

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend the Code of Virginia by adding in Chapter 21 of Title 15.2 an article numbered 2.1, consisting of sections numbered 15.2-2121.1, 15.2-2121.2, and 15.2-2121.3, by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:4, and by adding in Article 2 of Chapter 10 of Title 56 sections numbered 56-245.1:3 and 56-245.1:4, relating to public utilities; municipal utilities; disconnection of service; limitations; consumer protections.

[H 906]

Approved

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 21 of Title 15.2 an article numbered 2.1, consisting of sections numbered 15.2-2121.1, 15.2-2121.2, and 15.2-2121.3, by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:4, and by adding in Article 2 of Chapter 10 of Title 56 sections numbered 56-245.1:3 and 56-245.1:4 as follows:

## Article 2.1.

## Disconnection Provisions for Public Utilities.

## § 15.2-2121.1. Definitions.

As used in this article, "utility" means a public utility that is owned or operated by a locality of the Commonwealth.

## § 15.2-2121.2. Disconnection suspension for utilities.

A. 1. No electric utility shall disconnect from service any residential customer for the nonpayment of bills or fees (i) when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection or (ii) when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

2. No gas utility shall disconnect from service any residential customer for nonpayment of bills or fees when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

3. No water or wastewater utility shall disconnect from service any residential customer when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

4. To ascertain the projected temperature as provided in this subsection, each utility shall refer to the forecasted local temperature provided by the National Weather Service where the customer to be disconnected is located.

B. No utilities shall disconnect from service any residential customer for nonpayment of bills or fees on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.

C. Nothing in this section shall be construed to limit utilities from voluntarily suspending scheduled disconnections during other extreme weather events, emergency conditions, or circumstances in which a utility determines such suspension is necessary to protect the health and safety of its customers and the reliability of utility service in the Commonwealth. Further, nothing in this section shall be construed to prohibit (i) a disconnection required by the conditions of subdivision A 8 of § 56-247.1, (ii) emergency disconnections for health and safety purposes, or (iii) the occurrence of an automatic service suspension associated with prepaid utility service. Any fees or expenses incurred by a utility in complying with the requirements of this section shall be recovered by the utility.

## § 15.2-2121.3. Notice procedures for nonpayment; disconnecting utility service.

A. Each utility subject to the provisions of this article shall provide to each of its residential customers a copy of its disconnection for nonpayment policy (i) at any time a new residential account is established, (ii) when any disconnection for nonpayment of bills or fees is scheduled by including a copy of the policy with such notice, or (iii) by publishing the disconnection policy on the utility's website. Each such utility shall provide all required notices in English and Spanish. Such required notices shall include information regarding payment plans and state, federal, or utility energy assistance programs.

B. Each utility subject to the provisions of this article shall deliver notice of nonpayment of bills or fees to its residential customers prior to disconnection by using at least one of the following methods: (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

C. Utility disconnections due to the nonpayment of bills or fees are prohibited for residential customers until the customer's account is 45 days in arrears. After each missed payment, the utility shall provide notice pursuant to subsection B and make contact with the customer and offer bill payment assistance, arrange a payment plan, or provide information to the customer for other bill payment

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57 assistance or energy savings programs.

58 D. No electric or gas utility shall require a deposit of more than 25 percent of the arrearage amount  
59 for service, exclusive of nonpayment fees, penalties, or interest, in order to restore service to any  
60 residential customer where such utility received funding from the Department of Social Services for such  
61 customer through the Home Energy Assistance Program pursuant to § 63.2-805 within the last 12  
62 months. A customer is eligible for this provision once every three years.

63 **§ 44-146.29:4. Disconnection suspension for certain utilities.**

64 In the case of any state of emergency declared by the Governor in response to a communicable  
65 disease of public health threat, each utility that is engaged in the business of furnishing electricity, gas,  
66 water, or wastewater service and subject to the regulation of the State Corporation Commission or  
67 owned or operated by a municipality shall be suspended from disconnecting service to residential  
68 customers for nonpayment of bills or fees for 30 days upon the declaration of such emergency.

69 **§ 56-245.1:3. Disconnection suspension for utilities.**

70 A. As used in this section, "utility" means an electric company, a natural gas supplier, or a water  
71 supplier or wastewater service provider that is subject to the regulation of the Commission.

72 B. 1. No electric utility shall disconnect from service any residential customer for the nonpayment of  
73 bills or fees (i) when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24  
74 hours following the scheduled disconnection or (ii) when the forecasted temperature is at or above 92  
75 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

76 2. No gas utility shall disconnect from service any residential customer for nonpayment of bills or  
77 fees when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours  
78 following the scheduled disconnection.

79 3. No water or wastewater utility shall disconnect from service any residential customer when the  
80 forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the  
81 scheduled disconnection.

82 4. To ascertain the projected temperature as provided in this subsection, each utility shall refer to  
83 the forecasted local temperature provided by the National Weather Service where the customer to be  
84 disconnected is located.

85 C. No utilities shall disconnect from service any residential customer for nonpayment of bills or fees  
86 on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.

87 D. Nothing in this section shall be construed to limit utilities from voluntarily suspending scheduled  
88 disconnections during other extreme weather events, emergency conditions, or circumstances in which a  
89 utility determines such suspension necessary to protect the health and safety of its customers and the  
90 reliability of utility service in the Commonwealth. Further, nothing in this section shall be construed to  
91 prohibit (i) a disconnection required by the conditions of subdivision A 8 of § 56-247.1, (ii) emergency  
92 disconnections for health and safety purposes, or (iii) the occurrence of an automatic service suspension  
93 associated with prepaid utility service. Any fees or expenses incurred by a utility in complying with the  
94 requirements of this section shall be recovered by the utility.

95 **§ 56-245.1:4. Notice procedures for nonpayment; disconnecting utility service.**

96 A. Each utility subject to the provisions of § 56-245.1:3 shall provide to each of its residential  
97 customers a copy of its disconnection for nonpayment policy (i) at any time a new residential account is  
98 established, (ii) when any disconnection for nonpayment of bills or fees is scheduled by including a copy  
99 of the policy with such notice, or (iii) by publishing the disconnection policy on the utility's website.  
100 Each such utility shall provide all required notices in English and Spanish. Such required notices shall  
101 include information regarding payment plans and state, federal, or utility energy assistance programs.

102 B. Each utility subject to the provisions of this section shall deliver notice of nonpayment of bills or  
103 fees to its residential customers prior to disconnection by using at least two of the following methods:  
104 (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

105 C. Utility disconnections due to the nonpayment of bills or fees are prohibited for residential  
106 customers until the customer's account is 60 days in arrears. After each missed payment, the utility shall  
107 provide notice pursuant to subsection B and make contact with the customer and offer bill payment  
108 assistance, arrange a payment plan, or provide information to the customer for other bill payment  
109 assistance or energy savings programs.

110 D. No electric or gas utility shall require a deposit of more than 25 percent of the arrearage amount  
111 for service, exclusive of nonpayment fees, penalties, or interest, in order to restore service to any  
112 residential customer where such utility received funding from the Department of Social Services for such  
113 customer through the Home Energy Assistance Program pursuant to § 63.2-805 within the last 12  
114 months. A customer is eligible for this provision once every three years.

115 2. That the State Corporation Commission (the Commission) may, in its discretion, direct a utility  
116 subject to the Commission's jurisdiction and the provisions of §§ 44-146.29:4 and 56-245.1:3 of the  
117 Code of Virginia, as created by this act, to extend or otherwise modify a suspension or limitation

118 on disconnecting service to residential customers beyond the time periods prescribed by this act (i)  
119 if the Commission finds such extension or modification to be necessary or in the public interest  
120 and (ii) provided that any such modification does not shorten the disconnection suspension under  
121 § 44-146.29:4 of the Code of Virginia, as created by this act, to a time period of less than 30 days.  
122 Prior to issuing any such extension or modification, the Commission shall convene a stakeholder  
123 meeting to seek input from utility representatives, interested parties, and customers to inform such  
124 decision and determine whether such decision is in the public interest.

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