
HOUSE BILL 2373

State of Washington

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By Representatives Mena, Ramel, Parshley, Street, Kloba, Thomas, Ormsby, Scott, Bergquist, and Hill

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1 AN ACT Relating to requiring electric utilities to provide
2 monthly bill assistance as part of their obligation to offer energy
3 assistance to low-income households; amending RCW 19.405.120; and
4 providing an effective date.

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

6 **Sec. 1.** RCW 19.405.120 and 2019 c 288 s 12 are each amended to
7 read as follows:

8 (1) It is the intent of the legislature to demonstrate progress
9 toward ~~((making energy assistance funds available to low-income~~
10 ~~households))~~ addressing the disproportionate impacts of home energy
11 bills on low-income households and reduce energy assistance need
12 consistent with the policies identified in this section.

13 (2)(a) An electric utility with 25,000 or more retail customers
14 must ~~((make programs and funding available for energy assistance to~~
15 ~~low-income households by July 31, 2021)) offer energy assistance~~
16 programs, which must include a monthly bill discount program
17 consistent with subsection (3) of this section, sufficient to meet
18 energy assistance need, to all low-income customers by January 1,
19 2028, using funds generated by the utility's operations.

20 (b) An electric utility with fewer than 25,000 retail customers
21 must offer at least one energy assistance program, which must include

1 a monthly bill discount program consistent with subsection (3) of
2 this section, sufficient to meet energy assistance need, to all low-
3 income customers by January 1, 2028, using funds generated by the
4 utility's operations.

5 (c) Each utility must demonstrate progress in ((providing energy
6 assistance pursuant to the assessment and plans in subsection (4) of
7 this section. To the extent practicable, priority must be given))
8 each biennial period in increasing program participation rates and
9 reducing energy burden. A utility must prioritize assistance to low-
10 income households with a higher energy burden.

11 (3) ((Beginning July 31, 2020, the)) The monthly bill discount
12 program must:

13 (a) Provide an income-tiered bill discount to provide greater
14 levels of assistance to households with a higher energy burden. The
15 program must have a minimum of five income tiers. Benefit levels in
16 each tier must be set to approximate the discount needed to meet
17 energy assistance need for households in each tier;

18 (b) Provide a reasonable discount to low-income households that
19 are not in energy assistance need;

20 (c) Rely on a third-party low-income needs assessment, updated no
21 less often than every five years, to determine the income tiers and
22 benefit levels specified in (a) and (b) of this subsection (3).

23 (4) Under the program specified in subsection (3) of this
24 section:

25 (a) If an electric utility customer is unable to receive a
26 monthly discount on their bill, the electric utility may provide a
27 comparable monthly lump-sum payment to the household;

28 (b) An electric utility may choose to maintain prior benefit
29 levels to households if the previous benefit levels are greater than
30 those required under this section.

31 (5) In order to remove barriers and expedite assistance, each
32 electric utility must, through the low-income energy assistance
33 programs required under this section:

34 (a) Offer in-person and over the phone opportunities to enroll in
35 the program through the utility;

36 (b) Offer opportunities to enroll in the program on the utility's
37 web page;

38 (c) Offer streamlined eligibility options, including categorical
39 eligibility and self-attestation. An electric utility may use
40 community action councils or other third parties to audit incomes. An

1 electric utility may require recertification of program eligibility
2 by a program participant no more frequently than once every two
3 years;

4 (d) Establish application requirements that are limited to what
5 is necessary to enroll the household and effectively implement the
6 program;

7 (e) Codesign outreach materials and campaigns with community-
8 based organizations, including local low-income service providers
9 that specialize in serving low-income Black, indigenous, and people
10 of color. An electric utility may enter into an agreement with the
11 department to use outreach materials and strategies developed by the
12 department and conduct outreach and enrollment for the purposes of
13 enhancing participation of eligible households in utility low-income
14 programs;

15 (f) Develop the electric utility's energy assistance web page and
16 program materials for multiple languages, and have the web page and
17 materials reviewed and approved by first language speakers in
18 Washington state; and

19 (g) Provide quarterly bill inserts or email notifications to
20 customers with program eligibility and enrollment information.
21 Electric utilities may use model bill inserts or other text produced
22 by the department to satisfy this requirement.

23 (6) The department must collect and aggregate data estimating the
24 energy burden and energy assistance need and reported energy
25 assistance for each electric utility, (~~in order~~) to improve agency
26 and utility efforts to serve low-income households with energy
27 assistance. The department must update the aggregated data on a
28 biennial basis, make it publicly accessible on its internet website
29 and, to the extent practicable, include geographic attributes.

30 (a) The aggregated data published by the department must include,
31 but is not limited to:

32 (i) The estimated number and demographic characteristics of
33 households served by energy assistance for each utility and the
34 dollar value of the assistance;

35 (ii) The estimated level of energy burden and energy assistance
36 need among customers served, accounting for household income and
37 other drivers of energy burden;

38 (iii) Housing characteristics including housing type, home
39 vintage, and fuel types; and

40 (iv) Energy efficiency potential.

1 (b) Each utility must disclose information to the department for
2 use under this subsection, including:

3 (i) The amount and type of energy assistance and the number and
4 type of households, if applicable, served for programs administered
5 by the utility;

6 (ii) The amount of money passed through to third parties that
7 administer energy assistance programs; ~~((and))~~

8 (iii) The amount of money used to mitigate rate impacts to low-
9 income customers and a description of any other benefits provided to
10 ratepayers from the sale of allowances as required under RCW
11 70A.65.120(4), if applicable; and

12 (iv) Subject to availability, any other information related to
13 the utility's low-income assistance programs that is requested by the
14 department.

15 (c) The information required by (b) of this subsection must be
16 from the electric utility's most recent completed budget period and
17 in a form, timeline, and manner as prescribed by the department.

18 ~~((4))~~ (7)(a) In addition to the requirements under subsection
19 ~~((3))~~ (6) of this section, each electric utility must submit
20 biennially to the department an assessment of:

21 (i) The programs and mechanisms used by the utility to reduce
22 energy burden and the effectiveness of those programs ~~((and~~
23 ~~mechanisms in both short-term and sustained energy burden~~
24 ~~reductions))~~;

25 (ii) The outreach strategies used to encourage participation of
26 eligible households, including consultation with community-based
27 organizations and Indian tribes as appropriate, and comprehensive
28 enrollment campaigns that are linguistically and culturally
29 appropriate to the customers they serve in vulnerable populations;
30 and

31 (iii) A cumulative assessment of program participation rates and
32 previous funding levels ~~((for energy assistance compared to the~~
33 ~~funding levels needed to meet: (A) Sixty percent of the current~~
34 ~~energy assistance need, or increasing energy assistance by fifteen~~
35 ~~percent over the amount provided in 2018, whichever is greater, by~~
36 ~~2030; and (B) ninety percent of the current energy assistance need by~~
37 ~~2050))~~.

38 (b) The assessment required in (a) of this subsection must
39 include a plan to improve the effectiveness of the assessed
40 mechanisms and strategies toward meeting the energy assistance need.

1 ~~((5))~~ (8) A consumer-owned utility may enter into an agreement
2 with a public university, community-based organization, or joint
3 operating agency organized under chapter 43.52 RCW to aggregate the
4 disclosures required in this section and submit the assessment
5 required in subsections ~~((3) and (4))~~ (6) and (7) of this section.

6 ~~((6))~~ (9)(a) The department must submit a biennial report to
7 the legislature that:

8 (i) Aggregates information into a statewide summary of energy
9 assistance programs, energy burden, and energy assistance need;

10 (ii) Identifies and quantifies current expenditures on low-income
11 energy assistance; and

12 (iii) Evaluates the effectiveness of additional ~~((optimal))~~
13 mechanisms for energy assistance including, but not limited to,
14 customer rates, a low-income specific discount, system benefits
15 charges, and public and private funds.

16 (b) The department must also assess mechanisms to prioritize
17 energy assistance towards low-income households with a higher energy
18 burden.

19 ~~((7))~~ (10) Nothing in this section may be construed to restrict
20 the rate-making authority of the commission or the governing body of
21 a consumer-owned utility as otherwise provided by law.

22 NEW SECTION. **Sec. 2.** Section 1 of this act takes effect January
23 1, 2028.

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