
HOUSE BILL 1490

State of Washington

67th Legislature

2021 Regular Session

By Representatives Harris-Talley and Ramel

1 AN ACT Relating to maintaining residential electricity and
2 heating service for low-income households and households with people
3 with disabilities; amending RCW 35.21.300, 54.16.285, and 80.28.010;
4 adding a new section to chapter 19.29A RCW; creating a new section;
5 and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature declares that access
8 to energy undergirds Washington's economic resilience and public
9 health outcomes. Energy is a crucial service that Washingtonians need
10 in order to secure an education, participate in the economy, and stay
11 safe and healthy.

12 (2) The legislature finds that during the COVID-19 crisis, access
13 to energy, as protected by proclamations delivered by the governor
14 and shut-off moratoria issued by the utilities and transportation
15 commission, reduced COVID-19 infections by 4.4 percent and mortality
16 rates by 7.4 percent. These protections are due to expire April 30,
17 2021, at which point many Washingtonians risk losing access to life-
18 preserving energy services.

19 (3) It is therefore the intent of the legislature to strengthen
20 Washington's economic resilience and public health outcomes by
21 prohibiting utility service termination for residential electricity

1 and heating due to nonpayment for low-income households and
2 households with people with disabilities.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.29A
4 RCW to read as follows:

5 The following requirements apply to an irrigation district formed
6 under chapter 87.03 RCW, a cooperative formed under chapter 23.86
7 RCW, or a mutual corporation or association formed under chapter
8 24.06 RCW, that is engaged in the business of distributing
9 electricity to more than one retail electric customer in the state:

10 (1) A utility providing service for residential space heating or
11 residential electric light may not terminate such utility service
12 between November 15th through March 15th for any residential
13 customer, regardless of household income or disability status, if the
14 customer:

15 (a) 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 (b) Provides self-certification of household income for the prior
24 12 months to a grantee of the department of commerce. The grantee
25 must determine the household income and shall provide a dollar figure
26 that is seven percent of household income. The grantee may verify
27 information in the self-certification;

28 (c) Has applied or will apply for home heating assistance from
29 applicable government and private sector organizations, if eligible,
30 and certifies that any assistance received will be applied to the
31 current bill and future utility bills;

32 (d) Agrees to a payment plan and agrees to maintain the payment
33 plan. The plan must be designed both to pay the past due bill by the
34 following October 15th and to pay for continued utility service. If
35 the past due bill is not paid by the following October 15th, the
36 customer is not eligible for protections under this chapter until the
37 past due bill is paid. The plan may not require monthly payments in
38 excess of seven percent of the customer's monthly income plus one-
39 twelfth of any arrearage accrued from the date application is made

1 and thereafter during November 15th through March 15th. A customer
2 may agree to pay a higher percentage during this period, but shall
3 not be in default unless payment during this period is less than
4 seven percent of monthly income plus one-twelfth of any arrearage
5 accrued from the date application is made and thereafter. If
6 assistance payments are received by the customer subsequent to
7 implementation of the plan, the customer shall contact the utility to
8 reformulate the plan; and

9 (e) Agrees to pay the moneys owed even if he or she moves.

10 (2)(a) Except as provided in (b) of this subsection, utility
11 service for both residential space heating and residential electric
12 light may not be terminated at any time due to delinquent or unpaid
13 charges for low-income households or households with people with
14 disabilities. The customer responsible for the utility bill:

15 (i) Must notify the utility of the inability to pay the bill
16 within seven business days of receiving a payment overdue notice,
17 unless there are extenuating circumstances;

18 (ii) Must provide self-certification of either household income
19 for the prior 12 months or household disability status, or both, to a
20 grantee of the department of commerce. The grantee must determine
21 that the household meets the definition of "low-income" as provided
22 in RCW 19.405.020 or the definition of "disability" as provided in
23 RCW 49.60.040. The grantee must provide a dollar figure that is three
24 percent of household income. The grantee may verify information in
25 the self-certification;

26 (iii) May apply for energy assistance from applicable government
27 and private sector organizations. The customer must certify that any
28 energy assistance received will be applied to the customer's current
29 bill and future utility bills;

30 (iv) May apply for low-income weatherization assistance to the
31 utility or other appropriate agency, if such assistance is available
32 for the dwelling;

33 (v) Must agree to a payment plan and agree to maintain the
34 payment plan. The plan may not require monthly payments in excess of
35 three percent of the customer's monthly income. The customer may
36 agree to pay a higher percentage during this period, but is not in
37 default unless payment during this period is less than three percent
38 of monthly income. If assistance payments are received by the
39 customer subsequent to implementation of the plan, the customer must
40 contact the utility to reformulate the plan; and

1 (vi) Must agree to pay the moneys owed even if the customer
2 moves.

3 (b) The utility may terminate service under this subsection only
4 if household net usage over six consecutive months exceeds 200
5 percent of average residential household usage in the utility's
6 service area, or 15 megawatt-hours or 800 therms, whichever is
7 greater.

8 (3) The utility must:

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

12 (b) Assist the customer in fulfilling the requirements under this
13 section including, but not limited to, providing the customer with
14 information on energy assistance programs for which the customer may
15 be eligible;

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

19 (d) Be permitted to disconnect service if the customer fails to
20 honor the payment program, except as provided in subsection (2) of
21 this section. Utilities may continue to disconnect service for those
22 practices authorized by law other than for nonpayment as provided for
23 in this section. Customers who qualify for payment plans under this
24 section who default on their payment plans and are disconnected may
25 be reconnected and maintain the protections afforded under this
26 chapter by reestablishing and making payments towards a payment plan
27 as provided under subsection (1)(d) or (2)(a)(v) of this section; and

28 (e) Advise the customer in writing and conduct an on-site, in-
29 person visit, and be willing to accept payment at that time, with
30 translation and accessibility service as necessary prior to
31 disconnecting service. The utility will restore service if the
32 customer contacts the utility and fulfills the other requirements of
33 this section.

34 (4) Each utility must offer residential customers the option of a
35 budget billing or equal payment plan. The budget billing or equal
36 payment plan must be offered to low-income customers without limiting
37 availability to certain months of the year, without regard to the
38 length of time the customer has occupied the premises, and without
39 regard to whether the customer is the tenant or owner of the premises

1 occupied. For the purposes of this subsection, "low-income" has the
2 same meaning as provided in RCW 19.405.020.

3 (5) An agreement between the customer and the utility, whether
4 oral or written, does not waive the protections afforded under this
5 chapter.

6 **Sec. 3.** RCW 35.21.300 and 1995 c 399 s 36 are each amended to
7 read as follows:

8 (1) (a) The lien for charges for service by a city waterworks, or
9 electric light or power plant may be enforced only by cutting off the
10 service until the delinquent and unpaid charges are paid, except that
11 ~~((until June 30, 1991, utility))~~:

12 (i) Utility service for residential space heating may not be
13 terminated between November 15th and March 15 ~~((only))~~ th, as provided
14 in subsections (2) and ~~((4))~~ (5) of this section; and

15 (ii) Utility service for both residential space heating and
16 residential electric light may not be terminated due to delinquent or
17 unpaid charges at any time for low-income households and households
18 with people with disabilities.

19 (b) In the event of a disputed account and tender by the owner of
20 the premises of the amount the owner claims to be due before the
21 service is cut off, the right to refuse service to any premises
22 ~~((shall))~~ does not accrue until suit has been entered by the city and
23 judgment entered in the case.

24 (2) Utility service for residential space heating ~~((shall))~~ may
25 not be terminated between November 15th through March 15th for any
26 residential customer, regardless of household income or disability
27 status, if the customer:

28 (a) Notifies the utility of the inability to pay the bill,
29 including a security deposit. This notice should be provided within
30 five business days of receiving a payment overdue notice unless there
31 are extenuating circumstances. If the customer fails to notify the
32 utility within five business days and service is terminated, the
33 customer can, by paying reconnection charges, if any, and fulfilling
34 the requirements of this section, receive the protections of this
35 chapter;

36 (b) Provides self-certification of household income for the prior
37 twelve months to a grantee of the department of ~~((community, trade,~~
38 ~~and economic development which administers federally funded energy~~
39 ~~assistance programs))~~ commerce. The grantee ~~((shall))~~ must determine

1 ~~((that))~~ the household income ~~((does not exceed the maximum allowed~~
2 ~~for eligibility under the state's plan for low-income energy~~
3 ~~assistance under 42 U.S.C. 8624 and))~~ shall provide a dollar figure
4 that is seven percent of household income. The grantee may verify
5 information in the self-certification;

6 (c) Has applied or will apply for home heating assistance from
7 applicable government and private sector organizations, if eligible,
8 and certifies that any assistance received will be applied to the
9 current bill and future utility bills;

10 ~~((Has applied for low-income weatherization assistance to the~~
11 ~~utility or other appropriate agency if such assistance is available~~
12 ~~for the dwelling;~~

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

29 ~~((f))~~ (e) Agrees to pay the moneys owed even if he or she
30 moves.

31 (3)(a) Except as provided in (b) of this subsection, utility
32 service for both residential space heating and residential electric
33 light may not be terminated at any time due to delinquent or unpaid
34 charges for low-income households or households with people with
35 disabilities. The customer responsible for the utility bill:

36 (i) Must notify the utility of the inability to pay the bill
37 within seven business days of receiving a payment overdue notice,
38 unless there are extenuating circumstances;

39 (ii) Must provide self-certification of either household income
40 for the prior 12 months or household disability status, or both, to a

1 grantee of the department of commerce. The grantee must determine
2 that the household meets the definition of "low-income" as provided
3 in RCW 19.405.020 or the definition of "disability" as provided in
4 RCW 49.60.040. The grantee must provide a dollar figure that is three
5 percent of household income. The grantee may verify information in
6 the self-certification;

7 (iii) May apply for energy assistance from applicable government
8 and private sector organizations. The customer must certify that any
9 energy assistance received will be applied to the customer's current
10 bill and future utility bills;

11 (iv) May apply for low-income weatherization assistance to the
12 utility or other appropriate agency, if such assistance is available
13 for the dwelling;

14 (v) Must agree to a payment plan and agree to maintain the
15 payment plan. The plan may not require monthly payments in excess of
16 three percent of the customer's monthly income. The customer may
17 agree to pay a higher percentage during this period, but is not in
18 default unless payment during this period is less than three percent
19 of monthly income. If assistance payments are received by the
20 customer subsequent to implementation of the plan, the customer must
21 contact the utility to reformulate the plan; and

22 (vi) Must agree to pay the moneys owed even if he or she moves.

23 (b) The utility may terminate service under this subsection only
24 if household net usage over six consecutive months exceeds 200
25 percent of average residential household usage in the utility's
26 service area, or 15 megawatt-hours or 800 therms, whichever is
27 greater.

28 (4) The utility (~~shall~~) must:

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

32 (b) Assist the customer in fulfilling the requirements under this
33 section including, but not limited to, providing the customer with
34 information on energy assistance programs for which the customer may
35 be eligible;

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

39 (d) Be permitted to disconnect service if the customer fails to
40 honor the payment program, except as provided in subsection (3) of

1 this section. Utilities may continue to disconnect service for those
2 practices authorized by law other than for nonpayment as provided for
3 in this section. Customers who qualify for payment plans under this
4 section who default on their payment plans and are disconnected can
5 be reconnected and maintain the protections afforded under this
6 chapter by ~~((paying reconnection charges, if any, and by paying all~~
7 ~~amounts that would have been due and owing under the terms of the~~
8 ~~applicable payment plan, absent default, on the date on which service~~
9 ~~is reconnected))~~ reestablishing and making payments towards a payment
10 plan as provided under subsection (2)(d) or (3)(a)(v) of this
11 section; and

12 (e) Advise the customer in writing ~~((at the time it disconnects~~
13 ~~service that it))~~ and conduct an on-site, in-person visit, and be
14 willing to accept payment at that time, with translation and
15 accessibility services as necessary prior to disconnecting service.
16 The utility will restore service if the customer contacts the utility
17 and fulfills the other requirements of this section.

18 ~~((4))~~ (5) All municipal utilities shall offer residential
19 customers the option of a budget billing or equal payment plan. The
20 budget billing or equal payment plan shall be offered to low-income
21 customers ~~((eligible under the state's plan for low-income energy~~
22 ~~assistance prepared in accordance with 42 U.S.C. 8624(C)(1))~~) without
23 limiting availability to certain months of the year, without regard
24 to the length of time the customer has occupied the premises, and
25 without regard to whether the customer is the tenant or owner of the
26 premises occupied. For the purposes of this subsection, "low-income"
27 has the same meaning as defined in RCW 19.405.020.

28 ~~((5))~~ (6) An agreement between the customer and the utility,
29 whether oral or written, shall not waive the protections afforded
30 under this chapter.

31 **Sec. 4.** RCW 54.16.285 and 1995 c 399 s 144 are each amended to
32 read as follows:

33 (1) A district providing utility service for residential space
34 heating ~~((shall))~~ may not terminate such utility service between
35 November 15th through March 15th for any residential customer,
36 regardless of household income or disability status, if the customer:

37 (a) Notifies the utility of the inability to pay the bill,
38 including a security deposit. This notice should be provided within
39 five business days of receiving a payment overdue notice unless there

1 are extenuating circumstances. If the customer fails to notify the
2 utility within five business days and service is terminated, the
3 customer can, by paying reconnection charges, if any, and fulfilling
4 the requirements of this section, receive the protections of this
5 chapter;

6 (b) Provides self-certification of household income for the prior
7 twelve months to a grantee of the department of ~~((community, trade,~~
8 ~~and economic development which administers federally funded energy~~
9 ~~assistance programs))~~ commerce. The grantee ~~((shall))~~ must determine
10 ~~((that))~~ the household income ~~((does not exceed the maximum allowed~~
11 ~~for eligibility under the state's plan for low-income energy~~
12 ~~assistance under 42 U.S.C. 8624))~~ and shall provide a dollar figure
13 that is seven percent of household income. The grantee may verify
14 information provided in the self-certification;

15 (c) Has applied or will apply for home heating assistance from
16 applicable government and private sector organizations, if eligible,
17 and certifies that any assistance received will be applied to the
18 current bill and future utility bills;

19 (d) ~~((Has applied for low-income weatherization assistance to the~~
20 ~~utility or other appropriate agency if such assistance is available~~
21 ~~for the dwelling;~~

22 ~~(e))~~ Agrees to a payment plan and agrees to maintain the payment
23 plan. The plan ~~((will))~~ must be designed both to pay the past due
24 bill by the following October 15th and to pay for continued utility
25 service. If the past due bill is not paid by the following October
26 15th, the customer shall not be eligible for protections under this
27 chapter until the past due bill is paid. The plan ~~((shall))~~ may not
28 require monthly payments in excess of seven percent of the customer's
29 monthly income plus one-twelfth of any arrearage accrued from the
30 date application is made and thereafter during November 15th through
31 March 15th. A customer may agree to pay a higher percentage during
32 this period, but shall not be in default unless payment during this
33 period is less than seven percent of monthly income plus one-twelfth
34 of any arrearage accrued from the date application is made and
35 thereafter. If assistance payments are received by the customer
36 subsequent to implementation of the plan, the customer shall contact
37 the utility to reformulate the plan; and

38 ~~((f))~~ (e) Agrees to pay the moneys owed even if he or she
39 moves.

1 (2)(a) Except as provided in (b) of this subsection, utility
2 service for both residential space heating and residential electric
3 light may not be terminated at any time due to delinquent or unpaid
4 charges for low-income households or households with people with
5 disabilities. The customer responsible for the utility bill:

6 (i) Must notify the utility of the inability to pay the bill
7 within seven business days of receiving a payment overdue notice,
8 unless there are extenuating circumstances;

9 (ii) Must provide self-certification of either household income
10 for the prior 12 months or household disability status, or both, to a
11 grantee of the department of commerce. The grantee must determine
12 that the household meets the definition of "low-income" as provided
13 in RCW 19.405.020 or the definition of "disability" as provided in
14 RCW 49.60.040. The grantee must provide a dollar figure that is three
15 percent of household income. The grantee may verify information in
16 the self-certification;

17 (iii) May apply for energy assistance from applicable government
18 and private sector organizations. The customer must certify that any
19 energy assistance received will be applied to the customer's current
20 bill and future utility bills;

21 (iv) May apply for low-income weatherization assistance to the
22 utility or other appropriate agency, if such assistance is available
23 for the dwelling;

24 (v) Must agree to a payment plan and agree to maintain the
25 payment plan. The plan may not require monthly payments in excess of
26 three percent of the customer's monthly income. The customer may
27 agree to pay a higher percentage during this period, but is not in
28 default unless payment during this period is less than three percent
29 of monthly income. If assistance payments are received by the
30 customer subsequent to implementation of the plan, the customer must
31 contact the utility to reformulate the plan; and

32 (vi) Must agree to pay the moneys owed even if he or she moves.

33 (b) The utility may terminate service under this subsection only
34 if household net usage over six consecutive months exceeds 200
35 percent of average residential household usage in the utility's
36 service area, or 15 megawatt-hours or 800 therms, whichever is
37 greater.

38 (3) The utility (~~shall~~) must:

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

4 (b) Assist the customer in fulfilling the requirements under this
5 section including, but not limited to, providing the customer with
6 information on energy assistance programs for which the customer may
7 be eligible;

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

11 (d) Be permitted to disconnect service if the customer fails to
12 honor the payment program, except as provided in subsection (2) of
13 this section. Utilities may continue to disconnect service for those
14 practices authorized by law other than for nonpayment as provided for
15 in this section. Customers who qualify for payment plans under this
16 section who default on their payment plans and are disconnected can
17 be reconnected and maintain the protections afforded under this
18 chapter by ~~((paying reconnection charges, if any, and by paying all~~
19 ~~amounts that would have been due and owing under the terms of the~~
20 ~~applicable payment plan, absent default, on the date on which service~~
21 ~~is reconnected))~~ reestablishing and making payments towards a payment
22 plan as provided under subsection (1)(d) or (2)(a)(v) of this
23 section; and

24 (e) Advise the customer in writing ~~((at the time it disconnects~~
25 ~~service that it))~~ and conduct an on-site, in-person visit, and be
26 willing to accept payment at that time, with translation and
27 accessibility services as necessary prior to disconnecting service.
28 The utility will restore service if the customer contacts the utility
29 and fulfills the other requirements of this section.

30 ~~((+3))~~ (4) All districts providing utility service for
31 residential space heating or residential electric light shall offer
32 residential customers the option of a budget billing or equal payment
33 plan. The budget billing or equal payment plan shall be offered to
34 low-income customers ~~((eligible under the state's plan for low-income~~
35 ~~energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1))~~
36 without limiting availability to certain months of the year, without
37 regard to the length of time the customer has occupied the premises,
38 and without regard to whether the customer is the tenant or owner of
39 the premises occupied. For the purposes of this subsection, "low-
40 income" has the same meaning as defined in RCW 19.405.020.

1 ~~((4))~~ (5) An agreement between the customer and the utility,
2 whether oral or written, shall not waive the protections afforded
3 under this chapter.

4 **Sec. 5.** RCW 80.28.010 and 2011 c 214 s 11 are each amended to
5 read as follows:

6 (1) All charges made, demanded or received by any gas company,
7 electrical company, wastewater company, or water company for gas,
8 electricity or water, or for any service rendered or to be rendered
9 in connection therewith, shall be just, fair, reasonable and
10 sufficient. Reasonable charges necessary to cover the cost of
11 administering the collection of voluntary donations for the purposes
12 of supporting the development and implementation of evergreen
13 community management plans and ordinances under RCW 80.28.300 must be
14 deemed as prudent and necessary for the operation of a utility.

15 (2) Every gas company, electrical company, wastewater company,
16 and water company shall furnish and supply such service,
17 instrumentalities and facilities as shall be safe, adequate and
18 efficient, and in all respects just and reasonable.

19 (3) All rules and regulations issued by any gas company,
20 electrical company, wastewater company, or water company, affecting
21 or pertaining to the sale or distribution of its product or service,
22 must be just and reasonable.

23 (4) Utility service for residential space heating ~~((shall))~~ may
24 not be terminated between November 15th through March 15th for any
25 residential customer, regardless of household income or disability
26 status, if the customer:

27 (a) Notifies the utility of the inability to pay the bill,
28 including a security deposit. This notice should be provided within
29 five business days of receiving a payment overdue notice unless there
30 are extenuating circumstances. If the customer fails to notify the
31 utility within five business days and service is terminated, the
32 customer can, by paying reconnection charges, if any, and fulfilling
33 the requirements of this section, receive the protections of this
34 chapter;

35 (b) Provides self-certification of household income for the prior
36 twelve months to a grantee of the department of commerce, which
37 administers federally funded energy assistance programs. The grantee
38 ~~((shall))~~ must determine ~~((that))~~ the household income ~~((does not~~
39 ~~exceed the maximum allowed for eligibility under the state's plan for~~

~~low-income energy assistance under 42 U.S.C. 8624))~~ and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied or will apply for home heating assistance from applicable government and private sector organizations, if eligible, and certifies that any assistance received will be applied to the current bill and future utility bills;

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

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

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

(5)(a) Except as provided in (b) of this subsection, utility service for both residential space heating and residential electric light may not be terminated at any time due to delinquent or unpaid charges for low-income households or households with people with disabilities. The customer responsible for the utility bill:

(i) Must notify the utility of the inability to pay the bill within seven business days of receiving a payment overdue notice, unless there are extenuating circumstances;

(ii) Must provide self-certification of either household income for the prior 12 months or household disability status, or both, to a grantee of the department of commerce. The grantee must determine that the household meets the definition of "low-income" as provided

1 in RCW 19.405.020 or the definition of "disability" as provided in
2 RCW 49.60.040. The grantee must provide a dollar figure that is three
3 percent of household income. The grantee may verify information in
4 the self-certification;

5 (iii) May apply for energy assistance from applicable government
6 and private sector organizations. The customer must certify that any
7 energy assistance received will be applied to the customer's current
8 bill and future utility bills;

9 (iv) May apply for low-income weatherization assistance to the
10 utility or other appropriate agency, if such assistance is available
11 for the dwelling;

12 (v) Must agree to a payment plan and agree to maintain the
13 payment plan. The plan may not require monthly payments in excess of
14 three percent of the customer's monthly income. The customer may
15 agree to pay a higher percentage during this period, but is not in
16 default unless payment during this period is less than three percent
17 of monthly income. If assistance payments are received by the
18 customer subsequent to implementation of the plan, the customer must
19 contact the utility to reformulate the plan; and

20 (vi) Must agree to pay the moneys owed even if he or she moves.

21 (b) The utility may terminate service under this subsection only
22 if household net usage over six consecutive months exceeds 200
23 percent of average residential household usage in the utility's
24 service area, or 15 megawatt-hours or 800 therms, whichever is
25 greater.

26 (6) The utility (~~shall~~) must:

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

30 (b) Assist the customer in fulfilling the requirements under this
31 section including, but not limited to, providing the customer with
32 information on energy assistance programs for which the customer may
33 be eligible;

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

37 (d) Be permitted to disconnect service if the customer fails to
38 honor the payment program, except as provided in subsection (5) of
39 this section. Utilities may continue to disconnect service for those
40 practices authorized by law other than for nonpayment as provided for

1 in this subsection. Customers who qualify for payment plans under
2 this section who default on their payment plans and are disconnected
3 can be reconnected and maintain the protections afforded under this
4 chapter by ~~((paying reconnection charges, if any, and by paying all~~
5 ~~amounts that would have been due and owing under the terms of the~~
6 ~~applicable payment plan, absent default, on the date on which service~~
7 ~~is reconnected))~~ reestablishing and making payments toward a payment
8 plan as provided under subsections (4)(d) and (5)(a)(v) of this
9 section; and

10 (e) Advise the customer in writing ~~((at the time it disconnects~~
11 ~~service that it))~~ and conduct an on-site, in-person visit, and be
12 willing to accept payment at that time, with translation and
13 accessibility services as necessary prior to disconnecting service.
14 The utility will restore service if the customer contacts the utility
15 and fulfills the other requirements of this section.

16 ~~((+6))~~ (7) A payment plan implemented under this section is
17 consistent with RCW 80.28.080.

18 ~~((+7))~~ (8) Every gas company and electrical company shall offer
19 residential customers the option of a budget billing or equal payment
20 plan. The budget billing or equal payment plan shall be offered to
21 low-income customers ~~((eligible under the state's plan for low-income~~
22 ~~energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1))~~
23 without limiting availability to certain months of the year, without
24 regard to the length of time the customer has occupied the premises,
25 and without regard to whether the customer is the tenant or owner of
26 the premises occupied. For the purposes of this subsection, "low-
27 income" has the same meaning as defined in RCW 19.405.020.

28 ~~((+8))~~ (9) Every gas company, electrical company, wastewater
29 company, and water company shall construct and maintain such
30 facilities in connection with the manufacture and distribution of its
31 product, or provision of its services, as will be efficient and safe
32 to its employees and the public.

33 ~~((+9))~~ (10) An agreement between the customer and the utility,
34 whether oral or written, does not waive the protections afforded
35 under this chapter.

36 ~~((+10))~~ (11) In establishing rates or charges for water service,
37 water companies as defined in RCW 80.04.010 may consider the
38 achievement of water conservation goals and the discouragement of
39 wasteful water use practices.

1 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

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