

Protecting Older Adults from Utility Disconnection

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Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems getting on the webinar? Send an e-mail to NCLER@acl.hhs.gov.
- Written materials and a recording will be available at NCLER.acl.gov. See also the chat box for this web address.

About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers NCLER through a contract with the Administration for Community Living's Administration on Aging.

About NCLC

Since 1969, the nonprofit National Consumer Law Center® (NCLC®) has used its expertise in consumer law and energy policy to work for consumer justice and economic security for low-income and other disadvantaged people, including older adults, in the U.S.

NCLC's expertise includes policy analysis and advocacy; consumer law and energy publications; litigation; expert witness services, and training and advice for advocates. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, and federal and state government and courts across the nation to stop exploitative practices, help financially stressed families build and retain wealth, and advance economic fairness.

Key Lessons

- Special disconnection rules can protect eligible households from involuntary termination of electricity or gas service.
- Federal utility assistance programs can help eligible consumers afford their bills.
 - LIHEAP
 - WAP
- Local programs and utility assistance programs may be available.
 - Discounts
 - Other assistance
- Carefully investigate offers from competitive energy supply companies before signing up.

1) Special Disconnection Protections

Protections from Utility Disconnection - Overview

- Protections apply to regulated utilities:
 - Electricity service and natural gas
 - Protections do not apply to deliverable fuels such as oil, propane, and wood
- Each state's law is different.
- Usually must show that the customer suffers from financial hardship and/or is part of a vulnerable group.
- Law may not protect customers with municipal or co-op utility service.

Extreme Weather Protections

- Winter season protections in some states, often starting around November 1 and ending in mid-April.
- Temperature-related disconnection protections in some states, triggered by temperatures forecast to be either below 32 degrees Fahrenheit or above 95 degrees Fahrenheit, or if severe heat advisory.

Extreme Weather Protections

- Some protections limited to customers with financial hardship, low-income households, older consumers, and households with very young children or seriously ill individuals.
- Payment plans for overdue balances required in some states.
- Natural disaster triggers protections in California

Serious Illness or Disability Protections

- Various protections to postpone a disconnection if it would endanger the health or safety of an occupant.
- Burden is on customer to request the protection.
- Certification of serious illness usually needed
 - Signed by a medical professional
 - Usually must contain certain information (such as a description of the health condition that would be worsened by the loss of utility service)

Serious Illness or Disability Protections

- The duration of the protection can vary as well as the ability to renew the protection.
- Consumers remain responsible for their current and past due bills.

Age-Related Protections

- Some states have age-related termination protections that apply to older adults.
- Age-related disconnection protections are sometimes a part of weather-related termination prohibition.
- Types of protection may include:
 - Additional notice and time before disconnection
 - Additional procedures that the utility must follow before disconnection of service
 - Third-party notification

2) Federal Utility Assistance Programs

The Low Income Home Energy Assistance Program (LIHEAP)

- Regulated and deliverable fuels
- Funded by federal government but administered by states
- Contact state LIHEAP office or local community action agency

Weatherization Assistance Program (WAP)

- Energy efficiency improvements, lighting, efficient appliances
- Free if household is at 150% or less of federal poverty level

3) Utility Programs and Other Assistance

Utility Programs and Other Assistance

- Many regulated electric, natural gas and water companies offer:
 - low-income discount rates
 - credits (including arrearage management)
 - low-income energy efficiency programs

Utility Programs and Other Assistance

- Crisis funds may be available from utilities and from charitable organizations.
- Check for state homelessness prevention funds, and for local or municipal programs or bylaws.

4) Competitive Energy Supply Companies

Cautions about Competitive Energy Supply Companies

- In states with deregulated utilities, customers can buy electricity from competitive energy suppliers (also called ESCOs, ARES).
- Be careful of deceptive door-to-door and telemarketing sales practices.
- Contracts may seem cheaper at first, but many include variable rates, high cancellation fees, automatic renewal.
- Most customers pay more to competitive supply companies than their utility companies.

Strategies to Help Older Adults

- Apply for any available protections.
 - Contact utility company to apply
- Apply for programs to help reduce bills.
- Be careful if considering competitive supply.
- To learn about available protections and programs, contact state utility consumer advocate, utility commission, utility company, and local community action agency.
- For problems and complaints, seek help from state utility commission and state utility consumer advocate.

Resources

- [LIHEAP Clearinghouse](#)
- LIHEAP application assistance:
 - Contact National Energy Assistance Referral (NEAR) at 1-866-674-6327 (TTY at 1-866-367-6228) or energyassistance@ncat.org
- [State Utility Consumer Advocates](#)
- [State Utility Commissions](#)
- [U.S. Department of Energy, Weatherization Assistance Program](#)

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