
SENATE BILL 5669

State of Washington

58th Legislature

2003 Regular Session

By Senators Fraser, Morton, Swecker and Winsley

Read first time 02/05/2003. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to termination of residential heating service; and
2 amending RCW 35.21.300.

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

4 **Sec. 1.** RCW 35.21.300 and 1995 c 399 s 36 are each amended to read
5 as follows:

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

16 (2) Utility service for residential space heating shall not be
17 terminated between November 15 through March 15 if the customer:

18 (a) Notifies the utility of the inability to pay the bill,
19 including a security deposit. This notice should be provided within

1 five business days of receiving a payment overdue notice unless there
2 are extenuating circumstances. If the customer fails to notify the
3 utility within five business days and service is terminated, the
4 customer can, by paying reconnection charges, if any, and fulfilling
5 the requirements of this section, receive the protections of this
6 chapter;

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

15 (c) Has applied for home heating assistance from applicable
16 government and private sector organizations and certifies that any
17 assistance received will be applied to the current bill and future
18 utility bills;

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

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

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

38 (3) The utility shall:

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

4 (b) Assist the customer in fulfilling the requirements under this
5 section;

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

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

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

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

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

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