

# SENATE BILL REPORT

## SB 5366

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As of January 30, 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:** Senators Nguyen, Cleveland, Dhingra, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Randall, Saldaña, Stanford, Valdez and Wilson, C.; by request of Attorney General.

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/31/23.

**Brief Summary of Bill**

- Prohibits electric or water utilities from involuntarily terminating service for nonpayment to residential users during extreme heat.
- Prohibits landlords from involuntarily terminating electric utility or water service due to lack of payment to residential tenants during extreme heat.
- Creates a civil cause of action for involuntary termination of water service for nonpayment to residential users during extreme heat.

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Staff:** Kimberly Cushing (786-7421)

**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

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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.

**Summary of Bill:** Extreme Heat. Extreme heat occurs:

- on a day when the local weather forecast, as predicted by the national weather service (NWS), indicates that the weather in the area of the residential user's service address will include temperatures that exceed 90 degrees Fahrenheit (°F);
- if by 8:00 am the actual weather is 90°F or higher; or
- on any day preceding a holiday or weekend when a forecast indicates that the temperature will be 90°F or above during the holiday or weekend.

Prohibited Termination of Utility Service During Extreme Heat. An electric or water utility may not involuntarily terminate utility service due to lack of payment to any residential user during extreme heat.

If extreme heat occurs, the utility must promptly contact affected customers and make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected for lack of payment. Upon expiration of the NWS's forecast of 90°F or higher, a utility that has reconnected service as required for extreme heat may disconnect service without further notice if an appropriate payment arrangement has not been established.

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 that exceeded 90°F or on any day preceding a holiday or weekend when a forecast indicated that the temperature would be 90°F or above for those days.

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, specifying whether the day exceeded 90°F, was preceding a holiday or weekend when a forecast indicated the temperature would be 90°F, or was between November 15 and March 15.

Prohibited Termination of Utility Service for Tenants During Extreme Heat. Under the Residential Landlord-Tenant Act and the Manufactured/Mobile Home Landlord-Tenant Act, landlords may not involuntarily terminate electric utility or water service due to lack of payment to any residential tenants during extreme heat.

In the event a residential tenant has been disconnected for nonpayment when the temperature will be 90°F or higher, the landlord must promptly contact affected tenants and make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected. Upon expiration of the NWS's forecast of 90°F or higher, a landlord that has reconnected service as required for extreme heat may disconnect service without further notice if an appropriate payment arrangement has not been established.

Civil Cause of Action for Water Service Termination During Extreme Heat. A civil cause of action is created for any city, town, water district, or water company that involuntarily terminates water service due to lack of payment for any residential user during extreme heat.

If extreme heat occurs, the utility must promptly contact affected customers and make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected for lack of payment. Upon expiration of the NWS's forecast of 90°F or higher, a utility that has reconnected service as required for extreme heat may disconnect service without further notice if an appropriate payment arrangement has not been established.

Any person subject to involuntary termination of their residential water service for nonpayment under extreme heat may file an action in superior court for recovery damages and the cost of the suit. Upon finding a violation of prohibited termination of water service, individuals can also seek an amount not to exceed \$1,000 per violation per day or actual damages, whichever is greater, injunctive relief, reasonable attorney's fees, and any other relief the court determines appropriate.

**Appropriation:** None.

**Fiscal Note:** Requested on January 15, 2023.

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

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