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HOUSE BILL 2059

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives H. Myers, Grant, O'Brien, Wineberry, Orr and Anderson.

Read first time February 20, 1991. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to low-income residential weatherization and energy  
2 assistance; amending RCW 35.21.300, 54.16.285, and 80.28.010; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the health  
6 and welfare of the people of the state of Washington require that all  
7 citizens receive essential levels of heat and electric service  
8 regardless of economic circumstance and that rising energy costs have  
9 had a negative effect on the affordability of housing for low-income  
10 citizens and have made it difficult for low-income citizens of the  
11 state to afford adequate fuel for residential space heat. The  
12 legislature further finds that level payment plans, the protection  
13 against winter heating shutoff, and house weatherization programs have  
14 all been beneficial to low-income persons.

1       **Sec. 2.** RCW 35.21.300 and 1990 1st ex.s. c 1 s 1 are each amended  
2 to read as follows:

3       (1) The lien for charges for service by a city waterworks, or  
4 electric light or power plant may be enforced only by cutting off the  
5 service until the delinquent and unpaid charges are paid, except that  
6 until June 30, 1991, utility service for residential space heating may  
7 be terminated between November 15 and March 15 only as provided in  
8 subsections (2) and (~~(3)~~) (4) of this section. In the event of a  
9 disputed account and tender by the owner of the premises of the amount  
10 he claims to be due before the service is cut off, the right to refuse  
11 service to any premises shall not accrue until suit has been entered by  
12 the city and judgment entered in the case.

13       (2) (~~Until June 30, 1991:~~  
14 ~~(a)~~) Utility service for residential space heating shall not be  
15 terminated between November 15 through March 15 if the customer:

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

24       (~~(ii)~~) (b) Provides self-certification of household income for  
25 the prior twelve months to a grantee of the department of community  
26 development which administers federally funded energy assistance  
27 programs. The grantee shall determine that the household income does  
28 not exceed the maximum allowed for eligibility under the state's plan  
29 for low-income energy assistance under 42 U.S.C. 8624 and shall provide

1 a dollar figure that is seven percent of household income. The grantee  
2 may verify information in the self-certification;

3 ~~((iii))~~ (c) Has applied for home heating assistance from  
4 applicable government and private sector organizations and certifies  
5 that any assistance received will be applied to the current bill and  
6 future utility bills;

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

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

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

26 ~~((b))~~ (3) The utility shall:

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

1       (~~(ii)~~) (b) Assist the customer in fulfilling the requirements  
2 under this section;

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

7       (~~(iv)~~) (d) Be permitted to disconnect service if the customer  
8 fails to honor the payment program. Utilities may continue to  
9 disconnect service for those practices authorized by law other than for  
10 nonpayment as provided for in this section. Customers who qualify for  
11 payment plans under this section who default on their payment plans and  
12 are disconnected can be reconnected and maintain the protections  
13 afforded under this chapter by paying reconnection charges, if any, and  
14 by paying all amounts that would have been due and owing under the  
15 terms of the applicable payment plan, absent default, on the date on  
16 which service is reconnected; and

17       (~~(v)~~) (e) Advise the customer in writing at the time it  
18 disconnects service that it will restore service if the customer  
19 contacts the utility and fulfills the other requirements of this  
20 section.

21       (~~(3)~~) (4) All municipal utilities shall offer residential  
22 customers the option of a budget billing or equal payment plan. The  
23 budget billing or equal payment plan shall be offered low-income  
24 customers eligible under the state's plan for low-income energy  
25 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without  
26 limiting availability to certain months of the year, without regard to  
27 the length of time the customer has occupied the premises, and without  
28 regard to whether the customer is the tenant or owner of the premises  
29 occupied.

1       (~~(4)~~) (5) An agreement between the customer and the utility,  
2 whether oral or written, shall not waive the protections afforded under  
3 this chapter.

4       **Sec. 3.** RCW 54.16.285 and 1990 1st ex.s. c 1 s 3 are each amended  
5 to read as follows:

6       (1) A district providing utility service for residential space  
7 heating shall not terminate such utility service between November 15  
8 through March 15 if the customer:

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

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

25       (c) Has applied for home heating assistance from applicable  
26 government and private sector organizations and certifies that any  
27 assistance received will be applied to the current bill and future  
28 utility bills;

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

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

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

20 (2) The utility shall:

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

24 (b) Assist the customer in fulfilling the requirements under this  
25 section;

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

29 (d) Be permitted to disconnect service if the customer fails to  
30 honor the payment program. Utilities may continue to disconnect

1 service for those practices authorized by law other than for nonpayment  
2 as provided for in this section. Customers who qualify for payment  
3 plans under this section who default on their payment plans and are  
4 disconnected can be reconnected and maintain the protections afforded  
5 under this chapter by paying reconnection charges, if any, and by  
6 paying all amounts that would have been due and owing under the terms  
7 of the applicable payment plan, absent default, on the date on which  
8 service is reconnected; and

9 (e) Advise the customer in writing at the time it disconnects  
10 service that it will restore service if the customer contacts the  
11 utility and fulfills the other requirements of this section.

12 (3) All districts providing utility service for residential space  
13 heating shall offer residential customers the option of a budget  
14 billing or equal payment plan. The budget billing or equal payment  
15 plan shall be offered low-income customers eligible under the state's  
16 plan for low-income energy assistance prepared in accordance with 42  
17 U.S.C. 8624(C)(1) without limiting availability to certain months of  
18 the year, without regard to the length of time the customer has  
19 occupied the premises, and without regard to whether the customer is  
20 the tenant or owner of the premises occupied.

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

24 (~~(5) This section shall expire June 30, 1991.~~)

25 **Sec. 4.** RCW 80.28.010 and 1990 1st ex.s. c 1 s 5 are each amended  
26 to read as follows:

27 (1) All charges made, demanded or received by any gas company,  
28 electrical company or water company for gas, electricity or water, or

1 for any service rendered or to be rendered in connection therewith,  
2 shall be just, fair, reasonable and sufficient.

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

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

10 (4) (~~Until June 30, 1991:~~

11 ~~(a))~~) Utility service for residential space heating shall not be  
12 terminated between November 15 through March 15 if the customer:

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

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

29 (~~(iii))~~) (c) Has applied for home heating assistance from  
30 applicable government and private sector organizations and certifies

1 that any assistance received will be applied to the current bill and  
2 future utility bills;

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

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

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

22 ~~((b))~~ (5) The utility shall:

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

26 ~~((ii))~~ (b) Assist the customer in fulfilling the requirements  
27 under this section;

28 ~~((iii))~~ (c) Be authorized to transfer an account to a new  
29 residence when a customer who has established a plan under this section

1 moves from one residence to another within the same utility service  
2 area;

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

13 ~~((v))~~ (e) Advise the customer in writing at the time it  
14 disconnects service that it will restore service if the customer  
15 contacts the utility and fulfills the other requirements of this  
16 section.

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

19 ~~((5))~~ (7) Every gas company and electrical company shall offer  
20 residential customers the option of a budget billing or equal payment  
21 plan. The budget billing or equal payment plan shall be offered low-  
22 income customers eligible under the state's plan for low-income energy  
23 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without  
24 limiting availability to certain months of the year, without regard to  
25 the length of time the customer has occupied the premises, and without  
26 regard to whether the customer is the tenant or owner of the premises  
27 occupied.

28 ~~((6))~~ (8) Every gas company, electrical company and water company  
29 shall construct and maintain such facilities in connection with the

1 manufacture and distribution of its product as will be efficient and  
2 safe to its employees and the public.

3       (~~(7)~~) (9) An agreement between the customer and the utility,  
4 whether oral or written, shall not waive the protections afforded under  
5 this chapter.