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**HOUSE BILL 1490**

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**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

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

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

(3) The utility must:

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

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

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

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

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

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

((that)) the household income ((does not 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 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 shall not be eligible for protections under this chapter until the past due bill is paid. The plan ((shall)) 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.

(3) (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

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 15<sup>th</sup> through March 15<sup>th</sup> 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,~~  
~~and economic development which administers federally funded energy~~  
~~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 15<sup>th</sup> and to pay for continued utility  
25 service. If the past due bill is not paid by the following October  
26 15<sup>th</sup>, 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 15<sup>th</sup> through  
31 March 15<sup>th</sup>. 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

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

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

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

11 (e)) Agrees to a payment plan and agrees to maintain the payment  
12 plan. The plan ~~((will))~~ must be designed both to pay the past due  
13 bill by the following October 15th and to pay for continued utility  
14 service. If the past due bill is not paid by the following October  
1515th, the customer is not eligible for protections under this chapter  
16 until the past due bill is paid. The plan may not require monthly  
17 payments in excess of seven percent of the customer's monthly income  
18 plus one-twelfth of any arrearage accrued from the date application  
19 is made and thereafter during November 15th through March 15th. A  
20 customer may agree to pay a higher percentage during this period, but  
21 shall not be in default unless payment during this period is less  
22 than seven percent of monthly income plus one-twelfth of any  
23 arrearage accrued from the date application is made and thereafter.  
24 If assistance payments are received by the customer subsequent to  
25 implementation of the plan, the customer shall contact the utility to  
reformulate the plan; and

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

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

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

37 (ii) Must provide self-certification of either household income  
38 for the prior 12 months or household disability status, or both, to a  
39 grantee of the department of commerce. The grantee must determine  
40 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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