



# State Senator Liz Krueger's Guide to Utility Rights and Assistance Winter 2022



Dear Neighbor,

In recent years, my office has been hearing from a growing number of constituents struggling to pay their electricity bills and/or experiencing disputes with their utility companies. The financial hardships caused by the pandemic, along with the skyrocketing costs of natural gas and electricity, have led to an unprecedented amount of arrears owed by millions of New York residential customers. If you have fallen behind on your utility bills, you are not alone and may be eligible for financial assistance.

Electricity bills are unfortunately expected to continue rising this winter due to the global increase in the cost of natural gas, which generates 90% of the electricity we use in New York City. As we continue to transition our state to renewable forms of energy, we will see more and more New Yorkers freed from dramatic spikes in the cost of energy driven by our reliance on fossil fuels. In addition, recently passed and pending legislation will begin to take the edge off of rising bills. For example, last year the Legislature passed the Advanced Building Codes, Appliance and Equipment Efficiency Standards Act which, once fully implemented, is expected to save New York consumers over \$260 million annually on their bills. The federal Inflation Reduction Act, passed earlier this year in Washington, will also invest \$9 billion in helping to make new and existing homes more energy efficient. I also carry legislation, the Gas Transition & Affordable Energy Act, which will create downward pressure on rates over time by mandating an orderly, equitable, and affordable decarbonization of our state's gas distribution system.

This newsletter provides a general overview of key protections residential electric and natural gas customers have under New York State law, the financial assistance programs available through government and utilities, steps to take if your bill is already in arrears and/or you are facing a potential shutoff, and contact information for government agencies and nonprofit organizations that may be able to help. Please note that there may be exceptions to guidelines outlined and my office cannot provide legal advice. You will also find details about how to file a complaint if you have an unresolved dispute with a utility and tips for improving the energy efficiency of your home. While certain sections of this newsletter have been written with New York City residents and Con Edison customers in mind, other localities and utilities throughout the state offer similar programs.

I hosted a virtual town hall meeting earlier this year titled "Skyrocketing Utility Costs: Why Is My Con Ed Bill So High?" with experts from the New York Public Utility Law Project (PULP), a nonprofit advocacy group dedicated to educating and advocating for consumers experiencing difficulties with utilities. If you are interested in learning more about any of the topics discussed in this newsletter, you can find a recording of the event and the materials presented at <https://www.nysenate.gov/newsroom/video/liz-krueger/skyrocketing-utility-costs-why-my-con-ed-bill-so-high>. PULP also has many answers to frequently asked questions about utility rights and benefit programs on its website (<https://utilityproject.org/>) and staff who can provide guidance on individual issues.

If you need assistance, or would like additional copies of this newsletter, please contact my office.

Liz

## YOUR RIGHTS & PROTECTIONS AS AN ELECTRIC OR NATURAL GAS CUSTOMER

The New York **Public Service Commission (PSC)** regulates the state's electric, gas, steam, telecommunications, and water utilities, and oversees the cable industry. The Department of Public Service is the staff arm of the PSC. If you disagree with a bill and are unable to get a satisfactory resolution from your utility company, you can file a complaint with the PSC (you should always try to resolve it with your utility company first). Complaints can be filed by phone at 800-342-3377, online, by mail, or in person at a PSC office. See [www.dps.ny.gov/complaints](http://www.dps.ny.gov/complaints) for details. Your complaint will be investigated and a written response will be issued, if requested. While your complaint is being investigated, service must be continued as long as you pay the charges that are not under protest.

The **New York State Home Energy Fair Practices Act (HEFPA)**, also known as the Utility Consumers' Bill of Rights, provides a wide range of consumer protections to residential electric and natural gas customers. Among the most important are the following:

- You must be provided with utility service within five business days of an application, subject to certain conditions.
- You must be given a summary of rights and obligations when service is initiated and at least annually thereafter. Consumer rights guides are also available online at [www.AskPSC.com](http://www.AskPSC.com).
- Security deposits are generally prohibited and, if allowed, you may pay them in installments up to 12 months.
- Late payment charges on unpaid balances are limited to no more than 1.5% monthly (18% annually).
- You must be given the option to pay overdue bills in reasonable installments—see below for more information on Deferred Payment Agreements.
- You must be offered budget (often known as "level") billing to even out bills that are high in one season and low in another so that your charges remain the same throughout the year. These payment plans do not reduce your overall energy bill for the year but can help you manage your monthly budget.

- You may designate a relative or friend to receive copies of notices relating to service termination or other credit actions.
- If you have a dispute and you file a complaint with the NYS Department of Public Service, your service cannot be shut off for the disputed amount while the complaint is being resolved and you are paying the non-disputed amount.
- If you are on a fixed income, you may have your bill due date adjusted by contacting your service provider.
- The NY State Department of Public Service operates an emergency Hotline (800-342-3355) open Monday to Friday from 7:30 a.m. to 7:30 p.m. for residential customers facing electric or gas shutoffs.

## Overdue Electric and Natural Gas Bills and Service Shutoffs

- If you fail to pay overdue bills, your electric or gas service may be shut off. However, your service cannot be disconnected for at least 35 days:
  - Utilities cannot take any action until your payment is at least 20 days past due.
  - Utilities must issue a final written termination notice at least 15 days before shutting off service.
- In most cases, your utility company cannot ask you to pay everything you owe to prevent a shutoff or to get service restored. Customers generally must be offered affordable payment agreements, called Deferred Payment Agreements, to pay arrears for past utility service over time. Deferred Payment Agreements are required to be in writing, signed by the customer and a utility representative, tailored to each customer's financial circumstances, and may be amended if a customer's financial circumstances change.
- Customers unable to resolve disputes with utilities about the terms of a payment agreement can contact the NY State Public Service Commission's emergency hotline at 800-342-3355.
- Shutoffs are only permitted between 8:00 a.m. and 4:00 p.m., Monday through Thursday. They are prohibited on holidays, the day before a holiday, and the two-week period encompassing Christmas and New Year's Day.
- If you live in an apartment building or a two-family house and your landlord is responsible but fails to pay the electric or gas bill for the building, the utility must advise you of the landlord's non-payment and the utility's intention to shut off service. The notice will tell you how to contact the utility so that it can help you and other tenants work out a way to avoid service disconnection, even if the landlord refuses to make payments.

HEFPA provides **special protections** and shut off procedures for circumstances where customer health and safety may be threatened by lack of service.

## Cold Weather Protections

Between November 1 and April 15, your provider must make a special effort to determine whether terminating heat-related service will result in serious impairment to your health or safety.

## Medical Emergencies

If you or someone in your household has a serious illness or medical condition that will be aggravated by the termination of utility service, your service may not be shut off if you get a certification by a doctor or local board of health. If your condition continues for more than 30 days, the doctor may be required to renew the certificate, and you will need to demonstrate your inability to pay. If the electric or gas service is required to operate a life-support system, the medical certificate remains in effect until terminated by the Department of Public Service. However, every three months, you must show your provider why you can't pay your bill. Your provider will code your account to ensure service is maintained at your residence.

## Older Adults and People with Disabilities

If you are blind, have a disability or 62 or older and all remaining residents of your household are 62 or older, 18 or younger, or blind or have a disability, your utility must make special attempts to contact you at least three days before shutting off your service. You must notify your utility if you meet the qualifications so that service will not be terminated by mistake.

## If you receive a final notice of termination:

- Call your utility first to try to make a deferred payment agreement that is reasonable and affordable.
- If you are unable to make an arrangement and facing the termination of service, call the NY State Department of Public Service's Emergency hotline at 1-800-342-3355 for assistance.
- Apply for the Home Energy Assistance Program (HEAP) if you have not already done so. See the "Financial Assistance" section below for more information on HEAP.
- NYC residents who have had their gas or electricity shut off, or received a notice stating it will be turned off, may be eligible for Emergency Assistance (often called a "One Shot Deal") from the NYC Human Resources Administration (HRA). More information is available at <https://access.nyc.gov/programs/one-shot-deal/>, by calling the HRA Infoline at 718-557-1399, or in person at any HRA Benefits Access Center.
- If you have questions about your rights or need further assistance, contact the Public Utility Law Project at 877-669-2572 or [info@utilityproject.org](mailto:info@utilityproject.org).

Additional information about the protections offered to utility customers under state law is available in a guide on the NY Department of Public Service's website titled "Consumer Guide: Your Rights as a Residential Gas, Electric or Steam Customer Under HEFPA."

## FINANCIAL ASSISTANCE

### Home Energy Assistance Program (HEAP)

HEAP is a federally funded program that provides annual grants to help income-eligible homeowners and renters pay for their energy costs. Monthly income limits vary by household size (the maximum monthly income for a one person household is \$2,852 and \$5,485 for a 4 person household) and there no asset limits. HEAP is available to households that pay directly for heat and to those where heat is included in rent. HEAP includes the following benefits:

**Regular Benefit** – assists households that pay a high proportion of house-hold income for heat or heat-related energy. Annual grant generally ranges between \$21 and \$900 based on whether a household pays directly for heating costs, type of housing, and source of heat. The 2022-23 Regular Benefit opened on November 1, 2022 and is scheduled to operate through March 15, 2023.

**Emergency Benefit** – assists households who are facing a heat or heat-related energy emergency. If you have an emergency, contact your local Department of Social Services office. Income limits are lower than those for the Regular Benefit. The yearly application period is scheduled to be open from January 3, 2023 through March 15, 2023.

**Heating Equipment Repair and Replacement** - helps income eligible homeowners repair or replace furnaces, boilers, and other direct heating equipment necessary to keep their primary heating source functional. The application period opened on October 3, 2022 and is scheduled to operate through September 29, 2023.

**Cooling Assistance Benefit** - provides for cooling assistance services to households that include an individual with a documented medical condition that is exacerbated by extreme heat. Applications are expected to be accepted from May 1, 2023 through August 31, 2023.

Additional details about HEAP are available at <https://otda.ny.gov/programs/heap/>. NYC residents can determine their eligibility and obtain an application online at <https://www.nyc.gov/site/hra/help/energy-assistance.page>. You can also call the NYC HRA HEAP unit at 212-331-3126 or the NYC HEAP Infoline at 800-692-0557 with any questions or for an application. NYC residents who receive SNAP benefits and/or Cash Assistance should be automatically enrolled in HEAP.

### Energy Affordability Program

Through the Energy Affordability Program, Con Edison customers who receive certain types of government assistance are eligible for discounts on their monthly energy bills.

Con Edison customers should be enrolled automatically if the utility is notified by a government agency that a customer is receiving HEAP, SNAP, SSI, or public

assistance but this does not always happen. Customers who are automatically enrolled will receive a letter from Con Edison that will provide details about when they can expect to receive a discount. Check your online account or bill if you aren't certain whether you've been automatically enrolled.

Customers will not be automatically enrolled if they receive Medicaid, Federal Public Housing Assistance, the Veterans Pension and Survivors Benefit, or Lifeline, and must submit an application to Con Edison.

Applications can be submitted online, via email, by mail, by fax, or in person. Visit <https://www.coned.com/en/accounts-billing/payment-plans-assistance/help-paying-your-bill> for more details and applications.

### New York State Bill Relief Program

In response to the unprecedented number of New Yorkers with utility arrears during the pandemic, the FY2023 state budget included \$250 million in funding to provide assistance to low-income residents with unpaid residential electricity and/or gas bills accrued through May 1, 2022. In order to receive a bill credit through the program for a past-due balance for service through May 1, residential customers must be enrolled in their utility's Energy Affordability Plan by December 31, 2022 or have received benefits from either the Emergency Rental Assistance Program (ERAP) or the HEAP-Regular Arrears Supplement (RAS). Con Edison customers can find answers to frequently asked questions about the program at <https://www.coned.com/en/accounts-billing/payment-plans-assistance/help-paying-your-bill/arrears-faq>.

## MONEY SAVING ENERGY TIPS

- Install LED bulbs, which last 25 times longer and use at least 75 percent less electricity than incandescent bulbs.
- Open your shades and drapes during the day to let the sun's warmth in, and close them at night to keep cold air out.
- Insulate your windows and doors
- Insulate and seal heating ducts to prevent wasting 10-20 percent of your energy.
- Close vents in rooms not in use.
- Regularly clear air conditioner filters and refrigerator coils.
- Use ENERGY STAR appliances.
- Caulk cracks around windows and doors.
- Lower your thermostat—for every degree you lower it, you could save 3 percent on your heating bills.
- Use a programmable thermostat, which can lead to savings of hundreds of dollars a year

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## ENERGY EFFICIENCY PROGRAMS

In addition to low-cost or no-cost steps you can do yourself, New York State and the state's utilities offer several programs to improve the energy efficiency of your home. These improvements will help lower your energy use and make your utility bills more affordable. There are also programs to help low-income customers with energy efficiency solutions, sometimes at no cost to the resident. Contact your local utility to learn about programs that may be available to you.

- NYS Energy Research and Development Authority (NYSERDA) offers a variety of residential programs that provide financial incentives and low cost financing to help make energy efficiency improvements more affordable. In addition, there are programs that offer energy efficiency improvements and financial and energy management education for low-income customers. To learn more about these programs, visit <https://www.nyserdanyc.gov/residents-and-homeowners> or call

1-866-NYSERDA (1-866-697-3732).

- Community Solar: Utility customers, including renters, co-op and condo owners, and businesses, can sign up for community solar to save money every month on their electric bills. Consumers can subscribe to a Community Solar project where available and start receiving credits on their electric bill for the clean energy produced by a solar farm. To get started, go to <https://www.nyserdanyc.gov/communitysolar>.
- NYS Homes and Community Renewal oversees the NYS Weatherization Assistance Program which provides income-eligible families and individuals with energy efficiency measures designed to reduce the amount of energy required to heat and cool homes, and provide hot water. Weatherization services are available to both homeowners and renters, with priority given to senior citizens, families with children, and persons with disabilities. To learn more about the program, call 1-518-474-5700 or visit <https://hcr.ny.gov/weatherization>.

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## State Senator Liz Krueger's

## Guide to Utility Rights and Assistance Winter 2022



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## RESOURCES

### NY State Department of Public Service

<https://www.dps.ny.gov/>

Consumer Assistance Helpline (general complaints and inquires): 800-342-3377

Emergency Hotline (for residential electric and gas shutoffs): 800-342-3355

### Public Utility Law Project of NY

<https://utilityproject.org/>

(877) 669-2572

[info@utilityproject.org](mailto:info@utilityproject.org)

### Home Energy Assistance Program (HEAP)

<https://www.nyc.gov/site/hra/help/energy-assistance.page>

NYC HEAP unit: 212-331-3126

NYC HEAP Infoline: 800-692-0557

### NY State Energy Research and Development Authority

<https://www.nyserdanyc.gov/residents-and-homeowners>  
866--697-3732

### NYS Weatherization Assistance Program

<https://hcr.ny.gov/weatherization>  
518-474-5700

### Con Edison

<https://www.coned.com/en/accounts-billing/payment-plans-assistance>

<https://www.coned.com/en/save-money/tips-to-lower-your-bill>