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**HOUSE BILL 1490**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Harris-Talley, Ramel, Macri, Simmons, Berry, Lekanoff, J. Johnson, Duerr, Ortiz-Self, Hackney, Slatter, Ryu, Taylor, Orwall, Chopp, Dolan, Riccelli, Bateman, Ormsby, Morgan, and Frame

AN ACT Relating to maintaining residential electricity and heating service for low-income households and households with people with disabilities; amending RCW 35.21.300, 54.16.285, and 80.28.010; adding a new section to chapter 19.29A RCW; creating a new section; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature declares that access to energy undergirds Washington's economic resilience and public health outcomes. Energy is a crucial service that Washingtonians need in order to secure an education, participate in the economy, and stay safe and healthy.

(2) The legislature finds that during the COVID-19 crisis, access to energy, as protected by proclamations delivered by the governor and shut-off moratoria issued by the utilities and transportation commission, reduced COVID-19 infections by 4.4 percent and mortality rates by 7.4 percent. These protections are due to expire April 30, 2021, at which point many Washingtonians risk losing access to life-preserving energy services.

(3) It is therefore the intent of the legislature to strengthen Washington's economic resilience and public health outcomes by prohibiting utility service termination for residential electricity and heating due to nonpayment for low-income households and households with people with disabilities.

NEW SECTION. **Sec.**  A new section is added to chapter 19.29A RCW to read as follows:

The following requirements apply to an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, or a mutual corporation or association formed under chapter 24.06 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state:

(1) A utility providing service for residential space heating or residential electric light may not terminate such utility service between November 15th through March 15th for any residential customer, regardless of household income or disability status, if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior 12 months to a grantee of the department of commerce. The grantee must determine the household income and shall provide a dollar figure that is seven percent of household income. The grantee may verify information in the self-certification;

(c) Has applied or will apply for home heating assistance from applicable government and private sector organizations, if eligible, and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Agrees to a payment plan and agrees to maintain the payment plan. The plan must be designed both to pay the past due bill by the following October 15th and to pay for continued utility service. If the past due bill is not paid by the following October 15th, the customer is not eligible for protections under this chapter until the past due bill is paid. The plan may not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15th through March 15th. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(e) Agrees to pay the moneys owed even if he or she moves.

(2)(a) Except as provided in (b) of this subsection, utility service for both residential space heating and residential electric light may not be terminated at any time due to delinquent or unpaid charges for low-income households or households with people with disabilities. The customer responsible for the utility bill:

(i) Must notify the utility of the inability to pay the bill within seven business days of receiving a payment overdue notice, unless there are extenuating circumstances;

(ii) Must provide self-certification of either household income for the prior 12 months or household disability status, or both, to a grantee of the department of commerce. The grantee must determine that the household meets the definition of "low-income" as provided in RCW 19.405.020 or the definition of "disability" as provided in RCW 49.60.040. The grantee must provide a dollar figure that is three percent of household income. The grantee may verify information in the self-certification;

(iii) May apply for energy assistance from applicable government and private sector organizations. The customer must certify that any energy assistance received will be applied to the customer's current bill and future utility bills;

(iv) May apply for low-income weatherization assistance to the utility or other appropriate agency, if such assistance is available for the dwelling;

(v) Must agree to a payment plan and agree to maintain the payment plan. The plan may not require monthly payments in excess of three percent of the customer's monthly income. The customer may agree to pay a higher percentage during this period, but is not in default unless payment during this period is less than three percent of monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer must contact the utility to reformulate the plan; and

(vi) Must agree to pay the moneys owed even if the customer moves.

(b) The utility may terminate service under this subsection only if household net usage over six consecutive months exceeds 200 percent of average residential household usage in the utility's service area, or 15 megawatt-hours or 800 therms, whichever is greater.

(3) The utility must:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, and a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section including, but not limited to, providing the customer with information on energy assistance programs for which the customer may be eligible;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program, except as provided in subsection (2) of this section. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected may be reconnected and maintain the protections afforded under this chapter by reestablishing and making payments towards a payment plan as provided under subsection (1)(d) or (2)(a)(v) of this section; and

(e) Advise the customer in writing and conduct an on-site, in-person visit, and be willing to accept payment at that time, with translation and accessibility service as necessary prior to disconnecting service. The utility will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(4) Each utility must offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan must be offered to low-income customers without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied. For the purposes of this subsection, "low-income" has the same meaning as provided in RCW 19.405.020.

(5) An agreement between the customer and the utility, whether oral or written, does not waive the protections afforded under this chapter.

**Sec.**  RCW 35.21.300 and 1995 c 399 s 36 are each amended to read as follows:

(1)(a) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that ((~~until June 30, 1991, utility~~)):

(i) Utility service for residential space heating may not be terminated between November 15th and March 15 ((~~only~~))th, as provided in subsections (2) and ((~~(4)~~)) (5) of this section; and

(ii) Utility service for both residential space heating and residential electric light may not be terminated due to delinquent or unpaid charges at any time for low-income households and households with people with disabilities.

(b) In the event of a disputed account and tender by the owner of the premises of the amount the owner claims to be due before the service is cut off, the right to refuse service to any premises ((~~shall~~)) does not accrue until suit has been entered by the city and judgment entered in the case.

(2) Utility service for residential space heating ((~~shall~~)) may not be terminated between November 15th through March 15th for any residential customer, regardless of household income or disability status, if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of ((~~community, trade, and economic development which administers federally funded energy assistance programs~~)) commerce. The grantee ((~~shall~~)) must determine ((~~that~~)) the household income ((~~does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and~~)) shall provide a dollar figure that is seven percent of household income. The grantee may verify information in the self-certification;

(c) Has applied or will apply for home heating assistance from applicable government and private sector organizations, if eligible, and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) ((~~Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;~~

~~(e)~~)) Agrees to a payment plan and agrees to maintain the payment plan. The plan ((~~will~~)) must be designed both to pay the past due bill by the following October 15th and to pay for continued utility service. If the past due bill is not paid by the following October 15th, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan ((~~shall~~)) may not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15th through March 15th. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

((~~(f)~~)) (e) Agrees to pay the moneys owed even if he or she moves.

(3)(a) Except as provided in (b) of this subsection, utility service for both residential space heating and residential electric light may not be terminated at any time due to delinquent or unpaid charges for low-income households or households with people with disabilities. The customer responsible for the utility bill:

(i) Must notify the utility of the inability to pay the bill within seven business days of receiving a payment overdue notice, unless there are extenuating circumstances;

(ii) Must provide self-certification of either household income for the prior 12 months or household disability status, or both, to a grantee of the department of commerce. The grantee must determine that the household meets the definition of "low-income" as provided in RCW 19.405.020 or the definition of "disability" as provided in RCW 49.60.040. The grantee must provide a dollar figure that is three percent of household income. The grantee may verify information in the self-certification;

(iii) May apply for energy assistance from applicable government and private sector organizations. The customer must certify that any energy assistance received will be applied to the customer's current bill and future utility bills;

(iv) May apply for low-income weatherization assistance to the utility or other appropriate agency, if such assistance is available for the dwelling;

(v) Must agree to a payment plan and agree to maintain the payment plan. The plan may not require monthly payments in excess of three percent of the customer's monthly income. The customer may agree to pay a higher percentage during this period, but is not in default unless payment during this period is less than three percent of monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer must contact the utility to reformulate the plan; and

(vi) Must agree to pay the moneys owed even if he or she moves.

(b) The utility may terminate service under this subsection only if household net usage over six consecutive months exceeds 200 percent of average residential household usage in the utility's service area, or 15 megawatt-hours or 800 therms, whichever is greater.

(4) The utility ((~~shall~~)) must:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section including, but not limited to, providing the customer with information on energy assistance programs for which the customer may be eligible;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program, except as provided in subsection (3) of this section. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by ((~~paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected~~)) reestablishing and making payments towards a payment plan as provided under subsection (2)(d) or (3)(a)(v) of this section; and

(e) Advise the customer in writing ((~~at the time it disconnects service that it~~)) and conduct an on-site, in-person visit, and be willing to accept payment at that time, with translation and accessibility services as necessary prior to disconnecting service. The utility will restore service if the customer contacts the utility and fulfills the other requirements of this section.

((~~(4)~~)) (5) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered to low-income customers ((~~eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1)~~)) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied. For the purposes of this subsection, "low-income" has the same meaning as defined in RCW 19.405.020.

((~~(5)~~)) (6) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

**Sec.**  RCW 54.16.285 and 1995 c 399 s 144 are each amended to read as follows:

(1) A district providing utility service for residential space heating ((~~shall~~)) may not terminate such utility service between November 15th through March 15th for any residential customer, regardless of household income or disability status, if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of ((~~community, trade, and economic development which administers federally funded energy assistance programs~~)) commerce. The grantee ((~~shall~~)) must determine ((~~that~~)) the household income ((~~does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624~~)) and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied or will apply for home heating assistance from applicable government and private sector organizations, if eligible, and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) ((~~Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;~~

~~(e)~~)) Agrees to a payment plan and agrees to maintain the payment plan. The plan ((~~will~~)) must be designed both to pay the past due bill by the following October 15th and to pay for continued utility service. If the past due bill is not paid by the following October 15th, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan ((~~shall~~)) may not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15th through March 15th. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

((~~(f)~~)) (e) Agrees to pay the moneys owed even if he or she moves.

(2)(a) Except as provided in (b) of this subsection, utility service for both residential space heating and residential electric light may not be terminated at any time due to delinquent or unpaid charges for low-income households or households with people with disabilities. The customer responsible for the utility bill:

(i) Must notify the utility of the inability to pay the bill within seven business days of receiving a payment overdue notice, unless there are extenuating circumstances;

(ii) Must provide self-certification of either household income for the prior 12 months or household disability status, or both, to a grantee of the department of commerce. The grantee must determine that the household meets the definition of "low-income" as provided in RCW 19.405.020 or the definition of "disability" as provided in RCW 49.60.040. The grantee must provide a dollar figure that is three percent of household income. The grantee may verify information in the self-certification;

(iii) May apply for energy assistance from applicable government and private sector organizations. The customer must certify that any energy assistance received will be applied to the customer's current bill and future utility bills;

(iv) May apply for low-income weatherization assistance to the utility or other appropriate agency, if such assistance is available for the dwelling;

(v) Must agree to a payment plan and agree to maintain the payment plan. The plan may not require monthly payments in excess of three percent of the customer's monthly income. The customer may agree to pay a higher percentage during this period, but is not in default unless payment during this period is less than three percent of monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer must contact the utility to reformulate the plan; and

(vi) Must agree to pay the moneys owed even if he or she moves.

(b) The utility may terminate service under this subsection only if household net usage over six consecutive months exceeds 200 percent of average residential household usage in the utility's service area, or 15 megawatt-hours or 800 therms, whichever is greater.

(3) The utility ((~~shall~~)) must:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section including, but not limited to, providing the customer with information on energy assistance programs for which the customer may be eligible;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program, except as provided in subsection (2) of this section. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by ((~~paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected~~)) reestablishing and making payments towards a payment plan as provided under subsection (1)(d) or (2)(a)(v) of this section; and

(e) Advise the customer in writing ((~~at the time it disconnects service that it~~)) and conduct an on-site, in-person visit, and be willing to accept payment at that time, with translation and accessibility services as necessary prior to disconnecting service. The utility will restore service if the customer contacts the utility and fulfills the other requirements of this section.

((~~(3)~~)) (4) All districts providing utility service for residential space heating or residential electric light shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered to low-income customers ((~~eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1)~~)) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied. For the purposes of this subsection, "low-income" has the same meaning as defined in RCW 19.405.020.

((~~(4)~~)) (5) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

**Sec.**  RCW 80.28.010 and 2011 c 214 s 11 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company, wastewater company, or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient. Reasonable charges necessary to cover the cost of administering the collection of voluntary donations for the purposes of supporting the development and implementation of evergreen community management plans and ordinances under RCW 80.28.300 must be deemed as prudent and necessary for the operation of a utility.

(2) Every gas company, electrical company, wastewater company, and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company, wastewater company, or water company, affecting or pertaining to the sale or distribution of its product or service, must be just and reasonable.

(4) Utility service for residential space heating ((~~shall~~)) may not be terminated between November 15th through March 15th for any residential customer, regardless of household income or disability status, if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of commerce, which administers federally funded energy assistance programs. The grantee ((~~shall~~)) must determine ((~~that~~)) the household income ((~~does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624~~)) and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied or will apply for home heating assistance from applicable government and private sector organizations, if eligible, and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) ((~~Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;~~

~~(e)~~)) Agrees to a payment plan and agrees to maintain the payment plan. The plan ((~~will~~)) must be designed both to pay the past due bill by the following October 15th and to pay for continued utility service. If the past due bill is not paid by the following October 15th, the customer is not eligible for protections under this chapter until the past due bill is paid. The plan may not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15th through March 15th. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

((~~(f)~~)) (e) Agrees to pay the moneys owed even if he or she moves.

(5)(a) Except as provided in (b) of this subsection, utility service for both residential space heating and residential electric light may not be terminated at any time due to delinquent or unpaid charges for low-income households or households with people with disabilities. The customer responsible for the utility bill:

(i) Must notify the utility of the inability to pay the bill within seven business days of receiving a payment overdue notice, unless there are extenuating circumstances;

(ii) Must provide self-certification of either household income for the prior 12 months or household disability status, or both, to a grantee of the department of commerce. The grantee must determine that the household meets the definition of "low-income" as provided in RCW 19.405.020 or the definition of "disability" as provided in RCW 49.60.040. The grantee must provide a dollar figure that is three percent of household income. The grantee may verify information in the self-certification;

(iii) May apply for energy assistance from applicable government and private sector organizations. The customer must certify that any energy assistance received will be applied to the customer's current bill and future utility bills;

(iv) May apply for low-income weatherization assistance to the utility or other appropriate agency, if such assistance is available for the dwelling;

(v) Must agree to a payment plan and agree to maintain the payment plan. The plan may not require monthly payments in excess of three percent of the customer's monthly income. The customer may agree to pay a higher percentage during this period, but is not in default unless payment during this period is less than three percent of monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer must contact the utility to reformulate the plan; and

(vi) Must agree to pay the moneys owed even if he or she moves.

(b) The utility may terminate service under this subsection only if household net usage over six consecutive months exceeds 200 percent of average residential household usage in the utility's service area, or 15 megawatt-hours or 800 therms, whichever is greater.

(6) The utility ((~~shall~~)) must:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section including, but not limited to, providing the customer with information on energy assistance programs for which the customer may be eligible;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program, except as provided in subsection (5) of this section. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by ((~~paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected~~)) reestablishing and making payments toward a payment plan as provided under subsections (4)(d) and (5)(a)(v) of this section; and

(e) Advise the customer in writing ((~~at the time it disconnects service that it~~)) and conduct an on-site, in-person visit, and be willing to accept payment at that time, with translation and accessibility services as necessary prior to disconnecting service. The utility will restore service if the customer contacts the utility and fulfills the other requirements of this section.

((~~(6)~~)) (7) A payment plan implemented under this section is consistent with RCW 80.28.080.

((~~(7)~~)) (8) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered to low-income customers ((~~eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1)~~)) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied. For the purposes of this subsection, "low-income" has the same meaning as defined in RCW 19.405.020.

((~~(8)~~)) (9) Every gas company, electrical company, wastewater company, and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product, or provision of its services, as will be efficient and safe to its employees and the public.

((~~(9)~~)) (10) An agreement between the customer and the utility, whether oral or written, does not waive the protections afforded under this chapter.

((~~(10)~~)) (11) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**