



Brianne K. Nadeau

Councilmember, Ward 1

Statement of Introduction
Utility Disconnection Protection Act of 2024
May 24, 2024

Today, along with Councilmember Trayon White, I am introducing the “Utility Disconnection Protection Act of 2024”. This bill prohibits an electric company or gas company from disconnecting service for protected District households during the summer and winter months. The bill establishes the program under the Department of Energy and the Environment. The bill also requires the establishment of guidelines for payment plans for eligible customers and sets limits on what providers can charge to turn utilities back on after they have been disconnected due to non-payment. Finally, the bill requires that an electric company or gas company report data on unpaid bills and disconnections to the Public Service Commission monthly. This act is a permanent and narrower version of the protections that were in place during the public health emergency, and will work in tandem with B25-0675, the “Water is Life Amendment Act of 2024” introduced by Councilmember Parker, which prohibits water companies from disconnecting water service.

Shutting off a home’s energy supply can have grave consequences on its residents’ health and financial wellbeing. Energy insecurity can often lead to physical and mental health challenges, including difficulty sleeping, poor respiratory health, and food insecurity, and at times, can be fatal. Those who are behind on their utility bills also face economic repercussions, such as eviction or foreclosure. This can negatively impact their credit scores and bar them from establishing utility accounts in the future.¹ In 2022, District households had their gas and electricity cut off nearly 8,800 times for nonpayment - disproportionately impacting low-income and Black and brown communities.²

¹ [Which Americans Face the Greatest Risk of Utility Shut-Offs, and How Do they Cope? | Housing Matters \(urban.org\)](https://www.urban.org/policy-practice/story/which-americans-face-the-greatest-risk-of-utility-shut-offs-and-how-do-they-cope)

² Pepco disconnected customers 4,217 times last year. See Potomac Electric Power Company’s December 2022 Compliance with DC PSC Case Nos. 813-1043 Order Nos. 14293 and 15134, DC Public Service Commission, January 20, 2023, <https://edocket.dcpSC.org/apis/api/Filing/download?attachId=185094&guidFileName=453b7d4ab7e9-43ab-8a09-963cdfca5b63.pdf>.

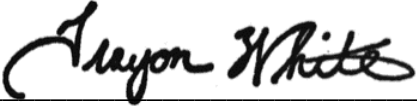
Washington Gas disconnected customers 4,568 times last year. See Washington Gas Light Company’s Monthly Report pursuant to Order No. 15134, Public Service Commission, January 20, 2023, <https://edocket.dcpSC.org/apis/api/Filing/download?attachId=185081&guidFileName=67dafa64-8b13-4640-bcb0-6efc522b48bb.pdf>.

To ensure that District residents have safe and affordable access to life saving electricity and heat, the Utility Disconnection Protection Act of 2024 prohibits an electric company or gas company from disconnecting service for protected households during the hottest and coldest months. Based on current temperature data, the disconnection protection will apply from May 15 through September 15, and from November 1 through February 29.³ Protected District households include those households with children under the age of 18, seniors aged 65 and older, individuals with disabilities, and recipients of certain public assistance programs. The program will be housed and administered under the Department of Energy and the Environment. This legislation also ensures that all eligible customers are offered a payment plan and are not charged a fee greater than \$25 to turn their electricity or gas back on after disconnection. Currently, utility providers are not required to offer a payment plan to customers and require that a bill is paid in full before turning services back on, which can amount to hundreds or thousands of dollars. This bill also updates the frequency of reporting that utility companies must provide to the Public Service Commission from a quarterly basis to a monthly basis.

Forty-eight other states have regulations in place that restrict the ability of landlords and utility companies to shut off utilities, but these laws vary widely. For instance, Indiana prohibits natural gas and electricity disconnections between December 1 and March 15 for tenants who receive public assistance. Idaho, on the other hand, prohibits disconnection from December 1 to February 28 for households with children under 18 or seniors aged 62 or older.⁴ In the District of Columbia, however, it is only against the law to shut off electricity and natural gas when the temperature is forecasted to be 95 degrees Fahrenheit or above or 32 degrees Fahrenheit or below. The District's temperature-based blanket ban applies to all utility customers. This bare-minimum protection is inadequate for many populations in the District, and lags far behind other states with comprehensive date-based protections.

³ [National Centers for Environmental Information \(NCEI\) \(noaa.gov\)](https://www.noaa.gov)

⁴ [State Disconnect Policies | The LIHEAP Clearinghouse \(hhs.gov\)](https://www.hhs.gov)


Councilmember Trayon White, Sr.


Councilmember Brianne K. Nadeau

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

1 To prohibit an electric company or gas company from disconnecting residential electric or gas
2 service for protected households during the summer and winter months; to establish the
3 program under the Department of Energy and the Environment; to require the
4 establishment of guidelines for payment plans for all eligible customers and a maximum
5 payment amount to turn utilities back on; and to require that an electric company or gas
6 company report arrearage and disconnection data to the Public Service Commission on a
7 monthly basis.

8
9 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
10 act may be cited as the “Utility Disconnection Protection Act of 2024”.

11 Sec. 2. Definitions.

12 For the purposes of this act, the term:

13 (1) “Disability” shall have the same meaning as provided in section 404(4) of the
14 Disability Rights Protection Act of 2006, effective March 8, 2007 (D.C. Law 16-239; D.C.
15 Official Code § 2-1431.01(4)).

16 (2) “Electric company” shall have the same meaning as provided in section 8 of
17 An Act Making appropriations to provide for the expenses of the government of the District of
18 Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other
19 purposes, approved March 4, 1913 (37 Stat. 976; D.C. Official Code § 34-207).

20 (3) “Eligible customer” means a utility customer that:

21 (A) Has notified the utility provider of an inability to pay all or a portion

22 of the amount due; and,

23 (B) Agrees in writing to make payments in accordance with the payment
24 plan.

25 (4) "Gas company" shall have the same meaning as provided in section 3(11) of
26 the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective
27 March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.02(11)).

28 (5) "Protected household" means a household that includes a resident who is:

29 (A) an elderly person 65 years of age or older;

30 (B) a child under 18 years of age;

31 (C) an individual with a disability; or,

32 (D) a recipient of any of the following public assistance programs:

33 (i) Temporary Assistance for Needy Families, established under
34 part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

35 (ii) the Supplemental Nutrition Assistance Program, established
36 under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

37 (iii) the supplemental security income program established under
38 Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

39 (iv) Low Income Home Energy Assistance Program;

40 (v) Veteran's Disability Pension;

41 (vi) Veteran's Surviving Spouse Pension;

42 (vii) Lifeline;

43 (viii) Medical Assistance; or,

44 (ix) any other income-based assistance program identified by the

45 Mayor.

46 (6) “Utility provider” means an electric company or a gas company.

47 Sec. 3. Shutoff prohibition.

48 (a) A utility provider shall not disconnect residential service for any protected household
49 from May 15 through September 15 and from November 1 through February 29.

50 (b) The Department of Energy and Environment (“DOEE”) shall establish a process for
51 verification of program eligibility and proof of residency and provide protected households with
52 the necessary information and support.

53 (c) A utility provider shall provide information on all monthly bills about the prohibitions
54 established by this section, along with information about how to apply for assistance with DOEE.

55 Sec. 4. Payment plan.

56 (a) A utility provider shall offer a payment plan program ("program") for eligible
57 customers. Under its program, a utility provider shall:

58 (1) Make a payment plan available to an eligible customer for the payment of
59 amounts that come due during the program period, with a minimum term length of one year,
60 unless a shorter time period is requested by the eligible customer;

61 (2) Waive any fee, interest, or penalty that arises out of the eligible customer
62 entering into a payment plan;

63 (3) Not report to a credit reporting agency as delinquent the amounts subject to
64 the payment plan;

65 (4) Notify all customers of the availability, terms, and application process for its
66 Program; and,

67 (5) Reconnect service to occupied residential property upon an eligible

68 customer's request and not charge a fee greater than \$25 for this reconnection.

69 (b)(1) Customers entering into a payment plan shall be required to make payments in
70 monthly installments for the duration of the payment plan unless a shorter payment schedule is
71 requested by the customer.

72 (2) A utility provider shall permit a customer that has entered into a payment
73 plan to pay an amount greater than the monthly amount established in the payment plan.

74 (3) A utility provider shall not require or request a customer provide a lump-sum
75 payment under a payment plan.

76 (4) A utility provider shall provide confirmation in writing to the customer of the
77 payment plan entered into, including the terms of a payment plan.

78 (c) A utility provider shall utilize existing procedures or, if necessary, establish new
79 procedures, subject to approval by the Public Service Commission (“Commission”), to provide a
80 process by which a customer may apply for a payment plan, which may include requiring the
81 customer to submit supporting documentation. A utility provider shall establish a payment plan
82 application process either online or by telephone.

83 (d)(1) A utility provider shall approve each application for a payment plan made by an
84 eligible customer.

85 (2) If the customer is not eligible and the customer's application for a payment
86 plan is denied, the utility provider shall inform the customer, in writing, of the denial and of the
87 option to file a written complaint pursuant to subsection (g) of this section.

88 (e)(1) A utility provider shall not disconnect service for non-payment of a bill or fees
89 when a customer has entered into a payment plan under this section and has made payments in
90 accordance with the terms of the payment plan;

91 (2) When a customer fails to pay in full the amounts due under a payment plan
92 on three separate occasions during the term of such payment plan, and the customer and utility
93 provider have not mutually agreed to a modification of the terms of the payment plan, nothing
94 under this section shall prevent a utility provider from either offering the customer a new
95 payment plan or disconnecting service.

96 (3) Notwithstanding any provision in this section, a utility provider is not
97 required to offer a customer a new payment plan within one year from when a customer has
98 defaulted on a previous payment plan offered pursuant to this section.

99 (f)(1) A utility provider that receives an application for a payment plan pursuant to this
100 section shall retain the application, whether approved or denied, for at least 3 years.

101 (2) Upon request by the customer, a utility provider shall make an application for
102 a payment plan available to the Commission, and the Office of the People's Counsel;

103 (g) A customer whose application for a payment plan is denied may file a written
104 complaint with the Commission, and the Office of the People's Counsel.

105 Sec. 5. Reporting Requirements.

106 (a) A utility provider shall collect and report the following arrearage and
107 disconnection data to the Public Service Commission on a monthly basis, disaggregated by Ward
108 and by nine-digit zip code:

109 (1) the number of residential customers;

110 (2) the number of low-income residential customers;

111 (3) the number of residential customers in arrears and the total dollar amount of
112 those arrearages;

113 (4) the number of low-income customers in arrears and the total dollar amount of

- 114 their arrearages;
- 115 (5) the number of residential terminations for non-payment;
- 116 (6) the number of low-income residential terminations for non-payment;
- 117 (7) the number of low-income residential service arrearage-related restorations;
- 118 (8) the number of residential service arrearage-related restorations;
- 119 (9) the total dollar amount of low-income residential accounts determined
- 120 uncollectible;
- 121 (10) the total dollar amount of residential accounts determined uncollectible;
- 122 (11) the number of disconnection notices issued to residential customers;
- 123 (12) the number of disconnection notices issued to low-income residential
- 124 customers:
- 125 (13) total revenues from low-income residential customers;
- 126 (14) total revenues from residential customers;
- 127 (15) the number of low-income deferred payment agreements entered into each
- 128 month and the total dollar amount associated with each low-income deferred payment
- 129 agreement; and
- 130 (16) the number of residential deferred payment agreements entered into each
- 131 month and the total dollar amount associated with each residential deferred payment agreement.

132 Sec. 6. Fiscal impact statement.

133 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact

134 statement required by section 4a of the General Legislative Procedures Act of 1975, approved

135 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

136 Sec. 7. Effective date.

137 This act shall take effect following approval by the Mayor (or in the event of veto by the
138 Mayor, action by the Council to override the veto) and a 30-day period of congressional review
139 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
140 24, 1973 (87 Stat. 813; D.C. Official Code § 1).