
Environment & Energy Committee

HB 1329

Brief Description: Preventing utility shutoffs for nonpayment during extreme heat.

Sponsors: Representatives Mena, Alvarado, Berry, Duerr, Leavitt, Morgan, Ramel, Ryu, Senn, Simmons, Timmons, Kloba, Bateman, Slatter, Orwall, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Cortes, Donaghy, Pollet, Callan, Fosse, Macri, Davis and Stonier; by request of Attorney General.

Brief Summary of Bill

- Prohibits utilities from involuntarily terminating water or electric service to any residential user during certain high-temperature events.
- Prohibits landlords, under both the Residential Landlord-Tenant Act and the Manufactured and Mobile Home Landlord-Tenant Act, from effecting an involuntary termination of electric utility or water service due to lack of payment to any residential tenant during certain high-temperature events.
- Creates a civil cause of action for involuntary termination for nonpayment of water service to any residential user during certain high-temperature events.

Hearing Date: 1/26/23

Staff: Robert Hatfield (786-7117).

Background:

Prohibition on Termination of Utility Service.

Certain utilities, including investor-owned utilities, public utility districts (PUDs), and city-operated utilities, are prohibited from terminating residential space heat utility services between

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November 15 and March 15 if the resident follows prescribed steps. To be eligible for this protection, the individual must notify the utility of the inability to pay for utility services, apply for home heating assistance, and apply for weatherization assistance. The utility and the customer enter into a payment plan that allows the customer to spread the cost of winter heat bills and past due amounts over the entire year.

Summary of Bill:

Prohibition on Utility Termination During High-Temperature Periods.

Any electric or water utility may not, due to lack of payment, effect an involuntary termination of utility service to any residential users, including tenants of metered apartment buildings and residents of mobile homes:

- on a day when, the local weather forecast, as predicted by the National Weather Service (NWS), indicates that the weather in the area of the residential user's service address will include temperatures that exceed 90 degrees Fahrenheit;
- if, by 8:00 a.m., the actual weather is 90 degrees Fahrenheit or higher; or
- on any day preceding a holiday or weekend when a forecast indicates that the temperature will be 90 degrees Fahrenheit or above during the holiday or weekend.

A utility must promptly contact affected customers and make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected for lack of payment:

- on a day when, the local weather forecast, as predicted by the NWS, indicates that the weather in the area of the residential user's service address will include temperatures that exceed 90 degrees Fahrenheit;
- if, by 8:00 a.m., the actual weather is 90 degrees Fahrenheit or higher; or
- on any day preceding a holiday or weekend when a forecast indicates that the temperature will be 90 degrees Fahrenheit or above during the holiday or weekend.

Upon expiration of the NWS's forecast that the weather will exceed 90 degrees Fahrenheit, a utility may disconnect service to a property that was reconnected during the high-temperature period without further notice if an appropriate payment arrangement has not been established.

Reporting.

On an annual basis, each utility, other than an investor owned utility, with more than 25,000 electric customers or 2,500 water customers in Washington must produce a report that includes the total number of disconnections that occurred on each day that exceeded 90 degrees Fahrenheit or higher, or on any day preceding a holiday or weekend when a forecast indicates that the temperature will be 90 degrees Fahrenheit or above during the holiday or weekend. Utilities with fewer than 25,000 electric customers or 2,500 water customers in Washington must provide similar information upon request. Subject to availability, each utility company must provide any other information related to utility disconnections that is requested by the Department of Commerce (Commerce). The required information must be submitted in a form, timeline, and manner as prescribed by Commerce.

On an annual basis, each investor-owned utility must submit a report to the Utilities and Transportation Commission that includes the total number of disconnections that occurred on each day, specifying whether the day: exceeded 90 degrees Fahrenheit or higher; preceded a holiday or weekend when a forecast indicates that the temperature will be 90 degrees Fahrenheit or above during the holiday or weekend; or was between November 15th and March 15th.

Prohibition on Utility Termination During High-Temperature Periods—Residential Landlord Tenant Act.

Landlords may not effect an involuntary termination of electric utility or water service due to lack of payment to any residential tenant:

- on a day when, the local weather forecast, as predicted by the NWS, indicates that the weather in the area of the residential tenant's service address will include temperatures that exceed 90 degrees Fahrenheit;
- if, by 8:00 a.m., the actual weather is 90 degrees Fahrenheit or higher; or
- on any day preceding a holiday or weekend when a forecast indicates that the temperature will be 90 degrees Fahrenheit or above during the holiday or weekend.

In the event that a residential tenant has been disconnected for nonpayment and would be without service when the temperature will be 90 degrees Fahrenheit or higher, the landlord must promptly contact affected tenants and make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected. Upon expiration of the NWS's forecast that the weather will exceed 90 degrees Fahrenheit, the landlord may disconnect service to a property that was reconnected during this period without further notice if an appropriate payment arrangement has not been established.

Prohibition on Utility Termination During High-Temperature Periods—Manufactured and Mobile Home Act.

A landlord may not effect an involuntary termination of electric utility or water service due to lack of payment to any residential tenant:

- on a day when, the local weather forecast, as predicted by the NWS, indicates that the weather in the area of the residential tenant's service address will include temperatures that exceed 90 degrees Fahrenheit;
- if, by 8:00 a.m., the actual weather is 90 degrees Fahrenheit or higher; or
- on any day preceding a holiday or weekend when a forecast indicates that the temperature will be 90 degrees Fahrenheit or above during the holiday or weekend.

In the event that a residential tenant has been disconnected for nonpayment and would be without service when the temperature will be 90 degrees Fahrenheit or higher, the landlord must promptly contact affected tenants and make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected. Upon expiration of the NWS's forecast that the weather will exceed 90 degrees Fahrenheit, the landlord may disconnect service to the mobile home lot that was reconnected during this period without further notice if an appropriate payment arrangement has not been established.

Civil Cause of Action for Improper Water Service Termination.

There is created a civil cause of action for any city or town, including a code city, water district, or water company, for involuntary termination for nonpayment of water service to any residential users, including tenants of metered apartment buildings and residents of mobile homes:

- on a day when, the local weather forecast, as predicted by the NWS, indicates that the weather in the area of the residential tenant's service address will include temperatures that exceed 90 degrees Fahrenheit;
- if, by 8:00 a.m., the actual weather is 90 degrees Fahrenheit or higher; or
- on any day preceding a holiday or weekend when a forecast indicates that the temperature will be 90 degrees Fahrenheit or above during the holiday or weekend.

A water provider must promptly contact affected customers and make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected for lack of payment and would be without service when the temperature will be 90 degrees Fahrenheit or higher.

Upon expiration of the NWS's forecast that the weather will exceed 90 degrees Fahrenheit, a utility may disconnect service to a property that was reconnected during the high-temperature period without further notice if an appropriate payment arrangement has not been established.

A person who is subject to involuntary termination of their residential water service for nonpayment under these weather conditions may file an action in superior court for recovery of damages and the costs of the suit, including reasonable investigative and attorneys' fees and costs.

Upon finding a violation of these provisions, in addition to the remedies described above, an individual may seek an amount not to exceed \$1,000 per violation per day or actual damages, whichever is greater, injunctive relief, reasonable attorneys' fees, and any other relief that the court determines appropriate.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.