

[Second Reprint]

ASSEMBLY, No. 6115

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 2, 2021

Sponsored by:

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District 20 (Union)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

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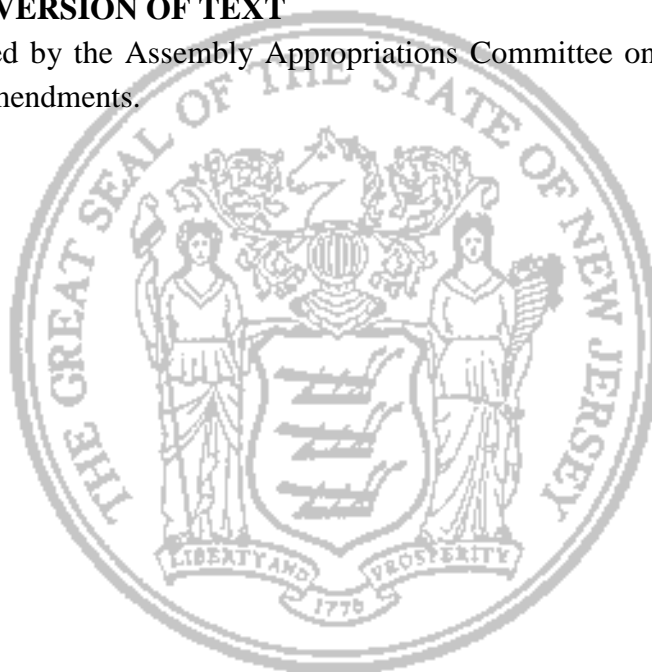
Assemblywoman Lopez

SYNOPSIS

Prohibits certain utility discontinuances; establishes Winter Termination Program; requires BPU to include sewer and water public utilities in Winter Termination Program.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on December 13, 2021, with amendments.



(Sponsorship Updated As Of: 12/20/2021)

AN ACT concerning certain ²[sewer and water]² utility service protections and supplementing Title 40A of the New Jersey Statutes and Title 48 of the Revised Statutes.

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

² 1. As used in sections 1 through 2 of P.L. , c. (C.) (pending before the Legislature as this bill):

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

“Municipal utility” means a municipal public utility, as defined in N.J.S.40A:1-1, that provides electric, sewer, or water service.

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

“Residential customer” means a residential customer of record of a local authority, municipal utility, or a public utility or any residential tenant of a residence where the owner or any agent or other representative of the owner of the residence is a non-residential customer of record of a local authority, municipal utility, or public utility. ²

²[1.] ² 2. a. ² The provisions of Executive Order No. 246 of 2021 concerning a grace period for residential customers of certain utilities, including paragraphs two through four, nine through 14, 16 through 18, and 21, shall remain in effect for any local authority, municipal utility, and public utility that provides sewer or water service ², and any municipal utility or rural electric cooperative that provides electric service, ² through March 15, 2022. Any residential customer sewer or water service discontinuance ², and any discontinuance of electric service to a residential customer of a municipal utility or rural electric cooperative² occurring between the end of the grace period established pursuant to Executive Order No. 246 of 2021 and the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) shall be nullified and service shall be restored immediately. Notwithstanding any other provisions of law, a local authority or municipal utility shall not place, sell, or enforce a lien on real property for the unpaid balance of any ²electric or² water ²charges,² or ²for the unpaid balance of any² sewer charges ²not sold at tax sale as of January 1, 2022² until after the expiration of the extended grace period pursuant to this

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:

¹Assembly ATU committee amendments adopted December 6, 2021.

²Assembly AAP committee amendments adopted December 13, 2021.

1 section. The extended grace period provided for in this section shall
2 expire on March 15, 2022.

3 ²b. 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 customer
6 for the unpaid balance of any water charges accrued between the
7 declaration of a public health emergency in Executive Order No.
8 103 of 2020 and March 15, 2022, a local authority, municipal
9 utility, or public utility shall offer the residential customer a utility
10 service bill payment plan for the unpaid balance of any water
11 charges accrued prior to March 15, 2022. The utility service bill
12 payment plan shall have a minimum 12 month duration unless the
13 residential customer requests a shorter payback period, and shall not
14 require payment of a down payment, deposit, reconnection costs,
15 interest, or penalties. The local authority, municipal utility, or
16 public utility may offer residential customers a combined payment
17 and payment forgiveness plan with a duration of less than 12
18 months that involves forgiveness of at least 50 percent of the
19 outstanding principal upon the consent of the residential customer.
20 If a residential customer does not agree to a utility service bill
21 payment plan pursuant to this subsection within 30 days of being
22 offered the plan by the local authority, municipal utility, or public
23 utility, the local authority, municipal utility, or public utility may
24 take appropriate enforcement action after March 15, 2022, including
25 discontinuing service or placing, selling, or enforcing a lien, to the
26 extent otherwise permitted by law.

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

1 cooperative may take appropriate enforcement action after March
2 15, 2022, including discontinuing service or placing, selling, or
3 enforcing a lien, to the extent otherwise permitted by law.

4 d. Notwithstanding any other provisions of law, prior to
5 discontinuing service to a residential customer for the unpaid
6 balance of any electric or gas charges accrued between the
7 declaration of a public health emergency in Executive Order No.
8 103 of 2020 and the expiration date of Executive Order No. 246 of
9 2021, or in the case of a customer participating in the Winter
10 Termination Program set forth in N.J.A.C.14:3-3A.5, any electric or
11 gas charges accrued between the declaration of a public health
12 emergency in Executive Order No. 103 of 2020 and March 15,
13 2022, a public utility shall offer the residential customer a utility
14 service bill payment plan for the unpaid balance of any electric or
15 gas charges accrued prior to the expiration date of Executive Order
16 No. 246 of 2021 or, in the case of a customer participating in the
17 Winter Termination Program set forth in N.J.A.C.14:3-3A.5, any
18 electric or gas charges accrued prior to March 15, 2022. The utility
19 service bill payment plan shall have a minimum 12 month duration
20 unless the residential customer requests a shorter payback period,
21 and shall not require payment of a down payment, deposit,
22 reconnection costs, interest, or penalties. The public utility may
23 offer residential customers a combined payment and payment
24 forgiveness plan with a duration of less than 12 months that
25 involves forgiveness of at least 50 percent of the outstanding
26 principal upon the consent of the residential customer. If a
27 residential customer does not agree to a utility service bill payment
28 plan pursuant to this subsection within 30 days of being offered the
29 plan by the public utility, the public utility may take appropriate
30 enforcement action after the expiration of Executive Order 246 of
31 2021 or for customers participating in the Winter Termination
32 Program set forth in N.J.A.C.14:3-3A.5 after March 15, 2022,
33 including discontinuing service, to the extent otherwise permitted
34 by law.

35 e. Notwithstanding any other provisions of law, prior to
36 discontinuing service to a residential customer, or placing, selling,
37 or enforcing a lien on real property owned by a residential
38 customer, for the unpaid balance of any sewer charges accrued
39 between the declaration of a public health emergency in Executive
40 Order No. 103 of 2020 and March 15, 2022 that had not been sold
41 at tax sale as of January 1, 2022, a local authority, municipal utility,
42 or public utility shall offer a residential customer a utility service
43 bill payment plan for the unpaid balance of any sewer charges
44 accrued between the declaration of a public health emergency in
45 Executive Order No. 103 of 2020 and 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,

1 and shall not require a down payment, deposit, reconnection costs,
2 interest, or penalties. The local authority, municipal utility, or
3 public utility may offer residential customers a combined payment
4 and payment forgiveness plan with a duration of less than 12
5 months that involves forgiveness of at least 50 percent of the
6 outstanding principal upon the consent of the residential customer.
7 If a residential sewer customer does not agree to a utility service
8 bill payment plan within 30 days of being offered a plan by the
9 local authority, municipal utility, or public utility, the local
10 authority, municipal utility, or public utility may take appropriate
11 enforcement action after March 15, 2022, to the extent otherwise
12 permitted by law.

13 f. Utility service bill payment plans offered by municipal
14 utilities and local authorities pursuant to subsections b., c., and e. of
15 this section shall be subject to the provisions of R.S.54:5-19
16 pertaining to installment agreements, except as otherwise provided
17 in this section, and that a residential customer shall be offered a
18 utility service bill payment plan for the payment of water, sewer, or
19 electric charges that became delinquent notwithstanding whether a
20 parcel of property is already subject to an installment payment plan
21 pursuant to law.

22 g. No local authority, municipal utility, or public utility shall
23 collect any interest, fee, or charge from residential customers for
24 late or otherwise untimely payments of water charges that accrued
25 between the declaration of a public health emergency in Executive
26 Order No. 103 of 2020 and March 15, 2022. A local authority,
27 municipal utility, or public utility may charge and collect fees,
28 interest, and penalties for delinquent water charges that accrued
29 prior to the declaration of a public health emergency in Executive
30 Order No. 103 of 2020 and after March 15, 2022, as permitted by
31 law.

32 h. No municipal electric utility or rural electric cooperative
33 shall collect any interest, fee, or charge from residential customers
34 for late or otherwise untimely payments of electric charges that
35 accrued between the declaration of a public health emergency in
36 Executive Order No. 103 of 2020 and March 15, 2022. A local
37 authority, municipal utility, or public utility may charge and collect
38 fees, interest, and penalties for delinquent electric charges that
39 accrued prior to the declaration of a public health emergency in
40 Executive Order No. 103 of 2020 and after March 15, 2022, as
41 permitted by law.

42 i. No public utility shall collect any interest, fee, or charge
43 from residential customers for late or otherwise untimely payments
44 of electric or gas charges that accrued between the declaration of a
45 public health emergency in Executive Order No. 103 of 2020 and
46 the expiration date of Executive Order No. 246 of 2021, or in the
47 case of a customer participating in the Winter Termination Program

1 set forth in N.J.A.C.14:3-3A.5, that accrued between the declaration
 2 of a public health emergency in Executive Order No. 103 of 2020
 3 and March 15, 2022. A public utility may charge and collect fees,
 4 interest, and penalties for delinquent electric or gas charges that
 5 accrued prior to the declaration of a public health emergency in
 6 Executive Order No. 103 of 2020 and after the expiration date of
 7 Executive Order No. 246 of 2021 or March 15, 2022, as applicable,
 8 as permitted by law.

9 j. No local authority, municipal utility, or public utility shall
 10 collect any interest, fee, or charge for late or otherwise untimely
 11 payments of sewer charges that accrued between January 1, 2022
 12 and March 15, 2022, or that accrued between the declaration of a
 13 public health emergency in Executive Order No. 103 of 2020 and
 14 December 31, 2021 and had not been sold at tax sale as of January
 15 1, 2022. A local authority, municipal utility, or public utility may
 16 charge and collect fees, interest and penalties for delinquent sewer
 17 charges that accrued prior to the declaration of a public health
 18 emergency in Executive Order No. 103 of 2020 and after March 15,
 19 2022, as permitted by law.²

21 ²[2] ³. As used in sections ²[2] ³ through ²[4] ⁵ of P.L. ,
 22 c. (C.) (pending before the Legislature as this bill):

23 “Board” means ²the² Board of Public Utilities or any successor
 24 agency.

25 “Department” means the Department of Community Affairs.

26 “Local authority” means an authority, as defined in section 3 of
 27 P.L.1983, c.313 (C.40A:5A-3), ²or a water district established
 28 pursuant to R.S.40:62-96 et seq.² that provides ²electric,² sewer or
 29 water service.

30 “Municipal utility” means a municipal public utility, as defined
 31 in N.J.S.40A:1-1, that provides ²electric,² sewer or water service.

32 “Program” means the Winter ²[Sewer and Water]² Termination
 33 Program established pursuant to section ¹[2] ²[3¹] ⁴ of
 34 P.L. , c. (C.) (pending before the Legislature as this bill).

35 “Residential customer” means a residential ²customer of record
 36 of a² local authority ²[or] ², ² municipal utility ²[customer of
 37 record] ², ²or rural electric cooperative,² or any residential tenant of a
 38 residence where the owner or any agent or other representative of
 39 the owner of the residence is a non-residential customer of record
 40 ²of the local authority, municipal utility, or rural electric
 41 cooperative².

42 “Utility emergency” means any condition constituting a potential
 43 danger to life, health, or property requiring a local authority or a
 44 municipal utility to ¹[immediately]¹ discontinue ¹[or] ¹, ¹ interrupt
 45 ¹, ¹or maintain the discontinuation or interruption of¹ ²electric,²

1 sewer or water service or that results in an unscheduled
2 discontinuance or interruption in ²electric,² sewer or water service.

3
4 ²[3] ⁴². a. Within ²[60] ¹²⁰² days of the effective date of
5 P.L. , c. (C.) (pending before the Legislature as this bill),
6 the Department of Community Affairs shall establish a Winter
7 ²[Sewer and Water]² Termination Program, which shall prohibit a
8 local authority ²[or] ²,² municipal utility ², or rural electric
9 cooperative² from discontinuing service during the period from
10 November 15 through March 15, to a residential customer deemed
11 qualified for program eligibility by the department. The program
12 shall reflect the provisions of the Winter Termination Program for
13 residential electric and gas public utility service, established by the
14 board and published in the New Jersey Administrative Code, as
15 appropriate for ²residential electric,² sewer and water service. The
16 program shall include:

17 b. ²[in] In² addition to categorical eligibility for customers
18 receiving assistance under programs specified in the eligibility
19 criteria in the board's Winter Termination Program for residential
20 electric and gas service:

21 (1) categorical eligibility for any customer receiving assistance
22 under the Low Income Household Water Assistance Program
23 established pursuant to the Consolidated Appropriations Act of
24 2021, Pub.L. 116-260, or any other State or local program that
25 provides assistance specifically to help eligible customers pay
26 ²electric,² sewer or water bills;

27 (2) a process, in a form and manner to be determined by the
28 department, which allows a residential customer to self-certify an
29 inability to pay their local authority or municipal utility bill due to
30 circumstances beyond the customer's control, provided that the
31 circumstances shall include, but not be limited to, unemployment,
32 illness, medically related expenses, recent death of an immediate
33 family member, and any other circumstances that might cause
34 financial hardship; and

35 (3) a requirement that a local authority or municipal utility shall
36 maintain or reconnect ²electric, sewer, or² water service if a
37 residential customer ²of a local authority, municipal utility, or rural
38 electric cooperative² can ²[demonstrate, in a manner determined by
39 the department, that the customer has met the requirements
40 provided in paragraph (1) of this subsection or] prove that they
41 have submitted an application for assistance under² the Low Income
42 Household Water Assistance Program established pursuant to the
43 Consolidated Appropriations Act of 2021, Pub.L. 116-260 or any
44 other State, local, or utility program that provides assistance or
45 discounted rates specifically to help eligible customers pay
46 ²electric,² sewer or water bills ², before such application has been

1 approved, denied, or withdrawn,² ¹, unless there is a utility
 2 emergency¹. ²Upon request, the residential customer shall provide
 3 the local authority, municipal utility, or rural electric cooperative
 4 with an update on the status of the application.²

5
 6 ²[4] 5². The department, in consultation with the Board of
 7 Public Utilities, shall promulgate rules and regulations, pursuant to
 8 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
 9 1 et seq.), to effectuate the purpose of sections ²[2] 3² and ²[3] 4²
 10 of P.L. , c. (C.) (pending before the Legislature as this
 11 bill).

12
 13 ²[5] 6². As used in sections ²[5] 6² through ²[7] 8² of P.L. ,
 14 c. (C.) (pending before the Legislature as this bill):

15 “Board” means the Board of Public Utilities or any successor
 16 agency.

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 ²customer of record
 20 of a² public utility ²[customer of record]² or any residential tenant
 21 of a residence where the owner or any agent or other representative
 22 of the owner of the residence is a non-residential customer of record
 23 ²of the public utility².

24 “Utility emergency” means any condition constituting a potential
 25 danger to life, health, or property requiring a sewer or water public
 26 utility to ¹[immediately]¹ discontinue ¹[or] ¹,¹ interrupt ¹, or
 27 maintain the discontinuation or interruption of¹ sewer or water
 28 service or that results in an unscheduled discontinuance or
 29 interruption in sewer or water service.

30
 31 ²[6] 7². Within ²[60] 120² days of the effective date of P.L. ,
 32 c. (C.) (pending before the Legislature as this bill), the Board
 33 of Public Utilities shall include each sewer and water public utility
 34 in the board’s Winter Termination Program as established by the
 35 board pursuant to rules and regulations adopted by the board and
 36 published in the New Jersey Administrative Code. In addition to the
 37 inclusion of sewer and water public utilities, the board shall
 38 establish within the Winter Termination Program:

39 a. categorical eligibility for any customer receiving assistance
 40 under the Low Income Household Water Assistance Program
 41 established pursuant to the Consolidated Appropriations Act of
 42 2021, Pub.L. 116–260 or any other State, local, or utility program
 43 that provides assistance specifically to help eligible customers pay
 44 sewer or water bills;

45 b. a process, in a form and manner to be determined by the
 46 board, which allows a residential customer to self-certify an

1 inability to pay their public utility bill due to circumstances beyond
2 the customer's control, provided that the circumstances shall
3 include, but not be limited to, unemployment, illness, medically
4 related expenses, recent death of an immediate family member, and
5 any other circumstances that might cause financial hardship; and
6 c. a requirement that a water public utility shall maintain or
7 reconnect ¹~~["without charge"]~~¹ water public utility service if ²~~["a"]~~ the
8 water public utility² residential customer can ²~~["demonstrate, in a~~
9 ~~manner determined by the board, that the customer has met the~~
10 ~~requirements provided in subsection a. of this section or the"]~~ prove
11 they have submitted an application for assistance under the² Low
12 Income Household Water Assistance Program established pursuant
13 to the Consolidated Appropriations Act of 2021, Pub.L. 116–260 or
14 any other State, local, or utility program that provides assistance or
15 discounted rates specifically to help eligible customers pay sewer or
16 water bills ², before such application has been approved, denied, or
17 withdrawn.² ¹, unless there is a utility emergency¹. ²Upon request,
18 the residential customer shall provide the public utility with an
19 update on the status of the application.²

20

21 ²~~["7"]~~ 8². The board shall promulgate rules and regulations,
22 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
23 (C.52:14B-1 et seq.), to effectuate the purpose of sections ²~~["5"]~~ 6²
24 and ²~~["6"]~~ 7² of P.L. ,c. (C.) (pending before the Legislature
25 as this bill).

26

27 ²~~["8."] 9.~~² This act shall take effect immediately.