

# Addressing the Unique Utility Issues of Domestic Violence Victims

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The National Energy and Utility Affordability Conference

Denver, CO

June 7, 2016

2:00 – 3:15 pm



# What is Domestic Violence?

## Department of Justice

### Office of Violence Against Women:

A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain

### **power and control**

over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.

# Power and Control

Credit:  
Domestic Violence Intervention  
Project,  
<http://www.theduluthmodel.org/training/wheels.html>



# Economic Abuse

- **Finances / Credit**
  - Opening / Abusing Credit
  - Bouncing Checks
  - Forging Checks / Financial Documents
  - Denying Access to Finances / Credit
  - Accumulating Debt / Filing Bankruptcy
- **Employment & Workplace**
  - Stalking / Abuse at Workplace
  - Sabotaging Performance / Reputation
  - Causing Tardiness / Repeated Absences / Leave Early
- **Child Support**
  - Refusing to Pay Support / Work Reduced Hours / Not Reporting Income
  - Denying Paternity
  - Not Providing Available Insurance / Health Care
- **Housing**
  - Repeated Police Visits / Eviction
  - Interference with Lease / Public Housing Agreements
- **Public Assistance**
  - Causing Infractions / Threatening to Report
  - Stealing Checks
  - Causing Sanctions
- **Legal Issues**
  - Abuse of Process

## Why DV and Utilities?

- **Economic Abuse**
- **Transition / Unique Hardship**
- **Safety**
- **Access to Public Housing**
- **Child Custody / Child Safety**

# PULP's Domestic Violence Utility Initiative

## Project Goal

To help survivors of domestic violence secure affordable, reliable utility service.

- **Objective 1:** Direct Service
- **Objective 2:** Staff Capacity Building
- **Objective 3:** Survivor Training

## Partner Organizations

- The Women's Resource Center (Scranton, PA)
- The Women's Center, Inc (Bloomsburg, PA)

# PULP's Domestic Violence Utility Initiative

## By the Numbers:

- Handled **107** Cases
- Cleared / Deferred Approximately **\$56,000** in Arrears
- Reconnected / Prevented Active Termination of **34** Accounts
- Trained **134** advocates / attorneys
- Provided **105** referrals to Legal / Community Services
- Assisted **all** clients with enrollment in assistance programs



# DV Protections in PA

A Case Study



# Legal Authority - Pennsylvania

- **Pennsylvania Statutes, Title 66, Chapter 14**
  - Responsible Utility Customer Protection Act
  - 66 Pa. C.S. §§ 1401-1419
  - 66 Pa. C.S. § 1417:
    - “This chapter shall not apply to victims under a protection from abuse order ... or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence against the applicant or customer.”
- **Pennsylvania Code, Title 52, Chapter 56**
  - Subchapters A-K: General Regulations
    - *Amended to include regulated water / wastewater*
  - Subchapters L-V: Victims of DV with PFA
    - *Amended to include court order with clear evidence of domestic violence.*
- **PUC Order Amending Current Regulations:**
  - PUC Final Implementation Order, [Docket No. M-2014-2448824](#)

# Security Deposits

## Security Deposits - Exceptions / Waivers

- **CAP-Eligible (low income / payment troubled)**
  - 66 Pa. C.S. 1404(a.1)
- **PFA / Other Order:**
  - **56 Pa. Code 56.282(3)**
    - Waiver if
      - Information Provided that “Not an Unsatisfactory Credit Risk”
        - Employment, past residences, **letters of reference**, credit report
      - Responsible for similar utility service within 24 mo., and
        - Was not terminated for nonpayment in last 12 months;
        - Average bill = at least 50% of estimated new service;  
OR
        - Applicant does not have unpaid balance from prior service.

# Prior Arrears

## Prior Arrears – Exceptions / Waivers

- **PFA / Other Order**
  - **56 Pa. Code 56.285**
  - No liability for arrears in another name, unless court order declaring it to be victim's debt.
    - "A utility may not require, as a condition of furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant unless a court, district justice, or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished. Examples of situations include a separated spouse or a cotenant."
  - Additional / longer PUC-issued payment arrangements.
- **First-Time CAP Enrollment**
  - Freezes balance
  - Each on-time CAP bill payment will forgive a portion of the arrears

# Payment Agreements

- **Payment Agreements for Customers with PFA / Other Order**
  - 56 Pa Code Section 56.285:
    - ...An outstanding residential account with the utility may be amortized over a **reasonable period of time**.
    - **Factors to be taken into account include:**
      - the size of the unpaid balance,
      - the ability of the applicant to pay,
      - the payment history of the applicant, and
      - the length of time over which the bill accumulated.

# Terminations

- **Termination Exception – 56 Pa. Code 56.323**
  - A victim of domestic violence with a PFA or other court order may **NOT** be terminated for “*nonpayment for residential service already furnished in the names of persons other than the customer...*”

# Terminations

- **Notice Requirements:**
  - Written Notice
    - Written notice must be provided at least 10 days before termination, but may be provided up to 60 days prior to the termination.
  - "Personal *Contact*"
    - 3 days prior to termination, utility must **attempt** to contact customer in person, by phone, or through email/text/electronic
    - Customer must **AFFIRMATIVELY CONSENT** to receive notice electronically
      - Often consent is given at the time the customer signs up for service.
  - **Additional Notice for Customers with PFA / Court Order**
    - Attempted "personal contact" immediately preceding termination
    - If no personal contact, notice is posted at the property and termination is delayed for 48 hours.
- **Terminations may only occur Monday - Thursday**
  - ***No Friday Terminations***

# Universal Service Programs

- **Customer Assistance Program**
  - Eligibility: Payment Troubled / Low Income (150% FPL)
  - Benefit: Discounted Bill / Arrearage Forgiveness
- **Hardship Fund (Fuel Fund)**
  - Eligibility: Hardship / Low Income (200% FPL)
- **LIHEAP**
  - Eligibility: Low Income (150% FPL) / Heating Responsibility

# Utility Relief in Protection From Abuse Order (PFA)

- **Request Utility Relief in PFA Order**
  - 23 Pa. C.S. 6108(8)
    - “Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including ... **relocation and moving expenses, ... loss of earnings or support, ... and other out-of-pocket losses** for injuries sustained.”
  - 23 Pa. C.S. 6108(10)
    - “Granting any other appropriate relief sought by the plaintiff.”



## Other Important Protections

- **Third Party Notifications**
- **Account Passwords / Alerts**
- **Account Activity Notices**



# **Advocacy in Your State**

# Security Deposits

- **Adopt Domestic Violence Waiver**
- **Leverage Current Waiver Rules**
- **Consider DV as Mitigating Factor in Assessing Creditworthiness**
- **Partner with Domestic Violence Programs for Direct Assistance**
- **Allow Payment Over Time**

# Arrearage Management

- Adopt DV Exception for Adult Occupant Liability
- Refer to Universal Service Programs
- Allow Extended Payment Arrangements Based on Individualized Circumstances
- Waive Fees
- Accept Lesser Amount to Connect
- If Joint Arrears, Pursue Abuser

# Terminations

- Provide Personal Contact / Additional Notice
- Provide Extended Timeframe for Disconnect
- Refer to Universal Service Programs
- Allow Third Party Notification
- Offer Account Password Protection
- Provide Referrals to Domestic Violence Programs

# Universal Service Programs

- Allow Enrollment Upon Connection / Reconnection
- Defer Debt / Provide Arrearage Forgiveness Over Time
- Prioritize DV Victims / Include DV as Recognized Hardship
- Do Not Include Child Support as “Income” In Eligibility Calculation
- Accept Applicants with “Zero Income”
- Promote Programs through Domestic Violence Programs



Questions / Comments?

# Thank you!

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