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.