

SENATE BILL REPORT

ESHB 1329

As of March 17, 2023

Title: An act relating to preventing utility shutoffs for nonpayment during extreme heat.

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).

Brief History: Passed House: 2/27/23, 64-31.

Committee Activity: Environment, Energy & Technology: 3/21/23.

Brief Summary of Bill

- Prohibits utilities or landlords from involuntarily terminating electric or water utility service for nonpayment to residential users on any day when the National Weather Service has issued or announced it intends to issue a heat-related alert.
- Requires electric and water utilities and landlords to promptly make a reasonable attempt to reconnect service to a dwelling disconnected for nonpayment upon request from a residential user when the heat-related alert is issued.
- Authorizes utilities and landlords, in connection with a request to reconnect service for a day that a heat alert has been issued, to require the residential user to enter into a payment plan prior to reconnecting service to the dwelling.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

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.

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Background: Winter Low-Income Payment Programs. Certain electric utilities, including investor-owned utilities (IOUs), public utility districts (PUDs), and city-owned utilities, are prohibited from terminating residential space heating utility service between November 15 through March 15 if the customer meets certain requirements.

To be eligible for the protections under the law, the customer must notify the utility of the inability to pay for utility services, provide self-certification of household income to the Department of Commerce (Commerce), apply for home heating assistance, apply for low-income weatherization assistance, and agree to a payment plan. The payment plan must be designed to pay the past due bill and continued utility service. The utility may not require payment of more than 7 percent of the customer's monthly income plus one-twelfth of any arrearage accrued.

Summary of Bill: Prohibited Termination of Utility Service During Excessive Heat. A consumer-owned electric or water utility or landlord may not involuntarily terminate utility service due to lack of payment to any residential user on any day when the National Weather Service (NWS) has issued or has announced 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 where the residential user's address is located.

An IOU must have and must abide by the terms of a tariff approved by the Utilities and Transportation Commission (UTC) that prohibits the IOU from involuntarily terminating utility service due to lack of payment to any residential user on any day when NWS has issued or has announced it intends to issue a heat-related alert, for the area where the residential user's address is located.

An electric or water utility, or landlord must inform all customers in the notice of disconnection how to seek reconnection, and provide clear and specific information on how to make that request, including how to contact the utility or landlord. An IOU, through a UTC approved process, must inform all customers in the notice of disconnection how to seek reconnection.

A residential user whose electric or water utility service has been disconnected at their dwelling for lack of payment may request the utility or landlord to reconnect service on any day a heat-related alert has been issued where their address is located. Upon such a request, a utility or landlord must promptly make a reasonable attempt to reconnect service to the dwelling.

When receiving a request to reconnect service for a heat-related alert, electric and water utilities and landlords may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If a repayment plan is required, it must:

- be designed both to pay the past due bill by the following May 15, or as soon as

- possible in certain instances, and to pay for continued utility service;
- not require monthly payments over 6 percent of the customer's monthly income;
- allow a customer to pay a higher percentage during the repayment period; and
- require the customer to contact the utility to reformulate the plan if assistance payments are received by the customer subsequently.

Reporting. Annually, each consumer-owned utility (COU) with more than 25,000 electric customers or 2500 water customers in Washington must submit a report to Commerce that includes the total number of disconnections that occurred on each day the NWS issued, or announced it intended to issue, a heat-related alert.

COUs with less than 25,000 electric customers or 2500 water customers must provide similar information if it is requested by Commerce. Any other information requested by Commerce must be provided by all COUs, subject to availability. Required information must be submitted in a form, timeline, and manner prescribed by Commerce.

Annually, each IOU must submit a report to the Utilities and Transportation Commission that includes the total number of disconnections that occurred on each day the NWS issued, or announced it intended to issue, a heat-related alert.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.