

P.L. 2023, CHAPTER 33, *approved April 5, 2023*
Senate, No. 3333 (*First Reprint*)

1 AN ACT concerning the Low Income Household Water Assistance
2 Program ¹and supplementing Title 40A of the New Jersey
3 Statutes and Title 48 of the Revised Statutes¹.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. As used in this section:

9 “Department” means the Department of Community Affairs.

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

14 “Municipal utility” means a municipal public utility, as defined
15 in N.J.S.40A:1-1, ¹a joint meeting or regional service agency, as
16 defined in section 3 of P.L.2007, c.63 (C.40A:65-3), or a water
17 commission appointed pursuant to R.S.40:62-109,¹ that provides
18 water or wastewater service.

19 “Program” means the Low Income Household Water Assistance
20 Program, established pursuant to the “Consolidated Appropriations
21 Act, 2021,” Pub.L.116-260, and administered by the department.

22 ¹“Qualifying customer” means a residential customer who has
23 been approved by the department to participate in the program.¹

24 “Residential customer” means a residential customer of record of
25 a local authority or municipal utility, or any residential tenant of a
26 residence where the owner of the residence, or any agent or other
27 representative thereof, is a customer of record of the local authority
28 or municipal utility.

29 “Vendor contract” means one or more written agreements
30 entered into between a local authority or municipal utility and the
31 department to effectuate the local authority or municipal utility’s
32 participation in the program, which agreement or agreements shall
33 allow ¹otherwise eligible¹ qualifying¹ customers of the local
34 authority or municipal utility to participate in the program.

35 b. ¹Each local authority or municipal utility shall enter into a
36 vendor contract with the department and participate in the program,
37 as required under the vendor contract. Notwithstanding any
38 provision of law or regulation to the contrary, and to the extent
39 permitted under federal law, the vendor contract shall not prohibit a

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 SEG committee amendments adopted February 16, 2023.

1 local authority or municipal utility from undertaking any of the
2 following actions after September 30, 2023:

3 (1) assessing interest on the unpaid balance of the water or
4 wastewater service charges of any qualifying customer, except as
5 otherwise provided in paragraph (3) of subsection g. of this section;

6 (2) discontinuing the water or wastewater service of any
7 qualifying customer for non-payment, except in the case of a
8 qualifying customer who is enrolled in a deferred payment
9 agreement with the local authority or municipal utility and complies
10 with all requirements of the agreement; or

11 (3) placing, selling, or enforcing a lien on real property for the
12 unpaid balance of the water or wastewater service charges of any
13 qualifying customer.

14 c.¹ (1) ¹【While the program remains in operation】 Before
15 October 1, 2023¹, if a local authority or municipal utility fails to
16 enter into a vendor contract with the department, or otherwise fails
17 to allow ¹【eligible residential】 qualifying¹ customers to receive
18 assistance under the program, the local authority or municipal
19 utility shall be prohibited from:

20 (a) discontinuing the water or wastewater service of any
21 residential customer for non-payment; and

22 (b) placing, selling, or enforcing a lien on real property for the
23 unpaid balance of the water or wastewater service charges of any
24 residential customer.

25 (2) ¹【While the program remains in operation】 Before October
26 1, 2023¹, each local authority or municipal utility shall advertise,
27 ¹【in a form and manner prescribed by the department】 pursuant to
28 paragraph (3) of this subsection¹, eligibility for the program:

29 (a) on the bills of every residential customer;

30 (b) on the official Internet website of the local authority or
31 municipality, as applicable; and

32 (c) in any written communication provided by the local
33 authority or municipal utility to a residential customer in connection
34 with an overdue water or wastewater bill.

35 ¹【c.】 (3) Within 14 calendar days following the effective date
36 of P.L. , c. (pending before the Legislature as this bill), the
37 department shall prescribe the form and manner in which a local
38 authority or municipal utility shall advertise eligibility for the
39 program pursuant to paragraph (2) of this subsection, except that
40 before such time, each local authority and municipal utility shall
41 advertise eligibility for the program in a form and manner
42 determined by the local authority or municipal utility.

43 (4) Notwithstanding any provision to the contrary, this section
44 shall not apply to any municipal lien that was sold to a third party
45 before the effective date of P.L. , c. (pending before the
46 Legislature as this bill) or to the payment of unpaid water or
47 wastewater charges by a third party lienholder.

1 d.¹ (1) Within 10 calendar days following the effective date of
 2 P.L. , c. ¹[(C.)]¹ (pending before the Legislature as this
 3 bill), the department shall provide written notice to each local
 4 authority or municipal utility concerning the provisions of this
 5 section. When the department determines that the local authority or
 6 municipal utility has failed to enter into a vendor contract with the
 7 department, or has otherwise failed to allow ¹[eligible residential]
 8 qualifying¹ customers to receive assistance under the program, the
 9 notice shall indicate, in a clear and conspicuous manner, that the
 10 local authority or municipal utility shall be prohibited from
 11 discontinuing the water or wastewater service of any residential
 12 customer for non-payment, and from placing, selling, or enforcing a
 13 lien on real property for the unpaid balances of any residential
 14 customer ¹that are attributable to water or wastewater service¹,
 15 ¹before October 1, 2023 or¹ until such time as ¹[the program is
 16 terminated,]¹ the local authority or municipal utility enters into a
 17 vendor contract with the department, or the local authority or
 18 municipal utility otherwise allows ¹[eligible residential]
 19 qualifying¹ customers to receive assistance under the program ¹,
 20 whichever occurs earlier¹.

21 (2) ¹[While the program remains in operation] Before October
 22 1, 2023¹, a local authority or municipal utility shall ¹[attest to the
 23 department, on a monthly basis, that the local authority or
 24 municipal utility is in] document its¹ compliance with the
 25 requirements of paragraph (2) of subsection ¹[b.] c.¹ of this
 26 section, and the department ¹[may] shall¹ require the local
 27 authority or municipal utility to submit written documentation to
 28 the department attesting to such compliance.

29 (3) Within 10 calendar days ¹[of the termination of the
 30 program] after September 30, 2023¹, the department shall provide
 31 written notice to each local authority or municipal utility indicating
 32 that the provisions of subsection ¹[b.] c.¹ of this section no longer
 33 apply.

34 ¹[d.] e.¹ (1) A local authority or municipal utility that violates
 35 the provisions of subsection ¹[b.] c.¹ of this section shall be subject
 36 to a penalty of \$500 for each calendar day in which water or
 37 wastewater service is discontinued for a residential customer and a
 38 fine of \$100 for each instance in which the local authority or
 39 municipal utility fails to advertise eligibility for the program
 40 ¹pursuant to paragraphs (2) and (3) of subsection c. of this section¹,
 41 including each residential customer bill that ¹[that]¹ fails to include
 42 this information. Any penalty imposed under this section shall be
 43 collected, with costs, in a civil action by a summary proceeding
 44 under the “Penalty Enforcement Law of 1999,” P.L.1999, c.274
 45 (C.2A:58-10 et seq.). The Superior Court and the municipal court
 46 shall have jurisdiction over such proceedings.

1 (2) If a local authority or municipal utility discontinues the
2 water or wastewater service of a residential customer for non-
3 payment, in violation of the provisions of subsection **1[b.] c.**¹ of
4 this section, the discontinuance shall be nullified and service shall
5 be restored immediately.

6 (3) If a local authority or municipal utility places, sells, or
7 enforces a lien on the real property of a residential customer **1for**
8 **the unpaid balance of water or wastewater service charges**¹, in
9 violation of the provisions of subsection **1[b.] c.**¹ of this section,
10 the lien shall be deemed null and void.

11 **1[e.] f.**¹ Within 14 calendar days following the effective date
12 of P.L. , c. **1[(C.)]**¹ (pending before the Legislature as this
13 bill), the department shall provide written, plain language
14 instructions, including, but not limited to, a response to frequently
15 asked questions, to each local authority and municipal utility
16 concerning the duties and responsibilities of the local authority or
17 municipal utility under the vendor contract, any other duties and
18 responsibilities of a local authority or municipal utility that enters
19 into a vendor contract, as well as any other information that the
20 department may deem appropriate. **1The instructions shall also**
21 **include direct contact information for one or more employees of the**
22 **department who are responsible for administering the program,**
23 **which persons may assist the local authority or municipal utility in**
24 **the implementation of the program.**¹

25 **1[f.] g. (1)**¹ Within 14 calendar days following the effective
26 date of P.L. , c. **1[(C.)]**¹ (pending before the Legislature as
27 this bill), and every 14 calendar days thereafter until the termination
28 of the program, the department shall provide written notice to each
29 local authority or municipal utility, which notice shall indicate:

30 **1[(1)] (a)**¹ the name, address, and utility account number of each
31 residential customer of the local authority or municipal utility that
32 has submitted an application to the department for the program;

33 **1[(2)] (b)**¹ the name, address, and utility account number of each
34 residential customer of the local authority or municipal utility that
35 has been approved or denied by the department to participate in the
36 program; and

37 **1[(3)] (c)**¹ any other information that the department deems
38 appropriate.

39 **1(2) After a local authority or municipal utility receives written**
40 **notice from the department, pursuant to paragraph (1) of this**
41 **subsection, that a qualifying customer has been approved to**
42 **participate in the program, the local authority or municipal utility**
43 **shall immediately suspend, until October 1, 2023, any enforcement**
44 **action undertaken against the qualifying customer resulting from**
45 **the non-payment of water or wastewater charges.**

1 (3) Notwithstanding any provision of paragraph (1) of
2 subsection b. of this section to the contrary, if a local authority or
3 municipal utility receives written notice from the department after
4 September 30, 2023 that a qualifying customer has been approved
5 to participate in the program, the local authority or municipal utility
6 shall waive any interest assessed on the customer for the unpaid
7 balance of water or wastewater charges during the period after
8 September 30, 2023 and before the date of receipt of the notice,
9 unless the unpaid balance of the customer has been paid by a third-
10 party lienholder or sold at a tax sale.

11 h. Within 14 calendar days following the effective date of
12 P.L. , c. (pending before the Legislature as this bill), and every
13 14 calendar days thereafter until October 1, 2023, each local
14 authority and municipal utility shall provide written notice to the
15 department, which notice shall indicate the name, address, utility
16 account number, and current unpaid balances owed for each
17 residential customer of the local authority or municipal utility who
18 is in arrears. The department shall use the written notice to
19 encourage otherwise eligible customers to participate in the
20 program. The written notice shall be considered confidential and
21 shall not be available for public disclosure.¹

22

23 2. a. As used in this section:

24 “Board” means the Board of Public Utilities.

25 “Department” means the Department of Community Affairs.

26 “Program” means the Low Income Household Water Assistance
27 Program, established pursuant to the “Consolidated Appropriations
28 Act, 2021,” Pub.L.116-260, and administered by the department.

29 ¹“Qualifying customer” means a residential customer who has
30 been approved by the department to participate in the program.¹

31 “Residential customer” means a residential customer of record of
32 a water public utility, or any residential tenant of a residence where
33 the owner of the residence, or any agent or other representative
34 thereof, is a customer of record of the water public utility.

35 “Vendor contract” means one or more written agreements
36 entered into between a water public utility and the department to
37 effectuate the water public utility’s participation in the program,
38 which agreement or agreements shall allow ¹**“otherwise eligible”**
39 ¹qualifying customers of the water public utility to participate in the
40 program.

41 “Water public utility” means a public utility, as defined in
42 R.S.48:2-13, that provides water or wastewater service.

43 b. ¹Each water public utility shall enter into a vendor contract
44 with the department and participate in the program, as required
45 under the vendor contract. Notwithstanding any provision of law or
46 regulation to the contrary, and to the extent permitted under federal
47 law, the vendor contract shall not prohibit a water public utility

1 from undertaking any of the following actions after September 30,
2 2023:

3 (1) assessing interest on the unpaid balance of the water or
4 wastewater service charges of any qualifying customer, except as
5 otherwise provided in paragraph (3) of subsection g. of this section;

6 or

7 (2) discontinuing the water or wastewater service of any
8 qualifying customer for non-payment, except in the case of a
9 qualifying customer who is enrolled in a deferred payment
10 agreement with the water public utility and complies with all
11 requirements of the agreement.

12 c.¹ (1) ¹【While the program remains in operation】 Before
13 October 1, 2023¹, if a water public utility fails to enter into a vendor
14 contract with the department, or otherwise fails to allow ¹【eligible
15 residential】 qualifying¹ customers to receive assistance under the
16 program, the water public utility shall be prohibited from
17 discontinuing the water or wastewater service of any residential
18 customer for non-payment.

19 (2) In addition to any information contained in the Customer
20 Bill of Rights approved by the board, ¹【while the program remains
21 in operation】 before October 1, 2023¹, each water public utility
22 shall advertise, ¹【in a form and manner prescribed by the
23 department】 pursuant to paragraph (3) of this subsection¹,
24 eligibility for the program:

25 (a) on the bills of every residential customer;

26 (b) on the official Internet website of the water public utility;
27 and

28 (c) in any written communication provided by the water public
29 utility to a residential customer in connection with an overdue water
30 or wastewater bill.

31 ¹【c.】 (3) Within 14 calendar days following the effective date
32 of P.L. , c. (pending before the Legislature as this bill), the
33 department shall prescribe the form and manner in which a water
34 public utility shall advertise eligibility for the program pursuant to
35 paragraph (2) of this subsection, except that before such time, each
36 water public utility shall advertise eligibility for the program in a
37 form and manner determined by the water public utility.

38 d.¹ (1) Within 10 calendar days following the effective date of
39 P.L. , c. ¹【(C.)】¹ (pending before the Legislature as this
40 bill), the board shall provide written notice to each water public
41 utility concerning the provisions of this section.

42 (2) When the department determines that the water public utility
43 has failed to enter into a vendor contract with the department, or has
44 otherwise failed to allow ¹【eligible residential】 qualifying¹
45 customers to receive assistance under the program, the department
46 shall provide written notice to the water public utility. The notice
47 shall indicate, in a clear and conspicuous manner, that the water

1 public utility shall be prohibited from discontinuing the water or
 2 wastewater service of any residential customer for non-payment
 3 'before October 1, 2023 or' until such time as '[the program is
 4 terminated,]' the water public utility enters into a vendor contract
 5 with the department, or the water public utility otherwise allows
 6 '[eligible residential] qualifying' customers to receive assistance
 7 under the program ' , whichever occurs earlier'. Upon providing the
 8 notice to the water public utility, the department shall also provide a
 9 copy of the notice, including an identification of the water public
 10 utility, to the board.

11 (3) '[While the program remains in operation] Before October
 12 1, 2023', a water public utility shall '[attest to the board, on a
 13 monthly basis, that the water public utility is in] document its'
 14 compliance with the requirements of paragraph (2) of subsection
 15 '[b.] c.' of this section, and the board '[may] shall' require the
 16 water public utility to submit written documentation to the board
 17 attesting to such compliance.

18 (4) Within 10 calendar days '[of the termination of the
 19 program] after September 30, 2023', the board shall provide
 20 written notice to each water public utility indicating that the
 21 provisions of subsection '[b.] c.' of this section no longer apply.

22 '[d.] e.' (1) A water public utility that violates the provisions
 23 of subsection '[b.] c.' of this section shall be subject to a penalty of
 24 \$500 for each calendar day in which water or wastewater service is
 25 discontinued for a residential customer and a fine of \$100 for each
 26 instance in which the water public utility fails to advertise
 27 eligibility for the program 'pursuant to subsection c. of this
 28 section', including each residential customer bill that fails to
 29 include this information. Any penalty imposed under this section
 30 shall be collected, with costs, in a civil action by a summary
 31 proceeding under the "Penalty Enforcement Law of 1999,"
 32 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the
 33 municipal court shall have jurisdiction over such proceedings.

34 (2) If a water public utility discontinues the water or wastewater
 35 service of a residential customer for non-payment, in violation of
 36 the provisions of subsection '[b.] c.' of this section, the
 37 discontinuance shall be nullified and service shall be restored
 38 immediately.

39 '[e.] f.' Within 14 calendar days following the effective date
 40 of P.L. , c. '[(C.)]' (pending before the Legislature as this
 41 bill), the department shall provide written, plain language
 42 instructions, including, but not limited to, a response to frequently
 43 asked questions, to each water public utility concerning the duties
 44 and responsibilities of the water public utility under the vendor
 45 contract, any other duties and responsibilities of a water public
 46 utility that enters into a vendor contract, as well as any other

1 information that the department may deem appropriate. ¹The
2 instructions shall also include direct contact information for one or
3 more employees of the department who are responsible for
4 administering the program, which persons may assist the water
5 public utility in the implementation of the program.¹

6 ¹[f.] g. (1)¹ Within 14 calendar days following the
7 effective date of P.L. , c. ¹[(C.)]¹ (pending before the
8 Legislature as this bill), and every 14 calendar days thereafter until
9 the termination of the program, the department shall provide written
10 notice to each water public utility, which notice shall indicate:

11 ¹[(1)] (a)¹ the name, address, and utility account number of
12 each residential customer of the water public utility that has
13 submitted an application to the department for the program;

14 ¹[(2)] (b)¹ the name, address, and utility account number of
15 each residential customer of the water public utility that has been
16 approved or denied by the department to participate in the program;
17 and

18 ¹[(3)] (c)¹ any other information that the department deems
19 appropriate.

20 ¹(2) After a water public utility receives written notice from the
21 department, pursuant to paragraph (1) of this subsection, that a
22 qualifying customer has been approved to participate in the
23 program, the water public utility shall immediately suspend, until
24 October 1, 2023, any enforcement action undertaken against the
25 qualifying customer resulting from the non-payment of water or
26 wastewater charges.

27 (3) Notwithstanding any provision of paragraph (1) of
28 subsection b. of this section to the contrary, if a water public utility
29 receives written notice from the department after September 30,
30 2023 that a qualifying customer has been approved to participate in
31 the program, the water public utility shall waive any interest
32 assessed on the customer for the unpaid balance of water or
33 wastewater charges during the period after September 30, 2023 and
34 before the date of receipt of the notice.

35 h. Within 14 calendar days following the effective date of
36 P.L. , c. (pending before the Legislature as this bill), and every
37 14 calendar days thereafter until October 1, 2023, each water public
38 utility shall provide written notice to the department, which notice
39 shall indicate the name, address, utility account number, and current
40 unpaid balances owed for each residential customer of the water
41 public utility who is in arrears. The department shall use the
42 written notice to encourage otherwise eligible customers to
43 participate in the program. The written notice shall be considered
44 confidential and shall not be available for public disclosure.¹

45
46 ¹3. a. Within 30 calendar days following the effective date of
47 P.L. , c. (pending before the Legislature as this bill), and every

1 45 calendar days thereafter until October 1, 2023, the department
2 shall submit a written report concerning the operations of the
3 program to the Legislature, pursuant to section 2 of P.L.1991, c.164
4 (C.52:14-19.1).

5 b. In addition to any other information that the department
6 deems appropriate, the report shall indicate:

7 (1) the number of persons who applied for the program;

8 (2) the number of persons who have been approved and denied
9 for the program, respectively;

10 (3) the number of local authorities, municipal utilities, and water
11 public utilities that have entered into the vendor contract, including
12 the names of any such local authority, municipal utility, or water
13 public utility; and

14 (4) the amount of funding that has been expended on the
15 program, including administrative expenses and program assistance
16 payments, respectively.¹

17
18 ¹**[3.] 4.**¹ a. Notwithstanding any provisions of the
19 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
20 seq.) to the contrary, the Department of Community Affairs, in
21 consultation with the Board of Public Utilities, shall adopt,
22 immediately upon filing with the Office of Administrative Law and
23 no later than the 90th day after the effective date of this act, such
24 rules and regulations as the department deems necessary to
25 implement the provisions of this act, which regulations shall be
26 effective for a period not to exceed 12 months. ¹**[The regulations**
27 **may thereafter be amended, adopted, or readopted by the**
28 **department in accordance with the provisions of the**
29 **“Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et**
30 **seq.).]**¹

31 b. Notwithstanding any provisions of the “Administrative
32 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the
33 contrary, the Board of Public Utilities, in consultation with the
34 Department of Community Affairs, shall adopt, immediately upon
35 filing with the Office of Administrative Law and no later than the
36 90th day after the effective date of this act, such rules and
37 regulations as the board deems necessary to implement the
38 provisions of this act, which regulations shall be effective for a
39 period not to exceed 12 months. ¹**[The regulations may thereafter**
40 **be amended, adopted, or readopted by the board in accordance with**
41 **the provisions of the “Administrative Procedure Act,” P.L.1968,**
42 **c.410 (C.52:14B-1 et seq.).]**¹

43
44 ¹**[4.] 5.**¹ This act shall take effect immediately.

1 _____
2
3 Prohibits water utility from taking certain actions if utility fails
4 to participate in Low Income Household Water Assistance Program.