves forgiveness of at least 50 percent of the outstanding
5 principal upon the consent of the residential customer. **[If]** Except
6 as otherwise provided in subsection k. of this section, if a
7 residential customer does not agree to a utility service bill payment
8 plan pursuant to this subsection within 30 days of being offered the
9 plan by the public utility, the public utility may take appropriate
10 enforcement action after the expiration of Executive Order 246 of
11 2021 or for customers participating in the Winter Termination
12 Program set forth in N.J.A.C.14:3-3A.5 after March 15, 2022,
13 including discontinuing service, to the extent otherwise permitted
14 by law.

15 e. Notwithstanding any other provisions of law, prior to
16 discontinuing service to a residential customer, or placing, selling,
17 or enforcing a lien on real property owned by a residential
18 customer, for the unpaid balance of any sewer charges accrued
19 between the declaration of a public health emergency in Executive
20 Order No. 103 of 2020 and March 15, 2022 that had not been sold
21 at tax sale as of January 1, 2022 or otherwise accrued to a lien that
22 was struck off to a municipality or sold prior to January 1, 2022, a
23 local authority, municipal utility, or public utility shall offer a
24 residential customer a utility service bill payment plan for the
25 unpaid balance of any sewer charges accrued **[between the**
26 **declaration of a public health emergency in Executive Order No.**
27 **103 of 2020 and]** prior to March 15, 2022. The utility service bill
28 payment plan shall have a minimum 12-month duration unless the
29 residential customer requests a shorter payback period, and shall not
30 require a down payment, deposit, reconnection costs, interest, or
31 penalties. The local authority, municipal utility, or public utility
32 may offer residential customers a combined payment and payment
33 forgiveness plan with a duration of less than 12 months that
34 involves forgiveness of at least 50 percent of the outstanding
35 principal upon the consent of the residential customer. **[If]** Except
36 as otherwise provided in subsection k. of this section, if a
37 residential sewer customer does not agree to a utility service bill
38 payment plan within 30 days of being offered a plan by the local
39 authority, municipal utility, or public utility, the local authority,
40 municipal utility, or public utility may take appropriate enforcement
41 action after March 15, 2022, to the extent otherwise permitted by
42 law.

43 f. Utility service bill payment plans offered by municipal
44 utilities and local authorities pursuant to subsections b., c., and e. of
45 this section shall be subject to the provisions of R.S.54:5-19
46 pertaining to installment agreements, except as otherwise provided
47 in this section, and that a residential customer shall be offered a
48 utility service bill payment plan for the payment of water, sewer, or

1 electric charges that became delinquent notwithstanding whether a
2 parcel of property is already subject to an installment payment plan
3 pursuant to law.

4 g. No local authority, municipal utility, or public utility shall
5 collect any interest, fee, or charge from residential customers for
6 late or otherwise untimely payments of water charges that accrued
7 between the declaration of a public health emergency in Executive
8 Order No. 103 of 2020 and March 15, 2022. A local authority,
9 municipality utility, or public utility may charge and collect fees,
10 interest, and penalties for delinquent water charges that accrued
11 prior to the declaration of a public health emergency in Executive
12 Order No. 103 of 2020 and after March 15, 2022, as permitted by
13 law.

14 h. No municipal electric utility or rural electric cooperative
15 shall collect any interest, fee, or charge from residential customers
16 for late or otherwise untimely payments of electric charges that
17 accrued between the declaration of a public health emergency in
18 Executive Order No. 103 of 2020 and March 15, 2022. A local
19 authority, municipal utility, or public utility may charge and collect
20 fees, interest, and penalties for delinquent electric charges that
21 accrued prior to the declaration of a public health emergency in
22 Executive Order No. 103 of 2020 and after March 15, 2022, as
23 permitted by law.

24 i. No public utility shall collect any interest, fee, or charge
25 from residential customers for late or otherwise untimely payments
26 of electric or gas charges that accrued between the declaration of a
27 public health emergency in Executive Order No. 103 of 2020 and
28 the expiration date of Executive Order No. 246 of 2021, or in the
29 case of a customer participating in the Winter Termination Program
30 set forth in N.J.A.C.14:3-3A.5, that accrued between the declaration
31 of a public health emergency in Executive Order No. 103 of 2020
32 and March 15, 2022. A public utility may charge and collect fees,
33 interest, and penalties for delinquent electric or gas charges that
34 accrued prior to the declaration of a public health emergency in
35 Executive Order No. 103 of 2020 and after the expiration date of
36 Executive Order No. 246 of 2021 or March 15, 2022, as applicable,
37 as permitted by law.

38 j. No local authority, municipal utility, or public utility shall
39 collect any interest, fee, or charge for late or otherwise untimely
40 payments of sewer charges that accrued between January 1, 2022
41 and March 15, 2022, or that accrued between the declaration of a
42 public health emergency in Executive Order No. 103 of 2020 and
43 December 31, 2021 and had not been sold at tax sale as of January
44 1, 2022 or otherwise accrued to a lien that was struck off to a
45 municipality or sold prior to January 1, 2022. A local authority,
46 municipality utility, or public utility may charge and collect fees,
47 interest and penalties for delinquent sewer charges that accrued
48 prior to the declaration of a public health emergency in Executive

1 Order No. 103 of 2020 and after March 15, 2022, as permitted by
2 law.

3 k. (1) For a residential customer who, prior to June 15, 2022,
4 has submitted an application to a State agency for utility assistance
5 from the “Universal Service Fund,” established pursuant to section
6 12 of P.L.1999, c.23 (C.48:3-60), the “Low Income Home Energy
7 Assistance Program,” established pursuant to 42 U.S.C. s.8621 et
8 seq., the “Low Income Household Water Assistance Program,”
9 established pursuant to the Consolidated Appropriations Act of
10 2021, Pub.L.116-260, or any other utility assistance program
11 administered by the State, but the residential customer has not
12 received an application determination from the appropriate State
13 agency, any local authority, municipal utility, public utility, or rural
14 electric cooperative within the residential customer’s service
15 territory shall continue to provide electric, gas, sewer, or water
16 service to the residential customer for 60 days after the customer
17 has submitted an application. If the customer completes the
18 application, the local authority, municipal utility, public utility, or
19 rural electric cooperative shall continue to provide electric, gas,
20 sewer, or water service to the residential customer until such time as
21 the application is approved or rejected by the appropriate State
22 agency. Any discontinuance occurring to a residential customer
23 described in this paragraph between the end of the extended grace
24 period established pursuant to the effective date of P.L.2021, c.317
25 (C.40A:5A-28 et al.) and before the effective date of P.L. ,
26 c. (C.) (pending before the Legislature as this bill) shall be
27 nullified and service shall be restored immediately.

28 (2) Notwithstanding any other provisions of law, when a
29 residential customer has, prior to June 15, 2022, submitted an
30 application to a State agency for utility assistance pursuant to
31 paragraph (1) of this subsection, a local authority or municipal
32 utility shall not place, sell, or enforce a lien on real property owned
33 by a residential customer for the unpaid balance of any electric or
34 water charges, or for the unpaid balance of any sewer charges not
35 sold at tax sale, or otherwise accrued to a lien that was struck off to
36 a municipality, or sold prior to January 1, 2022, until 60 days after
37 the customer has submitted an application, or, if the application is
38 completed, until such time as the application is approved or rejected
39 by the appropriate State agency. If a residential customer has
40 appealed a State agency’s denial of a utility assistance program
41 application, a municipality or local authority shall delay placing,
42 selling, or enforcing a lien for the unpaid balance of water, sewer,
43 or electric charges pending conclusion of administrative review by
44 the State agency.

45 (3) Upon the termination of the protection from discontinuation
46 of service afforded to a residential customer pursuant paragraph (1)
47 of this subsection, the local authority, municipal utility, public
48 utility, or rural electric cooperative shall offer the residential

1 customer a utility service bill payment plan that conforms to the
2 requirements of subsections b., c., d., or e. of this section, as
3 applicable, except that such payment plan shall also include the
4 unpaid balance of any electric, gas, sewer, or water charges accrued
5 between March 15, 2022 and the termination of the protection from
6 discontinuation of service afforded pursuant to paragraph (1) of this
7 subsection. If the residential customer does not agree to a utility
8 service bill payment plan within 30 days of being offered a plan
9 pursuant to this paragraph, the local authority, municipal utility,
10 public utility, or rural electric cooperative may take appropriate
11 enforcement action, including discontinuing service or placing,
12 selling, or enforcing a lien, to the extent otherwise permitted by
13 law.

14 (4) Within two weeks of the effective date of
15 P.L. , c. (C.) (pending before the Legislature as this bill),
16 and on a bi-weekly basis thereafter, the Department of Community
17 Affairs, Department of Human Services, Board of Public Utilities,
18 or any other State agency that administers a utility assistance
19 program, shall provide written notice to each local authority,
20 municipal utility, public utility, and rural electric cooperative that
21 provides electric, gas, sewer, or water service within the residential
22 customer's service territory, which notice shall indicate:

23 (a) the name ¹**[and]** ,¹ address ¹, and utility account number¹ of
24 each residential customer that has submitted an application or
25 completed an application to a utility assistance program pursuant to
26 paragraph (1) of this subsection; and

27 (b) the protections set forth in paragraphs (1) and (2) of this
28 subsection, which prohibit the discontinuance of any utility service
29 to that residential customer and the placing, selling, or enforcing of
30 a lien on real property owned by a residential customer until the
31 State agency determines the residential customer's application.

32 (5) Within 90 days of receiving a completed application for
33 utility assistance from a residential customer, the Department of
34 Community Affairs, Department of Human Services, Board of
35 Public Utilities, or any other State agency that administers a utility
36 assistance program shall provide approval or rejection of the
37 application to the residential customer via ²**[certified and]**² regular
38 mail and, if applicable, the online portal in which the residential
39 customer applied for the utility assistance program.

40 ¹(a) Upon receipt of a completed application, the Department of
41 Community Affairs shall consider whether the residential customer
42 is eligible for any utility assistance programs administered by the
43 department when making an application determination. If the
44 residential customer is eligible for participation in the Payment
45 Assistance for Gas and Electric program, the Department of
46 Community Affairs shall refer the application to the Affordable
47 Housing Alliance, which administers the program, for review and
48 determination.

1 (b) The notice provided to the residential customer pursuant to
2 this paragraph shall include information concerning the availability
3 of the utility bill service payment plans established pursuant to
4 paragraph (3) of this subsection.¹

5 (6) Within ²~~three~~ ²seven² business days of approving or
6 rejecting a residential customer's application for a utility assistance
7 program, the State agency that administers the utility assistance
8 program shall provide a notice of determination to each local
9 authority, municipal utility, public utility, and rural electric
10 cooperative that provides electric, gas, sewer, or water service
11 within the residential customer's service territory. In addition to
12 any other information that the State agency may deem appropriate,
13 the written notice shall indicate:

14 (a) the name ¹~~and~~ ¹address ¹, and utility account number¹ of
15 the residential customer who applied for the utility assistance
16 program;

17 (b) the decision made on the application and the amount of
18 assistance that will be provided to the residential customer; and

19 (c) the termination of the protections set forth in paragraphs (1)
20 and (2) of this subsection.

21 (7) A local authority, municipal utility, public utility, or rural
22 electric cooperative shall not be deemed to violate the provisions of
23 this subsection if:

24 (a) the State agency failed to provide notice to the local
25 authority, municipal utility, public utility, or rural electric
26 cooperative pursuant to paragraph (4) of this subsection and the
27 customer has not notified the local authority, municipal utility,
28 public utility, or rural electric cooperative of the submitted
29 application; or

30 (b) the local authority, municipal utility, public utility, or rural
31 electric cooperative determines, in good faith, that a utility
32 emergency requires the discontinuance or interruption of electric,
33 gas, sewer, or water service.

34 (8) Residential customers of a municipal utility or local
35 authority providing water or electric service shall have the interest
36 on unpaid delinquent water or electric charges calculated as
37 follows, with such calculations also to be used when calculating a
38 tax sale lien redemption:

39 (a) unpaid charges delinquent prior to March 9, 2020 shall have
40 interest calculated from either the due date or last date of payment
41 to March 9, 2020, and from March 16, 2022 until the date of
42 payment. No interest shall be calculated from March 9, 2020
43 through March 15, 2022; and

44 (b) unpaid charges delinquent from March 9, 2020 through
45 March 15, 2022 shall have interest calculated from March 16, 2022
46 to the date of payment.

47 (9) Residential customers of a municipal utility or local
48 authority providing sewer service shall have the interest on unpaid

1 sewer charges delinquent as of March 15, 2022 calculated from
2 March 16, 2022 to the date of payment.

3 (10) Redemptions of sewer liens that prior to January 1, 2022
4 were sold, accrued to a lien as a subsequent payment, or struck off
5 to a municipality shall have interest calculated from the date of tax
6 sale or the date of the subsequent payment to December 31, 2021,
7 and from March 16, 2022 to the date of redemption. No interest
8 shall be calculated from January 1, 2022 to March 15, 2022.

9 (11) Interest, late fees and penalties may be waived for
10 residential customers of municipal utilities or local authorities
11 providing water, sewer, or electric service to the extent necessary
12 for compliance with utility assistance program requirements.

13 (cf: P.L.2021, c.317, s.2)

14

15 3. (New section) a. Upon the effective date of P.L. ,
16 c. (C.)(pending before the Legislature as this bill), the
17 Department of Community Affairs, Department of Human Services,
18 Board of Public Utilities, and any other State agency that
19 administers a utility assistance program shall update all public
20 information, including written materials, advertisements, and
21 websites, regarding the availability of the Winter Termination
22 Program set forth in N.J.A.C.14:3-3A.5, utility assistance from the
23 “Universal Service Fund,” established pursuant to section 12 of
24 P.L.1999, c.23 (C.48:3-60), the “Low Income Home Energy
25 Assistance Program,” established pursuant to 42 U.S.C. s.8621 et
26 seq., the “Low Income Household Water Assistance Program,”
27 established pursuant to the Consolidated Appropriations Act of
28 2021, Pub.L.116-260, or any other utility assistance program
29 administered by the State.

30 The public information shall prominently include a statement of
31 the consumer protections residential customers shall receive if the
32 customer has submitted an application for a utility assistance
33 program or completed an application for a utility assistance
34 program.

35 b. Each local authority, municipal utility, public utility, or rural
36 electric cooperative shall provide the information in subsection a. of
37 this subsection in any communication to a residential customer in
38 connection with an overdue utility bill.

39

40 4. This act shall take effect immediately and shall be
41 retroactive to March 15, 2022.

42

43

44

45

46 Extends prohibition on certain utility discontinuances for certain
47 customers.

SENATE, No. 2356

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 17, 2022

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator VIN GOPAL

District 11 (Monmouth)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Extends prohibition on certain utility discontinuances for certain customers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/21/2022)

1 AN ACT concerning extended utility service protections for certain
2 customers and amending P.L.2021, c.317 (C.40A:5A-28 et al.).

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.2021, c.317 is amended to read as follows:

8 1. As used in sections 1 and 2 of P.L.2021, c.317:

9 “Local authority” means an authority, as defined in section 3 of
10 P.L.1983, c.313 (C.40A:5A-3), or a water district established
11 pursuant to R.S.40:62-96 et seq., that provides electric, sewer, or
12 water service.

13 “Municipal utility” means a municipal public utility, as defined
14 in N.J.S.40A:1-1, or a joint meeting or regional service agency as
15 defined in section 3 of P.L.2007, c.63 (C.40A:65-3), that provides
16 electric, sewer, or water service.

17 “Public utility” means a public utility, as defined pursuant to
18 R.S.48:2-13, that provides electric, gas, sewer, or water service.

19 “Residential customer” means a residential customer of record of
20 a local authority, municipal utility, or a public utility or any
21 residential tenant of a residence where the owner or any agent or
22 other representative of the owner of the residence is a non-
23 residential customer of record of a local authority, municipal utility,
24 or public utility.

25 “Submitted an application” means a residential customer has
26 created an application via the online portal or telephone hotline
27 operated by the Department of Community Affairs, or has
28 submitted a paper application to the Department of Community
29 Affairs or through a home energy assistance grantee agency. A
30 residential customer who has submitted an application shall include
31 those residential customers who have yet to provide, mail, or upload
32 documents that are required in order for the application for the
33 utility assistance program to be deemed complete.

34 “Utility emergency” means any condition constituting a potential
35 danger to life, health, or property that requires a local authority,
36 municipal utility, or public utility to discontinue or interrupt the
37 provision of electric, gas, sewer, or water service.

38

39 2. Section 2 of P.L.2021, c.317 is amended to read as follows:

40 2. a. The provisions of Executive Order No. 246 of 2021
41 concerning a grace period for residential customers of certain
42 utilities, including paragraphs two through four, nine through 14, 16
43 through 18, and 21, shall remain in effect for any local authority,
44 municipal utility, and public utility that provides, sewer, or water
45 service, and any municipal utility or rural electric cooperative that

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 provides electric service, through March 15, 2022. Any residential
2 customer sewer, or water service discontinuance, and any
3 discontinuance of electric service to a residential customer of a
4 municipal utility or rural electric cooperative occurring between the
5 end of the grace period established pursuant to Executive Order No.
6 246 of 2021 and the effective date of P.L.2021, c.317 (C.40A:5A-
7 28 et al.) shall be nullified and service shall be restored
8 immediately. Notwithstanding any other provisions of law, a local
9 authority or municipal utility shall not place, sell, or enforce a lien
10 on real property for the unpaid balance of any electric or water
11 charges, or for the unpaid balance of any sewer charges not sold at
12 tax sale as of January 1, 2022 or otherwise accrued to a lien that
13 was struck off to a municipality or sold prior to January 1, 2022,
14 until after the expiration of the extended grace period pursuant to
15 this section. The extended grace period provided for in this section
16 shall expire on March 15, 2022.

17 b. Notwithstanding any other provisions of law, prior to
18 discontinuing service to a residential customer, or placing, selling,
19 or enforcing a lien on real property owned by a residential customer
20 for the unpaid balance of any water charges accrued between the
21 declaration of a public health emergency in Executive Order No.
22 103 of 2020 and March 15, 2022, a local authority, municipal
23 utility, or public utility shall offer the residential customer a utility
24 service bill payment plan for the unpaid balance of any water
25 charges accrued prior to March 15, 2022. The utility service bill
26 payment plan shall have a minimum 12-month duration unless the
27 residential customer requests a shorter payback period, and shall not
28 require payment of a down payment, deposit, reconnection costs,
29 interest, or penalties. The local authority, municipal utility, or
30 public utility may offer residential customers a combined payment
31 and payment forgiveness plan with a duration of less than 12
32 months that involves forgiveness of at least 50 percent of the
33 outstanding principal upon the consent of the residential customer.
34 **[If]** Except as otherwise provided in subsection k. of this section, if
35 a residential customer does not agree to a utility service bill
36 payment plan pursuant to this subsection within 30 days of being
37 offered the plan by the local authority, municipal utility, or public
38 utility, the local authority, municipal utility, or public utility may
39 take appropriate enforcement action after March 15, 2022, including
40 discontinuing service or placing, selling, or enforcing a lien, to the
41 extent otherwise permitted by law.

42 c. Notwithstanding any other provisions of law, prior to
43 discontinuing service to a residential customer, or placing, selling,
44 or enforcing a lien on real property owned by a residential
45 customer, for the unpaid balance of any electric charges accrued
46 between the declaration of a public health emergency in Executive
47 Order No. 103 of 2020 and March 15, 2022, a municipal electric
48 utility or rural electric cooperative shall offer the residential

1 customer a utility service bill payment plan for the unpaid balance
2 of any electric charges accrued prior to March 15, 2022. The utility
3 service bill payment plan shall have a minimum 12-month duration
4 unless the residential customer requests a shorter payback period,
5 and shall not require payment of a down payment, deposit,
6 reconnection costs, interest, or penalties. The municipal electric
7 utility or rural electric cooperative may offer residential customers a
8 combined payment and payment forgiveness plan with a duration of
9 less than 12 months that involves forgiveness of at least 50 percent
10 of the outstanding principal upon the consent of the residential
11 customer. **[If]** Except as otherwise provided in subsection k. of this
12 section, if a residential customer does not agree to a utility service
13 bill payment plan pursuant to this subsection within 30 days of
14 being offered the plan by the municipal electric utility or rural
15 electric cooperative, the municipal electric utility or rural electric
16 cooperative may take appropriate enforcement action after March
17 15, 2022, including discontinuing service or placing, selling, or
18 enforcing a lien, to the extent otherwise permitted by law.

19 d. Notwithstanding any other provisions of law, prior to
20 discontinuing service to a residential customer for the unpaid
21 balance of any electric or gas charges accrued between the
22 declaration of a public health emergency in Executive Order No.
23 103 of 2020 and the expiration date of Executive Order No. 246 of
24 2021, or in the case of a customer participating in the Winter
25 Termination Program set forth in N.J.A.C.14:3-3A.5, any electric or
26 gas charges accrued between the declaration of a public health
27 emergency in Executive Order No. 103 of 2020 and March 15,
28 2022, a public utility shall offer the residential customer a utility
29 service bill payment plan for the unpaid balance of any electric or
30 gas charges accrued prior to the expiration date of Executive Order
31 No. 246 of 2021 or, in the case of a customer participating in the
32 Winter Termination Program set forth in N.J.A.C.14:3-3A.5, any
33 electric or gas charges accrued prior to March 15, 2022. The utility
34 service bill payment plan shall have a minimum 12-month duration
35 unless the residential customer requests a shorter payback period,
36 and shall not require payment of a down payment, deposit,
37 reconnection costs, interest, or penalties. The public utility may
38 offer residential customers a combined payment and payment
39 forgiveness plan with a duration of less than 12 months that
40 involves forgiveness of at least 50 percent of the outstanding
41 principal upon the consent of the residential customer. **[If]** Except
42 as otherwise provided in subsection k. of this section, if a
43 residential customer does not agree to a utility service bill payment
44 plan pursuant to this subsection within 30 days of being offered the
45 plan by the public utility, the public utility may take appropriate
46 enforcement action after the expiration of Executive Order 246 of
47 2021 or for customers participating in the Winter Termination
48 Program set forth in N.J.A.C.14:3-3A.5 after March 15, 2022,

1 including discontinuing service, to the extent otherwise permitted
2 by law.

3 e. Notwithstanding any other provisions of law, prior to
4 discontinuing service to a residential customer, or placing, selling,
5 or enforcing a lien on real property owned by a residential
6 customer, for the unpaid balance of any sewer charges accrued
7 between the declaration of a public health emergency in Executive
8 Order No. 103 of 2020 and March 15, 2022 that had not been sold
9 at tax sale as of January 1, 2022 or otherwise accrued to a lien that
10 was struck off to a municipality or sold prior to January 1, 2022, a
11 local authority, municipal utility, or public utility shall offer a
12 residential customer a utility service bill payment plan for the
13 unpaid balance of any sewer charges accrued **【**between the
14 declaration of a public health emergency in Executive Order No.
15 103 of 2020 and**】** prior to March 15, 2022. The utility service bill
16 payment plan shall have a minimum 12-month duration unless the
17 residential customer requests a shorter payback period, and shall not
18 require a down payment, deposit, reconnection costs, interest, or
19 penalties. The local authority, municipal utility, or public utility
20 may offer residential customers a combined payment and payment
21 forgiveness plan with a duration of less than 12 months that
22 involves forgiveness of at least 50 percent of the outstanding
23 principal upon the consent of the residential customer. **【If】** Except
24 as otherwise provided in subsection k. of this section, if a
25 residential sewer customer does not agree to a utility service bill
26 payment plan within 30 days of being offered a plan by the local
27 authority, municipal utility, or public utility, the local authority,
28 municipal utility, or public utility may take appropriate enforcement
29 action after March 15, 2022, to the extent otherwise permitted by
30 law.

31 f. Utility service bill payment plans offered by municipal
32 utilities and local authorities pursuant to subsections b., c., and e. of
33 this section shall be subject to the provisions of R.S.54:5-19
34 pertaining to installment agreements, except as otherwise provided
35 in this section, and that a residential customer shall be offered a
36 utility service bill payment plan for the payment of water, sewer, or
37 electric charges that became delinquent notwithstanding whether a
38 parcel of property is already subject to an installment payment plan
39 pursuant to law.

40 g. No local authority, municipal utility, or public utility shall
41 collect any interest, fee, or charge from residential customers for
42 late or otherwise untimely payments of water charges that accrued
43 between the declaration of a public health emergency in Executive
44 Order No. 103 of 2020 and March 15, 2022. A local authority,
45 municipality utility, or public utility may charge and collect fees,
46 interest, and penalties for delinquent water charges that accrued
47 prior to the declaration of a public health emergency in Executive

1 Order No. 103 of 2020 and after March 15, 2022, as permitted by
2 law.

3 h. No municipal electric utility or rural electric cooperative
4 shall collect any interest, fee, or charge from residential customers
5 for late or otherwise untimely payments of electric charges that
6 accrued between the declaration of a public health emergency in
7 Executive Order No. 103 of 2020 and March 15, 2022. A local
8 authority, municipal utility, or public utility may charge and collect
9 fees, interest, and penalties for delinquent electric charges that
10 accrued prior to the declaration of a public health emergency in
11 Executive Order No. 103 of 2020 and after March 15, 2022, as
12 permitted by law.

13 i. No public utility shall collect any interest, fee, or charge
14 from residential customers for late or otherwise untimely payments
15 of electric or gas charges that accrued between the declaration of a
16 public health emergency in Executive Order No. 103 of 2020 and
17 the expiration date of Executive Order No. 246 of 2021, or in the
18 case of a customer participating in the Winter Termination Program
19 set forth in N.J.A.C.14:3-3A.5, that accrued between the declaration
20 of a public health emergency in Executive Order No. 103 of 2020
21 and March 15, 2022. A public utility may charge and collect fees,
22 interest, and penalties for delinquent electric or gas charges that
23 accrued prior to the declaration of a public health emergency in
24 Executive Order No. 103 of 2020 and after the expiration date of
25 Executive Order No. 246 of 2021 or March 15, 2022, as applicable,
26 as permitted by law.

27 j. No local authority, municipal utility, or public utility shall
28 collect any interest, fee, or charge for late or otherwise untimely
29 payments of sewer charges that accrued between January 1, 2022
30 and March 15, 2022, or that accrued between the declaration of a
31 public health emergency in Executive Order No. 103 of 2020 and
32 December 31, 2021 and had not been sold at tax sale as of January
33 1, 2022 or otherwise accrued to a lien that was struck off to a
34 municipality or sold prior to January 1, 2022. A local authority,
35 municipality utility, or public utility may charge and collect fees,
36 interest and penalties for delinquent sewer charges that accrued
37 prior to the declaration of a public health emergency in Executive
38 Order No. 103 of 2020 and after March 15, 2022, as permitted by
39 law.

40 k. (1) For a residential customer who, prior to June 15, 2022,
41 has submitted an application to a State agency for utility assistance
42 from the "Universal Service Fund," established pursuant to section
43 12 of P.L.1999, c.23 (C.48:3-60), the "Low Income Home Energy
44 Assistance Program," established pursuant to 42 U.S.C. s.8621 et
45 seq., the "Low Income Household Water Assistance Program,"
46 established pursuant to the Consolidated Appropriations Act of
47 2021, Pub.L.116-260, or any other utility assistance program
48 administered by the State, but the residential customer has not

1 received an application determination from the appropriate State
2 agency, any local authority, municipal utility, public utility, or rural
3 electric cooperative within the residential customer's service
4 territory shall continue to provide electric, gas, sewer, or water
5 service to the residential customer for 60 days after the customer
6 has submitted an application. If the customer completes the
7 application, the local authority, municipal utility, public utility, or
8 rural electric cooperative shall continue to provide electric, gas,
9 sewer, or water service to the residential customer until such time as
10 the application is approved or rejected by the appropriate State
11 agency. Any discontinuance occurring to a residential customer
12 described in this paragraph between the end of the extended grace
13 period established pursuant to the effective date of P.L.2021, c.317
14 (C.40A:5A-28 et al.) and before the effective date of P.L. ,
15 c. (C.) (pending before the Legislature as this bill) shall be
16 nullified and service shall be restored immediately.

17 (2) Notwithstanding any other provisions of law, when a
18 residential customer has, prior to June 15, 2022, submitted an
19 application to a State agency for utility assistance pursuant to
20 paragraph (1) of this subsection, a local authority or municipal
21 utility shall not place, sell, or enforce a lien on real property owned
22 by a residential customer for the unpaid balance of any electric or
23 water charges, or for the unpaid balance of any sewer charges not
24 sold at tax sale, or otherwise accrued to a lien that was struck off to
25 a municipality, or sold prior to January 1, 2022, until 60 days after
26 the customer has submitted an application, or, if the application is
27 completed, until such time as the application is approved or rejected
28 by the appropriate State agency. If a residential customer has
29 appealed a State agency's denial of a utility assistance program
30 application, a municipality or local authority shall delay placing,
31 selling, or enforcing a lien for the unpaid balance of water, sewer,
32 or electric charges pending conclusion of administrative review by
33 the State agency.

34 (3) Upon the termination of the protection from discontinuation
35 of service afforded to a residential customer pursuant paragraph (1)
36 of this subsection, the local authority, municipal utility, public
37 utility, or rural electric cooperative shall offer the residential
38 customer a utility service bill payment plan that conforms to the
39 requirements of subsections b., c., d., or e. of this section, as
40 applicable, except that such payment plan shall also include the
41 unpaid balance of any electric, gas, sewer, or water charges accrued
42 between March 15, 2022 and the termination of the protection from
43 discontinuation of service afforded pursuant to paragraph (1) of this
44 subsection. If the residential customer does not agree to a utility
45 service bill payment plan within 30 days of being offered a plan
46 pursuant to this paragraph, the local authority, municipal utility,
47 public utility, or rural electric cooperative may take appropriate
48 enforcement action, including discontinuing service or placing,

1 selling, or enforcing a lien, to the extent otherwise permitted by
2 law.

3 (4) Within two weeks of the effective date of P.L. ,
4 c. (C.)(pending before the Legislature as this bill), and on a
5 bi-weekly basis thereafter, the Department of Community Affairs,
6 Department of Human Services, Board of Public Utilities, or any
7 other State agency that administers a utility assistance program,
8 shall provide written notice to each local authority, municipal
9 utility, public utility, and rural electric cooperative that provides
10 electric, gas, sewer, or water service within the residential
11 customer's service territory, which notice shall indicate:

12 (a) the name and address of each residential customer that has
13 submitted an application or completed an application to a utility
14 assistance program pursuant to paragraph (1) of this subsection; and

15 (b) the protections set forth in paragraphs (1) and (2) of this
16 subsection, which prohibit the discontinuance of any utility service
17 to that residential customer and the placing, selling, or enforcing of
18 a lien on real property owned by a residential customer until the
19 State agency determines the residential customer's application.

20 (5) Within 90 days of receiving a completed application for
21 utility assistance from a residential customer, the Department of
22 Community Affairs, Department of Human Services, Board of
23 Public Utilities, or any other State agency that administers a utility
24 assistance program shall provide approval or rejection of the
25 application to the residential customer via certified and regular mail
26 and, if applicable, the online portal in which the residential applied
27 for the utility assistance program.

28 (6) Within three business days of approving or rejecting a
29 residential customer's application for a utility assistance program,
30 the State agency that administers the utility assistance program shall
31 provide a notice of determination to each local authority, municipal
32 utility, public utility, and rural electric cooperative that provides
33 electric, gas, sewer, or water service within the residential
34 customer's service territory. In addition to any other information
35 that the State agency may deem appropriate, the written notice shall
36 indicate:

37 (a) the name and address of the residential customer who
38 applied for the utility assistance program;

39 (b) the decision made on the application and the amount of
40 assistance that will be provided to the residential customer; and

41 (c) the termination of the protections set forth in paragraphs (1)
42 and (2) of this subsection.

43 (7) A local authority, municipal utility, public utility, or rural
44 electric cooperative shall not be deemed to violate the provisions of
45 this subsection if:

46 (a) the State agency failed to provide notice to the local
47 authority, municipal utility, public utility, or rural electric
48 cooperative pursuant to paragraph (2) of this subsection and the

1 customer has not notified the local authority, municipal utility,
2 public utility, or rural electric cooperative of the submitted
3 application; or

4 (b) the local authority, municipal utility, public utility, or rural
5 electric cooperative determines, in good faith, that a utility
6 emergency requires the discontinuance or interruption of electric,
7 gas, sewer, or water service.

8 (8) Residential customers of a municipal utility or local
9 authority providing water or electric service shall have the interest
10 on unpaid delinquent water or electric charges calculated as
11 follows, with such calculations also to be used when calculating a
12 tax sale lien redemption:

13 (a) unpaid charges delinquent prior to March 9, 2020 shall have
14 interest calculated from either the due date or last date of payment
15 to March 9, 2020, and from March 16, 2022 until the date of
16 payment. No interest shall be calculated from March 9, 2020
17 through March 15, 2022; and

18 (b) unpaid charges delinquent from March 9, 2020 through
19 March 15, 2022 shall have interest calculated from March 16, 2022
20 to the date of payment.

21 (9) Residential customers of a municipal utility or local
22 authority providing sewer service shall have the interest on unpaid
23 sewer charges delinquent as of March 15, 2022 calculated from
24 March 16, 2022 to the date of payment.

25 (10) Redemptions of sewer liens that prior to January 1, 2022
26 were sold, accrued to a lien as a subsequent payment, or struck off
27 to a municipality shall have interest calculated from the date of tax
28 sale or the date of the subsequent payment to December 31, 2021,
29 and from March 16, 2022 to the date of redemption. No interest
30 shall be calculated from January 1, 2022 to March 15, 2022.

31 (11) Interest, late fees and penalties may be waived for
32 residential customers of municipal utilities or local authorities
33 providing water, sewer, or electric service to the extent necessary
34 for compliance with utility assistance program requirements.

35 (cf: P.L.2021, c.317, s.2)

36

37 3. (New section) a. Upon the effective date of P.L. , c.
38 (C.)(pending before the Legislature as this bill), the Department
39 of Community Affairs, Department of Human Services, Board of
40 Public Utilities, and any other State agency that administers a utility
41 assistance program shall update all public information, including
42 written materials, advertisements, and websites, regarding the
43 availability of the Winter Termination Program set forth in
44 N.J.A.C.14:3-3A.5, utility assistance from the “Universal Service
45 Fund,” established pursuant to section 12 of P.L.1999, c.23 (C.48:3-
46 60), the “Low Income Home Energy Assistance Program,”
47 established pursuant to 42 U.S.C. s.8621 et seq., the “Low Income
48 Household Water Assistance Program,” established pursuant to the

1 Consolidated Appropriations Act of 2021, Pub.L.116-260, or any
2 other utility assistance program administered by the State.

3 The public information shall prominently include a statement of
4 the consumer protections residential customers shall receive if the
5 customer has submitted an application for a utility assistance
6 program or completed an application for a utility assistance
7 program.

8 b. Each local authority, municipal utility, public utility, or rural
9 electric cooperative shall provide the information in subsection a. of
10 this subsection in any communication to a residential customer in
11 connection with an overdue utility bill.

12

13 4. This act shall take effect immediately and shall be
14 retroactive to March 15, 2022.

15

16

17

STATEMENT

18

19 This bill provides that if a residential customer submitted an
20 application for utility assistance before June 15, 2022 to a State
21 agency but has not received an application determination from the
22 appropriate State agency, then the provisions of Executive Order
23 No. 246 of 2021 concerning a grace period for residential customers
24 are to remain in effect for 60 days after the customer has submitted
25 an application and any local authority, municipal utility, public
26 utility, or rural electric cooperative within the residential customer's
27 service territory is to continue to provide electric, gas, sewer, or
28 water service to that residential customer. If the customer
29 completes the application, the local authority, municipal utility,
30 public utility, or rural electric cooperative is to continue to provide
31 electric, gas, sewer, or water service to the residential customer
32 until such time as the application is approved or rejected by the
33 appropriate State agency. Any discontinuance occurring to a
34 residential customer described in the bill between the end of the
35 extended grace period established by P.L.2021, c.317 and before the
36 effective date the bill is to be nullified and service is to be restored
37 immediately.

38 The bill also provides that, when a residential customer has,
39 provides that a local authority or municipal utility is not to place,
40 sell, or enforce a lien on real property owned by a residential
41 customer for the unpaid balance of any electric or water charges, or
42 for the unpaid balance of any sewer charges not sold at tax sale, or
43 otherwise accrued to a lien that was struck off to a municipality
44 prior to January 1, 2022 until 60 days after the customer has
45 submitted an application, or, if the application is completed, until
46 such time as the application is approved or rejected by the
47 appropriate State agency, and the residential customer is offered a
48 utility service bill payment plan.

1 The bill requires the Department of Community Affairs (DCA),
2 Department of Human Services (DHS), Board of Public Utilities
3 (BPU), or any other State agency that administers a utility
4 assistance program to provide approval or rejection of the
5 application to the residential customer via certified and regular mail
6 and, if applicable, the online portal in which the residential applied
7 for the utility assistance program the 90 days of receiving a
8 completed application for utility assistance from a residential
9 customer.

10 Within two weeks of the effective date of the bill, and bi-weekly
11 thereafter, the DCA, DHS, BPU, and any other State agency that
12 administers a utility assistance program are to notify each local
13 authority, municipal utility, public utility, and rural electric
14 cooperative that provides electric, gas, sewer, or water service,
15 within the residential customer's service territory. This notice
16 would indicate:

17 1) the name and address of each residential customer that has
18 submitted an application or completed an application to a utility
19 assistance program pursuant to the bill; and

20 2) the protections set forth in the bill, which prohibit the
21 discontinuance of any utility service to that residential customer
22 until the State agency determines the residential customer's
23 application and the placing, selling, or enforcing of a lien on real
24 property owned by a residential customer until the State agency
25 determines the residential customer's application.

26 The bill provides that, within three business days of receiving
27 notice of the approval or rejection of a residential customer's
28 application for a utility assistance program, the appropriate State
29 agency is to provide a notice of determination to each local
30 authority, municipal utility, public utility, and rural electric
31 cooperative that provides electric, gas, sewer, or water service
32 within the residential customer's service territory. In addition to
33 any other information that the State agency may deem appropriate,
34 the written notice is to indicate:

35 1) the name and address of the residential customer who
36 applied for the utility assistance program;

37 2) the decision made on the application and the amount of
38 assistance that will be provided to the residential customer; and

39 3) the termination of the protections set forth in the bill.

40 The provisions of the bill are not to apply in certain situations.

41 A local authority, municipal utility, public utility, or rural
42 electric cooperative is not to be deemed to violate the provisions of
43 this subsection if: the State agency failed to provide notice to the
44 local authority, municipal utility, public utility, or rural electric
45 cooperative; or the local authority, municipal utility, public utility,
46 or rural electric cooperative determines, in good faith, that a utility
47 emergency requires the discontinuance or interruption of electric,
48 gas, sewer, or water service.

1 Upon the effective date of the bill, DCA, DHS, BPU, and any
2 other State agency that administers a utility assistance program is
3 required to update all public information, including written
4 materials, advertisements, and websites, regarding the availability
5 of the utility assistance programs administered by the State. The
6 public information is to prominently include a statement of the
7 consumer protections that residential customers receive if the
8 customer has submitted an application for utility assistance program
9 or completed an application for a utility assistance program. Each
10 local authority, municipal utility, public utility, or rural electric
11 cooperative is also required to provide this information in any
12 communication to a residential customer in connection with an
13 overdue utility bill.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2356

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 21, 2022

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2356.

As amended and reported, this bill provides that if a residential customer submitted an application for utility assistance before June 15, 2022 to a State agency but has not received an application determination from the appropriate State agency, then the provisions of Executive Order No. 246 of 2021 concerning a grace period for residential customers are to remain in effect for 60 days after the customer has submitted an application and any local authority, municipal utility, public utility, or rural electric cooperative within the residential customer's service territory is to continue to provide electric, gas, sewer, or water service to that residential customer. If the customer completes the application, the local authority, municipal utility, public utility, or rural electric cooperative is to continue to provide electric, gas, sewer, or water service to the residential customer until such time as the application is approved or rejected by the appropriate State agency. Any discontinuance occurring to a residential customer described in the bill between the end of the extended grace period established by P.L.2021, c.317 and before the effective date of the bill is to be nullified and service is to be restored immediately.

The bill also provides that, when a residential customer submits an application to a State agency for utility assistance prior to June 15, 2022, a local authority or municipal utility is not to place, sell, or enforce a lien on real property owned by a residential customer for the unpaid balance of any electric or water charges, or for the unpaid balance of any sewer charges not sold at tax sale, or otherwise accrued to a lien that was struck off to a municipality prior to January 1, 2022 until 60 days after the customer has submitted an application, or, if the application is completed, until such time as the application is approved or rejected by the appropriate State agency, and the residential customer is offered a utility service bill payment plan.

The bill requires the Department of Community Affairs (DCA), Department of Human Services (DHS), Board of Public Utilities (BPU), or any other State agency that administers a utility assistance program to provide approval or rejection of the application to the

residential customer via certified and regular mail and, if applicable, the online portal in which the residential customer applied for the utility assistance program, within 90 days of receiving a completed application for utility assistance from a residential customer.

The bill provides that, upon receipt of the completed application, the DCA is to consider whether the residential customer is eligible for any utility assistance programs administered by the DCA when making an application determination. If the residential customer may be eligible for participation in the Payment Assistance for Gas and Electric (PAGE) program, the DCA is to refer the application to the Affordable Housing Alliance, which administers the program, for review and determination.

The bill provides that the notice provided to the residential customer pursuant to the bill is to include information concerning the availability of utility bill service payment plans.

Within two weeks of the effective date of the bill, and bi-weekly thereafter, the DCA, DHS, BPU, and any other State agency that administers a utility assistance program are to notify each local authority, municipal utility, public utility, and rural electric cooperative that provides electric, gas, sewer, or water service, within the residential customer's service territory. This notice would indicate:

- 1) the name, address, and utility account number of each residential customer that has submitted an application or completed an application to a utility assistance program pursuant to the bill; and

- 2) the protections set forth in the bill, which prohibit the discontinuance of any utility service to that residential customer until the State agency determines the residential customer's application and the placing, selling, or enforcing of a lien on real property owned by a residential customer until the State agency determines the residential customer's application.

The bill provides that, within three business days of receiving notice of the approval or rejection of a residential customer's application for a utility assistance program, the appropriate State agency is to provide a notice of determination to each local authority, municipal utility, public utility, and rural electric cooperative that provides electric, gas, sewer, or water service within the residential customer's service territory. In addition to any other information that the State agency may deem appropriate, the written notice is to indicate:

- 1) the name, address, and utility account number of the residential customer who applied for the utility assistance program;

- 2) the decision made on the application and the amount of assistance that will be provided to the residential customer; and

- 3) the termination of the protections set forth in the bill.

The provisions of the bill are not to apply in certain situations.

A local authority, municipal utility, public utility, or rural electric cooperative is not to be deemed to violate the provisions of this subsection if: the State agency failed to provide notice to the local authority, municipal utility, public utility, or rural electric cooperative; or the local authority, municipal utility, public utility, or rural electric cooperative determines, in good faith, that a utility emergency requires the discontinuance or interruption of electric, gas, sewer, or water service.

Upon the effective date of the bill, DCA, DHS, BPU, and any other State agency that administers a utility assistance program is required to update all public information, including written materials, advertisements, and websites, regarding the availability of the utility assistance programs administered by the State. The public information is to prominently include a statement of the consumer protections that residential customers receive if the customer has submitted an application for utility assistance program or completed an application for a utility assistance program. Each local authority, municipal utility, public utility, or rural electric cooperative is also required to provide this information in any communication to a residential customer in connection with an overdue utility bill.

The committee amended the bill to require:

- 1) residential customer utility account numbers to be included in the notices required pursuant to the bill;
- 2) that upon receipt of the completed application, the DCA is to consider whether the residential customer is eligible for any utility assistance programs administered by the DCA when making an application determination. If the residential customer may be eligible for participation in the PAGE program, the DCA is to refer the application to the Affordable Housing Alliance, which administers the program, for review and determination; and
- 3) information concerning utility bill payment plans be included in the notice required by the bill.

STATEMENT TO
[First Reprint]
SENATE, No. 2356

with Assembly Floor Amendments
(Proposed by Assemblyman MUKHERJI)

ADOPTED: MARCH 24, 2022

These Assembly floor amendments:

- 1) remove the certified mail requirement for notice of approval or rejection of an application for utility bill payment assistance to a residential customer; and
- 2) increase the number of business days from three to seven for a State agency to send a notice of determination to each local authority, municipal utility, public utility, and rural electric cooperative that provides electric, gas, sewer, or water service within the residential customer's service territory.

ASSEMBLY, No. 3671

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 17, 2022

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

SYNOPSIS

Extends prohibition on certain utility discontinuances for certain customers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning extended utility service protections for certain
2 customers and amending P.L.2021, c.317 (C.40A:5A-28 et al.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.2021, c.317 is amended to read as follows:

8 1. As used in sections 1 and 2 of P.L.2021, c.317:

9 “Local authority” means an authority, as defined in section 3 of
10 P.L.1983, c.313 (C.40A:5A-3), or a water district established
11 pursuant to R.S.40:62-96 et seq., that provides electric, sewer, or
12 water service.

13 “Municipal utility” means a municipal public utility, as defined
14 in N.J.S.40A:1-1, or a joint meeting or regional service agency as
15 defined in section 3 of P.L.2007, c.63 (C.40A:65-3), that provides
16 electric, sewer, or water service.

17 “Public utility” means a public utility, as defined pursuant to
18 R.S.48:2-13, that provides electric, gas, sewer, or water service.

19 “Residential customer” means a residential customer of record of
20 a local authority, municipal utility, or a public utility or any
21 residential tenant of a residence where the owner or any agent or
22 other representative of the owner of the residence is a non-
23 residential customer of record of a local authority, municipal utility,
24 or public utility.

25 “Submitted an application” means a residential customer has
26 created an application via the online portal or telephone hotline
27 operated by the Department of Community Affairs, or has
28 submitted a paper application to the Department of Community
29 Affairs or through a home energy assistance grantee agency. A
30 residential customer who has submitted an application shall include
31 those residential customers who have yet to provide, mail, or upload
32 documents that are required in order for the application for the
33 utility assistance program to be deemed complete.

34 “Utility emergency” means any condition constituting a potential
35 danger to life, health, or property that requires a local authority,
36 municipal utility, or public utility to discontinue or interrupt the
37 provision of electric, gas, sewer, or water service.

38

39 2. Section 2 of P.L.2021, c.317 is amended to read as follows:

40 2. a. The provisions of Executive Order No. 246 of 2021
41 concerning a grace period for residential customers of certain
42 utilities, including paragraphs two through four, nine through 14, 16
43 through 18, and 21, shall remain in effect for any local authority,
44 municipal utility, and public utility that provides, sewer, or water
45 service, and any municipal utility or rural electric cooperative that

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 provides electric service, through March 15, 2022. Any residential
2 customer sewer, or water service discontinuance, and any
3 discontinuance of electric service to a residential customer of a
4 municipal utility or rural electric cooperative occurring between the
5 end of the grace period established pursuant to Executive Order No.
6 246 of 2021 and the effective date of P.L.2021, c.317 (C.40A:5A-
7 28 et al.) shall be nullified and service shall be restored
8 immediately. Notwithstanding any other provisions of law, a local
9 authority or municipal utility shall not place, sell, or enforce a lien
10 on real property for the unpaid balance of any electric or water
11 charges, or for the unpaid balance of any sewer charges not sold at
12 tax sale as of January 1, 2022 or otherwise accrued to a lien that
13 was struck off to a municipality or sold prior to January 1, 2022,
14 until after the expiration of the extended grace period pursuant to
15 this section. The extended grace period provided for in this section
16 shall expire on March 15, 2022.

17 b. Notwithstanding any other provisions of law, prior to
18 discontinuing service to a residential customer, or placing, selling,
19 or enforcing a lien on real property owned by a residential customer
20 for the unpaid balance of any water charges accrued between the
21 declaration of a public health emergency in Executive Order No.
22 103 of 2020 and March 15, 2022, a local authority, municipal
23 utility, or public utility shall offer the residential customer a utility
24 service bill payment plan for the unpaid balance of any water
25 charges accrued prior to March 15, 2022. The utility service bill
26 payment plan shall have a minimum 12-month duration unless the
27 residential customer requests a shorter payback period, and shall not
28 require payment of a down payment, deposit, reconnection costs,
29 interest, or penalties. The local authority, municipal utility, or
30 public utility may offer residential customers a combined payment
31 and payment forgiveness plan with a duration of less than 12
32 months that involves forgiveness of at least 50 percent of the
33 outstanding principal upon the consent of the residential customer.
34 **[If]** Except as otherwise provided in subsection k. of this section, if
35 a residential customer does not agree to a utility service bill
36 payment plan pursuant to this subsection within 30 days of being
37 offered the plan by the local authority, municipal utility, or public
38 utility, the local authority, municipal utility, or public utility may
39 take appropriate enforcement action after March 15, 2022, including
40 discontinuing service or placing, selling, or enforcing a lien, to the
41 extent otherwise permitted by law.

42 c. Notwithstanding any other provisions of law, prior to
43 discontinuing service to a residential customer, or placing, selling,
44 or enforcing a lien on real property owned by a residential
45 customer, for the unpaid balance of any electric charges accrued
46 between the declaration of a public health emergency in Executive
47 Order No. 103 of 2020 and March 15, 2022, a municipal electric
48 utility or rural electric cooperative shall offer the residential

1 customer a utility service bill payment plan for the unpaid balance
2 of any electric charges accrued prior to March 15, 2022. The utility
3 service bill payment plan shall have a minimum 12-month duration
4 unless the residential customer requests a shorter payback period,
5 and shall not require payment of a down payment, deposit,
6 reconnection costs, interest, or penalties. The municipal electric
7 utility or rural electric cooperative may offer residential customers a
8 combined payment and payment forgiveness plan with a duration of
9 less than 12 months that involves forgiveness of at least 50 percent
10 of the outstanding principal upon the consent of the residential
11 customer. **[If]** Except as otherwise provided in subsection k. of this
12 section, if a residential customer does not agree to a utility service
13 bill payment plan pursuant to this subsection within 30 days of
14 being offered the plan by the municipal electric utility or rural
15 electric cooperative, the municipal electric utility or rural electric
16 cooperative may take appropriate enforcement action after March
17 15, 2022, including discontinuing service or placing, selling, or
18 enforcing a lien, to the extent otherwise permitted by law.

19 d. Notwithstanding any other provisions of law, prior to
20 discontinuing service to a residential customer for the unpaid
21 balance of any electric or gas charges accrued between the
22 declaration of a public health emergency in Executive Order No.
23 103 of 2020 and the expiration date of Executive Order No. 246 of
24 2021, or in the case of a customer participating in the Winter
25 Termination Program set forth in N.J.A.C.14:3-3A.5, any electric or
26 gas charges accrued between the declaration of a public health
27 emergency in Executive Order No. 103 of 2020 and March 15,
28 2022, a public utility shall offer the residential customer a utility
29 service bill payment plan for the unpaid balance of any electric or
30 gas charges accrued prior to the expiration date of Executive Order
31 No. 246 of 2021 or, in the case of a customer participating in the
32 Winter Termination Program set forth in N.J.A.C.14:3-3A.5, any
33 electric or gas charges accrued prior to March 15, 2022. The utility
34 service bill payment plan shall have a minimum 12-month duration
35 unless the residential customer requests a shorter payback period,
36 and shall not require payment of a down payment, deposit,
37 reconnection costs, interest, or penalties. The public utility may
38 offer residential customers a combined payment and payment
39 forgiveness plan with a duration of less than 12 months that
40 involves forgiveness of at least 50 percent of the outstanding
41 principal upon the consent of the residential customer. **[If]** Except
42 as otherwise provided in subsection k. of this section, if a
43 residential customer does not agree to a utility service bill payment
44 plan pursuant to this subsection within 30 days of being offered the
45 plan by the public utility, the public utility may take appropriate
46 enforcement action after the expiration of Executive Order 246 of
47 2021 or for customers participating in the Winter Termination
48 Program set forth in N.J.A.C.14:3-3A.5 after March 15, 2022,

1 including discontinuing service, to the extent otherwise permitted
2 by law.

3 e. Notwithstanding any other provisions of law, prior to
4 discontinuing service to a residential customer, or placing, selling,
5 or enforcing a lien on real property owned by a residential
6 customer, for the unpaid balance of any sewer charges accrued
7 between the declaration of a public health emergency in Executive
8 Order No. 103 of 2020 and March 15, 2022 that had not been sold
9 at tax sale as of January 1, 2022 or otherwise accrued to a lien that
10 was struck off to a municipality or sold prior to January 1, 2022, a
11 local authority, municipal utility, or public utility shall offer a
12 residential customer a utility service bill payment plan for the
13 unpaid balance of any sewer charges accrued **【**between the
14 declaration of a public health emergency in Executive Order No.
15 103 of 2020 and**】** prior to March 15, 2022. The utility service bill
16 payment plan shall have a minimum 12-month duration unless the
17 residential customer requests a shorter payback period, and shall not
18 require a down payment, deposit, reconnection costs, interest, or
19 penalties. The local authority, municipal utility, or public utility
20 may offer residential customers a combined payment and payment
21 forgiveness plan with a duration of less than 12 months that
22 involves forgiveness of at least 50 percent of the outstanding
23 principal upon the consent of the residential customer. **【If】** Except
24 as otherwise provided in subsection k. of this section, if a
25 residential sewer customer does not agree to a utility service bill
26 payment plan within 30 days of being offered a plan by the local
27 authority, municipal utility, or public utility, the local authority,
28 municipal utility, or public utility may take appropriate enforcement
29 action after March 15, 2022, to the extent otherwise permitted by
30 law.

31 f. Utility service bill payment plans offered by municipal
32 utilities and local authorities pursuant to subsections b., c., and e. of
33 this section shall be subject to the provisions of R.S.54:5-19
34 pertaining to installment agreements, except as otherwise provided
35 in this section, and that a residential customer shall be offered a
36 utility service bill payment plan for the payment of water, sewer, or
37 electric charges that became delinquent notwithstanding whether a
38 parcel of property is already subject to an installment payment plan
39 pursuant to law.

40 g. No local authority, municipal utility, or public utility shall
41 collect any interest, fee, or charge from residential customers for
42 late or otherwise untimely payments of water charges that accrued
43 between the declaration of a public health emergency in Executive
44 Order No. 103 of 2020 and March 15, 2022. A local authority,
45 municipality utility, or public utility may charge and collect fees,
46 interest, and penalties for delinquent water charges that accrued
47 prior to the declaration of a public health emergency in Executive

1 Order No. 103 of 2020 and after March 15, 2022, as permitted by
2 law.

3 h. No municipal electric utility or rural electric cooperative
4 shall collect any interest, fee, or charge from residential customers
5 for late or otherwise untimely payments of electric charges that
6 accrued between the declaration of a public health emergency in
7 Executive Order No. 103 of 2020 and March 15, 2022. A local
8 authority, municipal utility, or public utility may charge and collect
9 fees, interest, and penalties for delinquent electric charges that
10 accrued prior to the declaration of a public health emergency in
11 Executive Order No. 103 of 2020 and after March 15, 2022, as
12 permitted by law.

13 i. No public utility shall collect any interest, fee, or charge
14 from residential customers for late or otherwise untimely payments
15 of electric or gas charges that accrued between the declaration of a
16 public health emergency in Executive Order No. 103 of 2020 and
17 the expiration date of Executive Order No. 246 of 2021, or in the
18 case of a customer participating in the Winter Termination Program
19 set forth in N.J.A.C.14:3-3A.5, that accrued between the declaration
20 of a public health emergency in Executive Order No. 103 of 2020
21 and March 15, 2022. A public utility may charge and collect fees,
22 interest, and penalties for delinquent electric or gas charges that
23 accrued prior to the declaration of a public health emergency in
24 Executive Order No. 103 of 2020 and after the expiration date of
25 Executive Order No. 246 of 2021 or March 15, 2022, as applicable,
26 as permitted by law.

27 j. No local authority, municipal utility, or public utility shall
28 collect any interest, fee, or charge for late or otherwise untimely
29 payments of sewer charges that accrued between January 1, 2022
30 and March 15, 2022, or that accrued between the declaration of a
31 public health emergency in Executive Order No. 103 of 2020 and
32 December 31, 2021 and had not been sold at tax sale as of January
33 1, 2022 or otherwise accrued to a lien that was struck off to a
34 municipality or sold prior to January 1, 2022. A local authority,
35 municipality utility, or public utility may charge and collect fees,
36 interest and penalties for delinquent sewer charges that accrued
37 prior to the declaration of a public health emergency in Executive
38 Order No. 103 of 2020 and after March 15, 2022, as permitted by
39 law.

40 k. (1) For a residential customer who, prior to June 15, 2022,
41 has submitted an application to a State agency for utility assistance
42 from the “Universal Service Fund,” established pursuant to section
43 12 of P.L.1999, c.23 (C.48:3-60), the “Low Income Home Energy
44 Assistance Program,” established pursuant to 42 U.S.C. s.8621 et
45 seq., the “Low Income Household Water Assistance Program,”
46 established pursuant to the Consolidated Appropriations Act of
47 2021, Pub.L.116-260, or any other utility assistance program
48 administered by the State, but the residential customer has not

1 received an application determination from the appropriate State
2 agency, any local authority, municipal utility, public utility, or rural
3 electric cooperative within the residential customer's service
4 territory shall continue to provide electric, gas, sewer, or water
5 service to the residential customer for 60 days after the customer
6 has submitted an application. If the customer completes the
7 application, the local authority, municipal utility, public utility, or
8 rural electric cooperative shall continue to provide electric, gas,
9 sewer, or water service to the residential customer until such time as
10 the application is approved or rejected by the appropriate State
11 agency. Any discontinuance occurring to a residential customer
12 described in this paragraph between the end of the extended grace
13 period established pursuant to the effective date of P.L.2021, c.317
14 (C.40A:5A-28 et al.) and before the effective date of P.L. ,
15 c. (C.)(pending before the Legislature as this bill) shall be
16 nullified and service shall be restored immediately.

17 (2) Notwithstanding any other provisions of law, when a
18 residential customer has, prior to June 15, 2022, submitted an
19 application to a State agency for utility assistance pursuant to
20 paragraph (1) of this subsection, a local authority or municipal
21 utility shall not place, sell, or enforce a lien on real property owned
22 by a residential customer for the unpaid balance of any electric or
23 water charges, or for the unpaid balance of any sewer charges not
24 sold at tax sale, or otherwise accrued to a lien that was struck off to
25 a municipality, or sold prior to January 1, 2022, until 60 days after
26 the customer has submitted an application, or, if the application is
27 completed, until such time as the application is approved or rejected
28 by the appropriate State agency. If a residential customer has
29 appealed a State agency's denial of a utility assistance program
30 application, a municipality or local authority shall delay placing,
31 selling, or enforcing a lien for the unpaid balance of water, sewer,
32 or electric charges pending conclusion of administrative review by
33 the State agency.

34 (3) Upon the termination of the protection from discontinuation
35 of service afforded to a residential customer pursuant paragraph (1)
36 of this subsection, the local authority, municipal utility, public
37 utility, or rural electric cooperative shall offer the residential
38 customer a utility service bill payment plan that conforms to the
39 requirements of subsections b., c., d., or e. of this section, as
40 applicable, except that such payment plan shall also include the
41 unpaid balance of any electric, gas, sewer, or water charges accrued
42 between March 15, 2022 and the termination of the protection from
43 discontinuation of service afforded pursuant to paragraph (1) of this
44 subsection. If the residential customer does not agree to a utility
45 service bill payment plan within 30 days of being offered a plan
46 pursuant to this paragraph, the local authority, municipal utility,
47 public utility, or rural electric cooperative may take appropriate
48 enforcement action, including discontinuing service or placing,

1 selling, or enforcing a lien, to the extent otherwise permitted by
2 law.

3 (4) Within two weeks of the effective date of
4 P.L. , c. (C.)(pending before the Legislature as this bill), and
5 on a bi-weekly basis thereafter, the Department of Community
6 Affairs, Department of Human Services, Board of Public Utilities,
7 or any other State agency that administers a utility assistance
8 program, shall provide written notice to each local authority,
9 municipal utility, public utility, and rural electric cooperative that
10 provides electric, gas, sewer, or water service within the residential
11 customer's service territory, which notice shall indicate:

12 (a) the name and address of each residential customer that has
13 submitted an application or completed an application to a utility
14 assistance program pursuant to paragraph (1) of this subsection; and

15 (b) the protections set forth in paragraphs (1) and (2) of this
16 subsection, which prohibit the discontinuance of any utility service
17 to that residential customer and the placing, selling, or enforcing of
18 a lien on real property owned by a residential customer until the
19 State agency determines the residential customer's application.

20 (5) Within 90 days of receiving a completed application for
21 utility assistance from a residential customer, the Department of
22 Community Affairs, Department of Human Services, Board of
23 Public Utilities, or any other State agency that administers a utility
24 assistance program shall provide approval or rejection of the
25 application to the residential customer via certified and regular mail
26 and, if applicable, the online portal in which the residential applied
27 for the utility assistance program.

28 (6) Within three business days of approving or rejecting a
29 residential customer's application for a utility assistance program,
30 the State agency that administers the utility assistance program shall
31 provide a notice of determination to each local authority, municipal
32 utility, public utility, and rural electric cooperative that provides
33 electric, gas, sewer, or water service within the residential
34 customer's service territory. In addition to any other information
35 that the State agency may deem appropriate, the written notice shall
36 indicate:

37 (a) the name and address of the residential customer who
38 applied for the utility assistance program;

39 (b) the decision made on the application and the amount of
40 assistance that will be provided to the residential customer; and

41 (c) the termination of the protections set forth in paragraphs (1)
42 and (2) of this subsection.

43 (7) A local authority, municipal utility, public utility, or rural
44 electric cooperative shall not be deemed to violate the provisions of
45 this subsection if:

46 (a) the State agency failed to provide notice to the local
47 authority, municipal utility, public utility, or rural electric
48 cooperative pursuant to paragraph (2) of this subsection and the

1 customer has not notified the local authority, municipal utility,
2 public utility, or rural electric cooperative of the submitted
3 application; or

4 (b) the local authority, municipal utility, public utility, or rural
5 electric cooperative determines, in good faith, that a utility
6 emergency requires the discontinuance or interruption of electric,
7 gas, sewer, or water service.

8 (8) Residential customers of a municipal utility or local
9 authority providing water or electric service shall have the interest
10 on unpaid delinquent water or electric charges calculated as
11 follows, with such calculations also to be used when calculating a
12 tax sale lien redemption:

13 (a) unpaid charges delinquent prior to March 9, 2020 shall have
14 interest calculated from either the due date or last date of payment
15 to March 9, 2020, and from March 16, 2022 until the date of
16 payment. No interest shall be calculated from March 9, 2020
17 through March 15, 2022; and

18 (b) unpaid charges delinquent from March 9, 2020 through
19 March 15, 2022 shall have interest calculated from March 16, 2022
20 to the date of payment.

21 (9) Residential customers of a municipal utility or local
22 authority providing sewer service shall have the interest on unpaid
23 sewer charges delinquent as of March 15, 2022 calculated from
24 March 16, 2022 to the date of payment.

25 (10) Redemptions of sewer liens that prior to January 1, 2022
26 were sold, accrued to a lien as a subsequent payment, or struck off
27 to a municipality shall have interest calculated from the date of tax
28 sale or the date of the subsequent payment to December 31, 2021,
29 and from March 16, 2022 to the date of redemption. No interest
30 shall be calculated from January 1, 2022 to March 15, 2022.

31 (11) Interest, late fees and penalties may be waived for
32 residential customers of municipal utilities or local authorities
33 providing water, sewer, or electric service to the extent necessary
34 for compliance with utility assistance program requirements.

35 (cf: P.L.2021, c.317, s.2)

36

37 3. (New section) a. Upon the effective date of
38 P.L. , c. (C.)(pending before the Legislature as this bill), the
39 Department of Community Affairs, Department of Human Services,
40 Board of Public Utilities, and any other State agency that
41 administers a utility assistance program shall update all public
42 information, including written materials, advertisements, and
43 websites, regarding the availability of the Winter Termination
44 Program set forth in N.J.A.C.14:3-3A.5, utility assistance from the
45 “Universal Service Fund,” established pursuant to section 12 of
46 P.L.1999, c.23 (C.48:3-60), the “Low Income Home Energy
47 Assistance Program,” established pursuant to 42 U.S.C. s.8621 et
48 seq., the “Low Income Household Water Assistance Program,”

1 established pursuant to the Consolidated Appropriations Act of
2 2021, Pub.L.116-260, or any other utility assistance program
3 administered by the State.

4 The public information shall prominently include a statement of
5 the consumer protections residential customers shall receive if the
6 customer has submitted an application for a utility assistance
7 program or completed an application for a utility assistance
8 program.

9 b. Each local authority, municipal utility, public utility, or rural
10 electric cooperative shall provide the information in subsection a. of
11 this subsection in any communication to a residential customer in
12 connection with an overdue utility bill.

13

14 4. This act shall take effect immediately and shall be
15 retroactive to March 15, 2022.

16

17

18

STATEMENT

19

20 This bill provides that if a residential customer submitted an
21 application for utility assistance before June 15, 2022 to a State
22 agency but has not received an application determination from the
23 appropriate State agency, then the provisions of Executive Order
24 No. 246 of 2021 concerning a grace period for residential customers
25 are to remain in effect for 60 days after the customer has submitted
26 an application and any local authority, municipal utility, public
27 utility, or rural electric cooperative within the residential customer's
28 service territory is to continue to provide electric, gas, sewer, or
29 water service to that residential customer. If the customer
30 completes the application, the local authority, municipal utility,
31 public utility, or rural electric cooperative is to continue to provide
32 electric, gas, sewer, or water service to the residential customer
33 until such time as the application is approved or rejected by the
34 appropriate State agency. Any discontinuance occurring to a
35 residential customer described in the bill between the end of the
36 extended grace period established by P.L.2021, c.317 and before the
37 effective date the bill is to be nullified and service is to be restored
38 immediately.

39 The bill also provides that, when a residential customer has,
40 provides that a local authority or municipal utility is not to place,
41 sell, or enforce a lien on real property owned by a residential
42 customer for the unpaid balance of any electric or water charges, or
43 for the unpaid balance of any sewer charges not sold at tax sale, or
44 otherwise accrued to a lien that was struck off to a municipality
45 prior to January 1, 2022 until 60 days after the customer has
46 submitted an application, or, if the application is completed, until
47 such time as the application is approved or rejected by the

1 appropriate State agency, and the residential customer is offered a
2 utility service bill payment plan.

3 The bill requires the Department of Community Affairs (DCA),
4 Department of Human Services (DHS), Board of Public Utilities
5 (BPU), or any other State agency that administers a utility
6 assistance program to provide approval or rejection of the
7 application to the residential customer via certified and regular mail
8 and, if applicable, the online portal in which the residential applied
9 for the utility assistance program the 90 days of receiving a
10 completed application for utility assistance from a residential
11 customer.

12 Within two weeks of the effective date of the bill, and bi-weekly
13 thereafter, the DCA, DHS, BPU, and any other State agency that
14 administers a utility assistance program are to notify each local
15 authority, municipal utility, public utility, and rural electric
16 cooperative that provides electric, gas, sewer, or water service,
17 within the residential customer's service territory. This notice
18 would indicate:

19 1) the name and address of each residential customer that has
20 submitted an application or completed an application to a utility
21 assistance program pursuant to the bill; and

22 2) the protections set forth in the bill, which prohibit the
23 discontinuance of any utility service to that residential customer
24 until the State agency determines the residential customer's
25 application and the placing, selling, or enforcing of a lien on real
26 property owned by a residential customer until the State agency
27 determines the residential customer's application.

28 The bill provides that, within three business days of receiving
29 notice of the approval or rejection of a residential customer's
30 application for a utility assistance program, the appropriate State
31 agency is to provide a notice of determination to each local
32 authority, municipal utility, public utility, and rural electric
33 cooperative that provides electric, gas, sewer, or water service
34 within the residential customer's service territory. In addition to
35 any other information that the State agency may deem appropriate,
36 the written notice is to indicate:

37 1) the name and address of the residential customer who
38 applied for the utility assistance program;

39 2) the decision made on the application and the amount of
40 assistance that will be provided to the residential customer; and

41 3) the termination of the protections set forth in the bill.

42 The provisions of the bill are not to apply in certain situations.

43 A local authority, municipal utility, public utility, or rural
44 electric cooperative is not to be deemed to violate the provisions of
45 this subsection if: the State agency failed to provide notice to the
46 local authority, municipal utility, public utility, or rural electric
47 cooperative; or the local authority, municipal utility, public utility,
48 or rural electric cooperative determines, in good faith, that a utility

1 emergency requires the discontinuance or interruption of electric,
2 gas, sewer, or water service.

3 Upon the effective date of the bill, DCA, DHS, BPU, and any
4 other State agency that administers a utility assistance program is
5 required to update all public information, including written
6 materials, advertisements, and websites, regarding the availability
7 of the utility assistance programs administered by the State. The
8 public information is to prominently include a statement of the
9 consumer protections that residential customers receive if the
10 customer has submitted an application for utility assistance program
11 or completed an application for a utility assistance program. Each
12 local authority, municipal utility, public utility, or rural electric
13 cooperative is also required to provide this information in any
14 communication to a residential customer in connection with an
15 overdue utility bill.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3671

STATE OF NEW JERSEY

DATED: MARCH 21, 2022

The Assembly Commerce and Economic Development Committee reports favorably and with committee amendments Assembly Bill No. 3671.

As amended and reported, this bill provides that if a residential customer submits an application for utility assistance before June 15, 2022 to a State agency but has not received an application determination from the State agency, then the provisions of Executive Order No. 246 of 2021 (concerning a grace period for residential customers) are to remain in effect for 60 days after the customer has submitted an application and any local authority, municipal utility, public utility, or rural electric cooperative within the residential customer's service territory is to continue to provide electric, gas, sewer, or water service to that residential customer. If the customer completes the application, the local authority, municipal utility, public utility, or rural electric cooperative is to continue to provide electric, gas, sewer, or water service to the residential customer until such time as the application is approved or rejected by the appropriate State agency. Any discontinuance occurring to a residential customer described in the bill between the end of the extended grace period established by P.L.2021, c.317 and before the effective date of the bill is to be nullified and service is to be restored immediately.

The bill also provides that, when a residential customer submits an application to a State agency for utility assistance prior to June 15, 2022, a local authority or municipal utility is not to place, sell, or enforce a lien on real property owned by a residential customer for the unpaid balance of any electric or water charges, or for the unpaid balance of any sewer charges not sold at tax sale, or otherwise accrued to a lien that was struck off to a municipality prior to January 1, 2022 until 60 days after the customer has submitted an application, or, if the application is completed, until such time as the application is approved or rejected by the appropriate State agency, and the residential customer is offered a utility service bill payment plan.

The bill requires the Department of Community Affairs (DCA), Department of Human Services (DHS), Board of Public Utilities (BPU), or any other State agency that administers a utility assistance program to provide approval or rejection of the application to the

residential customer by regular mail and, if applicable, the online portal in which the residential customer applied for the utility assistance program, within 90 days of receiving a completed application for utility assistance from a residential customer.

The bill provides that, upon receipt of the completed application, the DCA is to consider whether the residential customer is eligible for any utility assistance programs administered by the DCA when making an application determination. If the residential customer may be eligible for participation in the Payment Assistance for Gas and Electric (PAGE) program, the DCA is to refer the application to the Affordable Housing Alliance, which administers the program, for review and determination.

The bill provides that the notice provided to the residential customer pursuant to the bill is to include information concerning the availability of utility bill service payment plans.

Within two weeks of the effective date of the bill, and bi-weekly thereafter, the DCA, DHS, BPU, and any other State agency that administers a utility assistance program are to notify each local authority, municipal utility, public utility, and rural electric cooperative that provides electric, gas, sewer, or water service, within the residential customer's service territory. This notice would indicate:

- 1) the name, address, and utility account number of each residential customer that has submitted an application or completed an application to a utility assistance program pursuant to the bill; and

- 2) the protections set forth in the bill, which prohibit the discontinuance of any utility service to that residential customer until the State agency determines the residential customer's application and the placing, selling, or enforcing of a lien on real property owned by a residential customer until the State agency determines the residential customer's application.

The bill provides that, within seven business days of receiving notice of the approval or rejection of a residential customer's application for a utility assistance program, the appropriate State agency is to provide a notice of determination to each local authority, municipal utility, public utility, and rural electric cooperative that provides electric, gas, sewer, or water service within the residential customer's service territory. In addition to any other information that the State agency may deem appropriate, the written notice is to indicate:

- 1) the name, address, and utility account number of the residential customer who applied for the utility assistance program;

- 2) the decision made on the application and the amount of assistance that will be provided to the residential customer; and

- 3) the termination of the protections set forth in the bill.

The provisions of the bill are not to apply in certain situations.

A local authority, municipal utility, public utility, or rural electric cooperative is not to be deemed to violate the provisions of this subsection if: the State agency failed to provide notice to the local authority, municipal utility, public utility, or rural electric cooperative; or the local authority, municipal utility, public utility, or rural electric cooperative determines, in good faith, that a utility emergency requires the discontinuance or interruption of electric, gas, sewer, or water service.

Upon the effective date of the bill, DCA, DHS, BPU, and any other State agency that administers a utility assistance program is required to update all public information, including written materials, advertisements, and websites, regarding the availability of the utility assistance programs administered by the State. The public information is to prominently include a statement of the consumer protections that residential customers receive if the customer has submitted an application for utility assistance program or completed an application for a utility assistance program. Each local authority, municipal utility, public utility, or rural electric cooperative is also required to provide this information in any communication to a residential customer in connection with an overdue utility bill.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) require residential customer utility account numbers to be included in the notices required pursuant to the bill;
- 2) require DCA, upon receipt of a completed application, to consider whether the residential customer is eligible for any utility assistance programs administered by the department. If the residential customer may be eligible for participation in the PAGE program, the DCA is to refer the application to the Affordable Housing Alliance, which administers the program, for review and determination;
- 3) require information concerning utility bill payment plans be included in the notice required by the bill;
- 4) omit a requirement for notice by certified mail; and
- 5) require the State to notify utilities and authorities within seven, rather than three, business days of the agencies' determination on an application for assistance.

Governor Murphy Signs Bill to Extend Prohibition on Utility Shutoffs for Certain Residential Customers

03/25/2022

TRENTON – Governor Phil Murphy today signed legislation (S-2356) to extend the prohibition on utility shutoffs for certain residential customers with overdue utility payments who are waiting for a decision on their application for state assistance in paying off their utility bill arrearages.

“Over the past two years, we have implemented critical protections for residential utility customers in our state,” **said Governor Phil Murphy**. “As New Jersey continues on our road to recovery, we must provide ongoing support to residents who have been financially impacted by the COVID-19 pandemic. This legislation will keep the lights on and water running for families who are still making their way through the process of obtaining assistance from our state.”

“Our hope is that this new law spurs people who need utility assistance to complete an application as soon as possible to avoid a utility shutoff. We significantly expanded income eligibility for assistance programs this year to reach more people, including even moderate-income households,” **said Lt. Governor Sheila Oliver, who serves as Commissioner of the New Jersey Department of Community Affairs**. “DCA will continue its outreach efforts alongside the New Jersey Board of Public Utilities and utility companies to make sure as many people as possible know about the assistance programs and are able to submit an application prior to June 15th.”

The previous utility shutoff grace period, extended by the Governor under Executive Order No. 246 and codified under P.L.2021, c.317. for residential water, sewer, and municipal electric customers, ended on March 15, 2022. Certain residential customers of public gas and electric utilities were also protected through March 15 under the Winter Termination Program. This bill extends these protections by requiring local authorities, municipal or public utilities, and rural electric cooperatives to continue providing electric, gas, sewer or water service to residential customers who have submitted an application for utility assistance prior to June 15, 2022 but have not yet received a determination.

Residential customers will be protected for 60 days after initiating a utility assistance application to the applicable state agency, and if they complete their application in this time, will be protected until the state agency makes a decision on the application. The Department of Community Affairs (DCA), Department of Human Services (DHS), Board of Public Utilities (BPU) or any other state agency administering a utility assistance program will notify utility service providers of the customers who have applied for an assistance program and are eligible for this grace period while awaiting their application determination.

Liens also cannot be placed, sold or enforced on the property of a residential customer for unpaid utility bills while the applicable state agency determines the customer’s application for assistance. Customers will also be eligible for a 12-month interest-free deferred payment plan if they are denied assistance or if the assistance does not cover the full amount of their unpaid bills.

“The COVID pandemic has been devastating in many ways, including economic hardship for families due to the loss of a job or a reduction in income, leaving many being unable to pay their utility bills,” **said NJBPU President Joseph L. Fiordaliso**. “I commend Governor Murphy and New Jersey legislators who expanded protections for customers. The BPU will continue to work with the utilities on incorporating these changes.”

“The prohibition on utility assistance cut-offs has been invaluable to many residents during a challenging time, and while we hope for continued improved conditions, many still need this help,” **said DHS Commissioner Sarah Adelman**. “I thank the Governor for signing this bill and the bill sponsors for advocating for it. It will be immensely helpful to many residents in need.”

Primary sponsors of the legislation include Senators Brian Stack, Vin Gopal and Linda Greenstein, as well as Assembly members Raj Mukherji, Cleopatra Tucker, Paul Moriarty and Britnee N. Timberlake.

“Some utility companies have already started to shut off their customers’ utilities, I am grateful the Governor has joined us in acting urgently to protect our residents in need of assistance,” **said Senator Brian Stack**. “According to the DCA, applicants who have difficulty submitting an application take 60 days on average to complete the process because of the need to submit various required documents. This will provide that all utility assistance applicants will be protected until June 15th, regardless if their application is pending or completed. This way, no one will have their services shut off while awaiting approval for assistance from the DCA.”

“Statewide, over 850,000 residential gas and electric customers collectively owe more than \$660 million, largely due to difficulties and logistical obstacles caused by the COVID-19 pandemic,” **said Senator Vin Gopal**. “This legislation will give those residents breathing room as their assistance application is sorted out. The law will also give DCA the time necessary to properly vet and review applications, and to make determinations accordingly.”

“While COVID-19 cases have been improving, our residents are still reeling from the economic effects that the pandemic has brought on,” **said Senator Linda Greenstein**. “It is evident that many of our residents would be greatly affected by the end of the Winter Termination Program and it is critical we do not turn our backs on them during this period. This will be a huge asset in providing additional assistance to our residents as we transition out of the pandemic.”

“The past two years have been difficult for many families, leaving around 800,000 gas and electric customers in need of assistance,” **said Assemblyman Raj Mukherji**. “Since the high influx of applications has extended the timeline for the State to make prompt determinations on assistance, we must extend the grace period and provide families with essential utilities while they await action on their applications for relief.”

“This bill will help New Jersey families to keep their utilities on while also giving the State more time to adequately address each application,” **said Assemblywoman Cleopatra Tucker**. “No one deserves to have their electricity or water shut off while they wait for answers.”

“Many families are still recovering financially from the pandemic and a lot of people still face employment challenges,” **said Assemblyman Paul Moriarty**. “This is absolutely necessary to ensure families throughout New Jersey continue to have access to water and electric utilities.”

“Between filling out the assistance paperwork and waiting for approval, households may have to wait several months to finally receive the aid they deserve,” **said Assemblywoman Britnee N. Timberlake**. “This is a necessary step to help many people in New Jersey keep their lights on.”