

# FINAL BILL REPORT

## ESHB 1329

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Synopsis as Enacted

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

**Sponsors:** House Committee on Environment & Energy (originally sponsored by 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).

**House Committee on Environment & Energy**  
**Senate Committee on Environment, Energy & Technology**

### **Background:**

#### Prohibition on Utility Termination During Cold-Weather Periods.

Certain utilities, including investor-owned utilities, public utility districts, and city-operated utilities, are prohibited from terminating residential space heat utility services between November 15 and March 15 if a resident follows prescribed steps. To be eligible for this protection, the resident 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 resident enter into a payment plan that allows the resident to spread the cost of winter heat bills and past due amounts over the entire year. The repayment plan must not require monthly payments in excess of 7 percent of the resident's monthly income plus one-twelfth of any arrearages accrued from the date application is made and thereafter during November 15 through March 15.

### **Summary:**

#### Prohibition on Utility Termination During High-Temperature Periods—Utilities Regulated by the Utilities and Transportation Commission.

An electric company or water company regulated by the Utilities and Transportation Commission (UTC) must have and must abide by the terms of a tariff approved by the UTC

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

that prohibits the electrical company or water company from effecting, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the National Weather Service (NWS) has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

A residential user at whose dwelling electric utility service has been disconnected for lack of payment may request that the utility reconnect service on any day for which the NWS has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The utility must, through a process approved by the UTC, inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make the request, including how to contact the utility.

Upon receipt of a request to reconnect service, a utility must promptly make a reasonable attempt to reconnect service to the dwelling. A utility, in connection with a request to reconnect service, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If a utility requires the residential user to enter into a repayment plan, the repayment plan must comply with the following requirements:

- a repayment plan required by a utility will be designed both to pay the past due bill by the following May 15, or as soon as possible after May 15 if needed to maintain monthly payments that are no greater than 6 percent of the customer's monthly income, and to pay for continued utility service;
- the plan may not require monthly payments in excess of 6 percent of the customer's monthly income;
- a customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than 6 percent of the customer's monthly income; and
- if assistance payments are received by the customer subsequent to implementation of the plan, the customer must contact the utility to reformulate the plan.

#### Utilities Regulated by the Utilities and Transportation Commission—Reporting.

On an annual basis, each electrical company or water company regulated by the UTC must submit a report to the UTC that includes the total number of disconnections that occurred on each day for which the NWS issued or announced that it intended to issue a heat-related alert.

#### Prohibition on Utility Termination During High-Temperature Periods—Publicly-owned Utilities.

A publicly-owned electric company or water company may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for

which the NWS has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

A residential user at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the utility reconnect service on any day for which the NWS has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The utility must inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

Upon receipt of a request to reconnect service, a utility must promptly make a reasonable attempt to reconnect service to the dwelling. A utility, in connection with a request to reconnect service, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If a utility requires the residential user to enter into a repayment plan, the repayment plan must comply with the following requirements:

- a repayment plan required by a utility will be designed both to pay the past due bill by the following May 15, or as soon as possible after May 15 if needed to maintain monthly payments that are no greater than 6 percent of the customer's monthly income, and to pay for continued utility service;
- the plan may not require monthly payments in excess of 6 percent of the customer's monthly income;
- a customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than 6 percent of the customer's monthly income; and
- if assistance payments are received by the customer subsequent to implementation of the plan, the customer must contact the utility to reformulate the plan.

#### Publicly Owned Utilities—Reporting.

On an annual basis, each publicly-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 for which the NWS issued, or announced that it intended to issue, a heat-related alert. The required information must be submitted in a form, timeline, and manner as prescribed by the Department of Commerce (Commerce). 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 Commerce.

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

A landlord may not effect, due to lack of payment, an involuntary termination of electric or water service to any tenant, including tenants of metered apartment buildings and residents

of mobile homes, on any day for which the NWS has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located.

A tenant at whose dwelling electric or water service has been disconnected for lack of payment may request that the landlord reconnect service on any day for which the NWS has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located. The landlord must inform all tenants in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the landlord.

Upon receipt of a request to reconnect service, a landlord must promptly make a reasonable attempt to reconnect service to the dwelling. A landlord, in connection with a request to reconnect service, may require the tenant to enter into a payment plan prior to reconnecting service to the dwelling. If a landlord requires the tenant to enter into a repayment plan, the repayment plan must comply with the following requirements:

- a repayment plan required by a landlord will be designed both to pay the past due bill by the following May 15, or as soon as possible after May 15 if needed to maintain monthly payments that are no greater than 6 percent of the tenant's monthly income, and to pay for continued utility service;
- the plan may not require monthly payments in excess of 6 percent of the tenant's monthly income;
- a tenant may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than 6 percent of the tenant's monthly income; and
- if assistance payments are received by the tenant subsequent to implementation of the plan, the tenant must contact the landlord to reformulate the plan.

**Votes on Final Passage:**

House	64	31
Senate	29	20

**Effective:** July 23, 2023