

**SENATE, No. 4081**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED NOVEMBER 15, 2021

**Sponsored by:**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



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

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

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8 1. The provisions of Executive Order No. 246 of 2021  
9 concerning a grace period for residential customers of certain  
10 utilities, including paragraphs two through four, nine through 14, 16  
11 through 18, and 21, shall remain in effect for any local authority,  
12 municipal utility, and public utility that provides sewer or water  
13 service through March 15, 2022. Any residential customer sewer or  
14 water service discontinuance occurring between the end of the grace  
15 period established pursuant to Executive Order No. 246 of 2021 and  
16 the effective date of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill) shall be nullified and service shall be restored  
18 immediately. Notwithstanding any other provisions of law, a local  
19 authority or municipal utility shall not place, sell, or enforce a lien  
20 on real property for the unpaid balance of any water or sewer charges  
21 until after the expiration of the extended grace period pursuant to this  
22 section. The extended grace period provided for in this section shall  
23 expire on March 15, 2022.

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25 2. As used in sections 2 through 4 of P.L. , c. (C. )  
26 (pending before the Legislature as this bill):

27 “Board” means Board of Public Utilities or any successor agency.

28 “Department” means the Department of Community Affairs.

29 “Local authority” means an authority, as defined in section 3 of  
30 P.L.1983, c.313 (C.40A:5A-3), that provides sewer or water service.

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

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

36 “Residential customer” means a residential local authority or  
37 municipal utility customer of record or any residential tenant of a  
38 residence where the owner or any agent or other representative of the  
39 owner of the residence is a non-residential customer of record.

40 “Utility emergency” means any condition constituting a potential  
41 danger to life, health, or property requiring a local authority or a  
42 municipal utility to immediately discontinue or interrupt sewer or  
43 water service or that results in an unscheduled discontinuance or  
44 interruption in sewer or water service.

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46 3. a. Within 60 days of the effective date of  
47 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
48 Department of Community Affairs shall establish a Winter Sewer and

1 Water Termination Program, which shall prohibit a local authority or  
2 municipal utility from discontinuing service during the period from  
3 November 15 through March 15, to a residential customer deemed  
4 qualified for program eligibility by the department. The program  
5 shall reflect the provisions of the Winter Termination Program for  
6 residential electric and gas public utility service, established by the  
7 board and published in the New Jersey Administrative Code, as  
8 appropriate for sewer and water service. The program shall include:

9 b. in addition to categorical eligibility for customers receiving  
10 assistance under programs specified in the eligibility criteria in the  
11 board's Winter Termination Program for residential electric and gas  
12 service:

13 (1) categorical eligibility for any customer receiving assistance  
14 under the Low Income Household Water Assistance Program  
15 established pursuant to the Consolidated Appropriations Act of 2021,  
16 Pub.L. 116-260, or any other State or local program that provides  
17 assistance specifically to help eligible customers pay sewer or water  
18 bills;

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

27 (3) a requirement that a local authority or municipal utility shall  
28 maintain or reconnect water service if a residential customer can  
29 demonstrate, in a manner determined by the department, that the  
30 customer has met the requirements provided in paragraph (1) of this  
31 subsection or the Low Income Household Water Assistance Program  
32 established pursuant to the Consolidated Appropriations Act of 2021,  
33 Pub.L. 116-260 or any other State, local, or utility program that  
34 provides assistance or discounted rates specifically to help eligible  
35 customers pay sewer or water bills.

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37 4. The department, in consultation with the Board of Public  
38 Utilities, shall promulgate rules and regulations, pursuant to the  
39 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
40 seq.), to effectuate the purpose of sections 2 and 3 of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill).

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43 5. As used in sections 5 through 7 of P.L. , c. (C. )  
44 (pending before the Legislature as this bill):

45 "Board" means the Board of Public Utilities or any successor  
46 agency.

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

1       “Residential customer” means a residential public utility customer  
2 of record or any residential tenant of a residence where the owner or  
3 any agent or other representative of the owner of the residence is a  
4 non-residential customer of record.

5       “Utility emergency” means any condition constituting a potential  
6 danger to life, health, or property requiring a sewer or water public  
7 utility to immediately discontinue or interrupt sewer or water service  
8 or that results in an unscheduled discontinuance or interruption in  
9 sewer or water service.

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11       6. Within 60 days of the effective date of P.L. , c. (C. )  
12 (pending before the Legislature as this bill), the Board of Public  
13 Utilities shall include each sewer and water public utility in the  
14 board’s Winter Termination Program as established by the board  
15 pursuant to rules and regulations adopted by the board and published  
16 in the New Jersey Administrative Code. In addition to the inclusion  
17 of sewer and water public utilities, the board shall establish within  
18 the Winter Termination Program:

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

25       b. a process, in a form and manner to be determined by the  
26 board, which allows a residential customer to self-certify an inability  
27 to pay their public utility bill due to circumstances beyond the  
28 customer’s control, provided that the circumstances shall include, but  
29 not be limited to, unemployment, illness, medically related expenses,  
30 recent death of an immediate family member, and any other  
31 circumstances that might cause financial hardship; and

32       c. a requirement that a water public utility shall maintain or  
33 reconnect without charge water public utility service if a residential  
34 customer can demonstrate, in a manner determined by the board, that  
35 the customer has met the requirements provided in subsection a. of  
36 this section or the Low Income Household Water Assistance Program  
37 established pursuant to the Consolidated Appropriations Act of 2021,  
38 Pub.L. 116–260 or any other State, local, or utility program that  
39 provides assistance or discounted rates specifically to help eligible  
40 customers pay sewer or water bills..

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42       7. The board shall promulgate rules and regulations, pursuant to  
43 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
44 seq.), to effectuate the purpose of sections 5 and 6 of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill).

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47       8. This act shall take effect immediately.

STATEMENT

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This bill provides that the provisions of Executive Order No. 246 of 2021 concerning a grace period for residential customers of certain utilities are to remain in effect for any local authority, municipal utility, and public utility that provides sewer or water service through March 15, 2022 Any residential customer sewer or water service discontinuance occurring between the termination date of the grace period established pursuant to the executive order and the effective date of this bill are to be nullified and service is to be restored immediately. The extended grace period is to expire on March 15, 2022.

This bill directs the Department of Community Affairs (DCA) to establish a Winter Sewer and Water Winter Termination Program, which is to prohibit a local authority or municipal utility providing sewer or water service from discontinuing service during the period from November 15 through March 15, for residential customers. The program is to reflect the provisions of the Winter Termination Program (WTP) for residential electric and gas public utility service, established by the Board of Public Utilities (BPU), as appropriate for sewer and water service. The program is to include additional requirements as enumerated in the bill.

The bill requires the BPU to apply the provisions of the BPU-established WTP to sewer and water public utilities, in addition to electric and gas public utilities. The bill requires the BPU to make certain additions to the provisions of the WTP as enumerated in the bill.