

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

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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

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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

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more than 60 days

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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]~~ ^(seven)² 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]~~ ¹ address ¹, and utility account number ¹ 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.

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

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