URGING ADOPTION OF PROTECTIONS AGAINST TERMINATION OF UTILITY SERVICE FOR LOW-INCOME, SENIOR, AND OTHER AT-RISK HOUSEHOLDS IN WHICH A SERIOUSLY OR CHRONICALLY ILL OR DISABLED PERSON RESIDES

Whereas, electric, gas, water and wastewater utility services are vital for the health, safety and comfort of all households;¹ and

Whereas, loss of utility service can lead to risk of serious harm or even death, if customers or household occupants lose access to critical, life-saving, or life-preserving medical equipment; or have serious or chronic medical conditions that may be exacerbated by loss of electric, gas, water or wastewater service; or resort to using unsafe sources of heating or lighting in their homes due to lack of financial resources necessary to avert shutoffs or timely restore terminated service (such households to be referred to herein as “vulnerable households”);² and

Whereas, according to the National Fire Protection Association, approximately one-third of all home heating fires involve space heaters and four-fifths of house fires resulting in death involve the use of space heaters;³ and

Whereas, almost half of all residential energy consumption is devoted to heating and cooling of homes,⁴ with these services being essential to maintaining health, safety and comfort; and

Whereas, the large number of terminations of utility service jeopardizes the health and safety of many households and the safety of many communities and leaves vulnerable households at risk of harm;⁵ and

Whereas, households with seniors are particularly at risk if utility services are disconnected, due to a higher risk of hypothermia⁶ if utility services are needed to provide heat; and higher risk of heat stress⁷ if utility services assist with cooling; and

Whereas, seniors on fixed incomes, in particular, may face challenges in not only affording utility bills but also in accessing available assistance for paying utility bills, due to mobility limitations or other age-related disabilities; and

Whereas, young children -- like seniors -- are particularly at risk if utility services are disconnected, due to a higher risk of hypothermia⁸ and heat stress⁹; and

Whereas, disconnections have a disparate impact on low-income communities, particularly those with significant concentrations of serious and chronic medical conditions and particularly communities of color;¹⁰ and
Whereas, the housing of vulnerable households is particularly threatened by energy insecurity and shutoffs serving to displace families and resulting in unsafe living conditions and evictions that force families to “double or triple up”, become marginally housed or unhoused; and

Whereas, vulnerable residents and occupants of master-metered buildings may not receive prior notice of service terminations because they are not the customers of the utility; and

Whereas, lower-income households, with annual incomes at or below $30,000, have “energy burdens” two- to four-times as large as higher income households (with “energy burden” defined as the percent of income spent on energy costs); and

Whereas, funding to assist lower-income households pay their energy bills is insufficient to meet the need, with funding available from the federal Low Income Home Energy Assistance Program able to assist only about 6.1 million or about one-fifth of eligible households, with an average annual grant of $458, during federal fiscal year 2018; and

Whereas, low-income households often go without food, forego medical or dental care in order to pay utility bills, or suffer illness in an effort to lower those bills by turning down thermostats to unhealthy levels; and

Whereas, states vary widely in the protections against termination available to customers and household occupants when there is a serious illness or vulnerable persons in the household, including some states that offer no protections, such as additional process, or delays, as of right, or stays of limited or unlimited duration; and

Whereas, states vary widely in the protections against termination available to customers and household occupants when there is a serious illness or vulnerable persons in the household, including some states that offer no protections, such as additional process, or delays, as of right, or stays of limited or unlimited duration; and

Whereas, consumer protections for vulnerable households are being even further eroded as a result of large scale deployment of remote shut off technologies that enable utilities to disconnect service from a back office with little, if any, interaction with the impacted consumers.

Now, therefore, be it resolved that NASUCA encourages all policymakers, and particularly state utility regulatory commissions, to adopt laws, regulations and policies to protect customers and household occupants when there is a serious illness in the household, particularly when the household has low-income residents, or when there are vulnerable seniors or young children in the home; and

Be it further resolved that NASUCA encourages state utility regulatory commissions to continuously review and monitor utility disconnection policies, practices and notices, including those that relate to master-metered buildings, to track disconnection and reconnection data and statistics, particularly with regard to the disconnection and reconnection of service during the heating season and to low income customers, and to aggressively enforce utility compliance with shut-off laws and regulations to the full extent permitted by law; and

Be it further resolved that NASUCA encourages all electric, gas, water and wastewater companies to implement on their own, or propose to their regulators where applicable, policies that would protect customers and household occupants, including occupants of master-metered
buildings, from termination of utility service through additional process, or delay as of right, when there is a serious illness in the home and when the household has low-income individuals, particularly vulnerable seniors, or young children; and

**Be it further resolved** that NASUCA encourages state utility regulatory commissions and all electric, gas, water and wastewater companies to develop processes to identify customers and household occupants, including occupants of master-metered buildings, who may be vulnerable and/or at-risk so that protections against termination (including remote termination) may be in place in advance of any actual efforts to terminate service, along with simple methods for documenting the qualifying illness or condition; and

**Be it further resolved** that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions, including litigation, consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking such action, if possible. In any event, the Executive Committee shall notify the membership of any action taken pursuant to the resolution.

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1. *Memphis Light, Gas and Water Division v. Craft*, 436 U.S. 1 (1978) (“Utility service is a necessity of modern life; indeed, the discontinuance of water or heating for even short periods of time may threaten health and safety.”)


http://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=b53a1c89-e2b9-42e3-aa76-0d0cf1979cf3


Submitted by the Consumer Protection Committee:

Adopted by the Membership
Minneapolis, Minnesota
June 24, 2018

Abstaining: Michigan, Tennessee