
SENATE BILL 5904

State of Washington

52nd Legislature

1991 Regular Session

By Senators Thorsness, Conner and Sutherland.

Read first time March 1, 1991. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to home heating assistance for low-income persons;
2 and amending RCW 35.21.300, 35.21.301, 54.16.285, 54.16.286, 80.28.010,
3 and 80.28.011.

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

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

7 (1) The lien for charges for service by a city waterworks, or
8 electric light or power plant may be enforced only by cutting off the
9 service until the delinquent and unpaid charges are paid, except that
10 until June 30, (~~(1991)~~) 1995, utility service for residential space
11 heating may be terminated between November 15 and March 15 only as
12 provided in subsections (2) and (3) of this section. In the event of
13 a disputed account and tender by the owner of the premises of the
14 amount he claims to be due before the service is cut off, the right to

1 refuse service to any premises shall not accrue until suit has been
2 entered by the city and judgment entered in the case.

3 (2) Until June 30, (~~1991~~) 1995:

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

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

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

22 (iii) Has applied for home heating assistance from applicable
23 government and private sector organizations and certifies that any
24 assistance received will be applied to the current bill and future
25 utility bills;

26 (iv) Has applied for low-income weatherization assistance to the
27 utility or other appropriate agency if such assistance is available for
28 the dwelling;

29 (v) Agrees to a payment plan and agrees to maintain the payment
30 plan. The plan will be designed both to pay the past due bill by the

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

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

15 (b) The utility shall:

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

19 (ii) Assist the customer in fulfilling the requirements under this
20 section;

21 (iii) Be authorized to transfer an account to a new residence when
22 a customer who has established a plan under this section moves from one
23 residence to another within the same utility service area;

24 (iv) Be permitted to disconnect service if the customer fails to
25 honor the payment program. Utilities may continue to disconnect
26 service for those practices authorized by law other than for nonpayment
27 as provided for in this section. Customers who qualify for payment
28 plans under this section who default on their payment plans and are
29 disconnected can be reconnected and maintain the protections afforded
30 under this chapter by paying reconnection charges, if any, and by

1 paying all amounts that would have been due and owing under the terms
2 of the applicable payment plan, absent default, on the date on which
3 service is reconnected; and

4 (v) Advise the customer in writing at the time it disconnects
5 service that it will restore service if the customer contacts the
6 utility and fulfills the other requirements of this section.

7 (3) All municipal utilities shall offer residential customers the
8 option of a budget billing or equal payment plan. The budget billing or
9 equal payment plan shall be offered low-income customers eligible under
10 the state's plan for low-income energy assistance prepared in
11 accordance with 42 U.S.C. 8624(C)(1) without limiting availability to
12 certain months of the year, without regard to the length of time the
13 customer has occupied the premises, and without regard to whether the
14 customer is the tenant or owner of the premises occupied.

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

18 **Sec. 2.** RCW 35.21.301 and 1990 1st ex.s. c 1 s 2 are each amended
19 to read as follows:

20 Until ((1991)) 1995, cities and towns distributing electricity
21 shall report by September 30 of each year to the legislature for
22 utilities subject to its jurisdiction: (1) The extent to which chapter
23 245, Laws of 1986 benefits low income persons, and (2) the costs and
24 benefits to other customers.

25 This section shall expire June 30, ((1991)) 1995.

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

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

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

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

20 (c) Has applied for home heating assistance from applicable
21 government and private sector organizations and certifies that any
22 assistance received will be applied to the current bill and future
23 utility bills;

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

27 (e) Agrees to a payment plan and agrees to maintain the payment
28 plan. The plan will be designed both to pay the past due bill by the
29 following October 15 and to pay for continued utility service. If the
30 past due bill is not paid by the following October 15, the customer

1 shall not be eligible for protections under this chapter until the past
2 due bill is paid. The plan shall not require monthly payments in
3 excess of seven percent of the customer's monthly income plus one-
4 twelfth of any arrearage accrued from the date application is made and
5 thereafter during November 15 through March 15. A customer may agree
6 to pay a higher percentage during this period, but shall not be in
7 default unless payment during this period is less than seven percent of
8 monthly income plus one-twelfth of any arrearage accrued from the date
9 application is made and thereafter. If assistance payments are
10 received by the customer subsequent to implementation of the plan, the
11 customer shall contact the utility to reformulate the plan; and

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

13 (2) The utility shall:

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

17 (b) Assist the customer in fulfilling the requirements under this
18 section;

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

22 (d) Be permitted to disconnect service if the customer fails to
23 honor the payment program. Utilities may continue to disconnect
24 service for those practices authorized by law other than for nonpayment
25 as provided for in this section. Customers who qualify for payment
26 plans under this section who default on their payment plans and are
27 disconnected can be reconnected and maintain the protections afforded
28 under this chapter by paying reconnection charges, if any, and by
29 paying all amounts that would have been due and owing under the terms

1 of the applicable payment plan, absent default, on the date on which
2 service is reconnected; and

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

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

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

18 (5) This section shall expire June 30, (~~(1991)~~) 1995.

19 **Sec. 4.** RCW 54.16.286 and 1990 1st ex.s. c 1 s 4 are each amended
20 to read as follows:

21 Until (~~(1991)~~) 1995, districts distributing electricity shall
22 report by September 30 of each year to the legislature: (1) The extent
23 to which chapter 245, Laws of 1986 benefits low income persons, and (2)
24 the costs and benefits to other customers.

25 This section shall expire June 30, (~~(1991)~~) 1995.

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

1 (1) All charges made, demanded or received by any gas company,
2 electrical company or water company for gas, electricity or water, or
3 for any service rendered or to be rendered in connection therewith,
4 shall be just, fair, reasonable and sufficient.

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

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

12 (4) Until June 30, (~~1991~~) 1995:

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

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

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

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

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

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

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

24 (b) The utility shall:

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

28 (ii) Assist the customer in fulfilling the requirements under this
29 section;

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

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

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

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

19 (5) 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) Every gas company, electrical company and water company shall
29 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) An agreement between the customer and the utility, whether oral
4 or written, shall not waive the protections afforded under this
5 chapter.

6 **Sec. 6.** RCW 80.28.011 and 1990 1st ex.s. c 1 s 6 are each amended
7 to read as follows:

8 Until (~~(1991)~~) 1995, the Washington utilities and transportation
9 commission shall report by September 30 of each year to the legislature
10 for utilities subject to its jurisdiction: (1) The extent to which
11 chapter 245, Laws of 1986 benefits low income persons, and (2) the
12 costs and benefits to other customers.

13 This section shall expire June 30, (~~(1991)~~) 1995.