

Best Practices for Serving the Utility Needs of Victims of Domestic Violence

Elizabeth R. Marx, Executive Director

Pennsylvania Utility Law Project

&

Danni Petyo, Senior Attorney

Pennsylvania Coalition Against Domestic Violence



Agenda

Introduction to Domestic Violence / Economic Abuse

Impact of COVID-19 on Survivors of Domestic Violence

Intersection of DV and Utilities

Current Protections for Domestic Violence Survivors

Best Practices:

Leveraging Existing Protections

Building Strong Partnerships

Advocating for Critical Reforms



Domestic Violence

Power & Control

What is Domestic Violence?

Domestic violence is a pattern of coercive behavior used by one person to gain and maintain power and control over another in an intimate or former intimate relationship.



A long-exposure photograph of a busy city street at night. The scene is filled with a dense crowd of people, their figures blurred into streaks of color as they move across the frame. In the center, a young woman with long dark hair, wearing a light-colored patterned dress and a matching jacket, stands out as she is in sharp focus, looking down at her smartphone. The ground is marked with yellow diagonal stripes, and a traffic light pole is visible in the lower right corner. The overall atmosphere is one of constant motion and modern urban life.

**10 million women and men are
physically abused by an intimate partner
every year.**

M Y T H

vs

F A C T

It takes a survivor around seven tries to leave an abusive relationship before they leave for good.

Impact on Victims

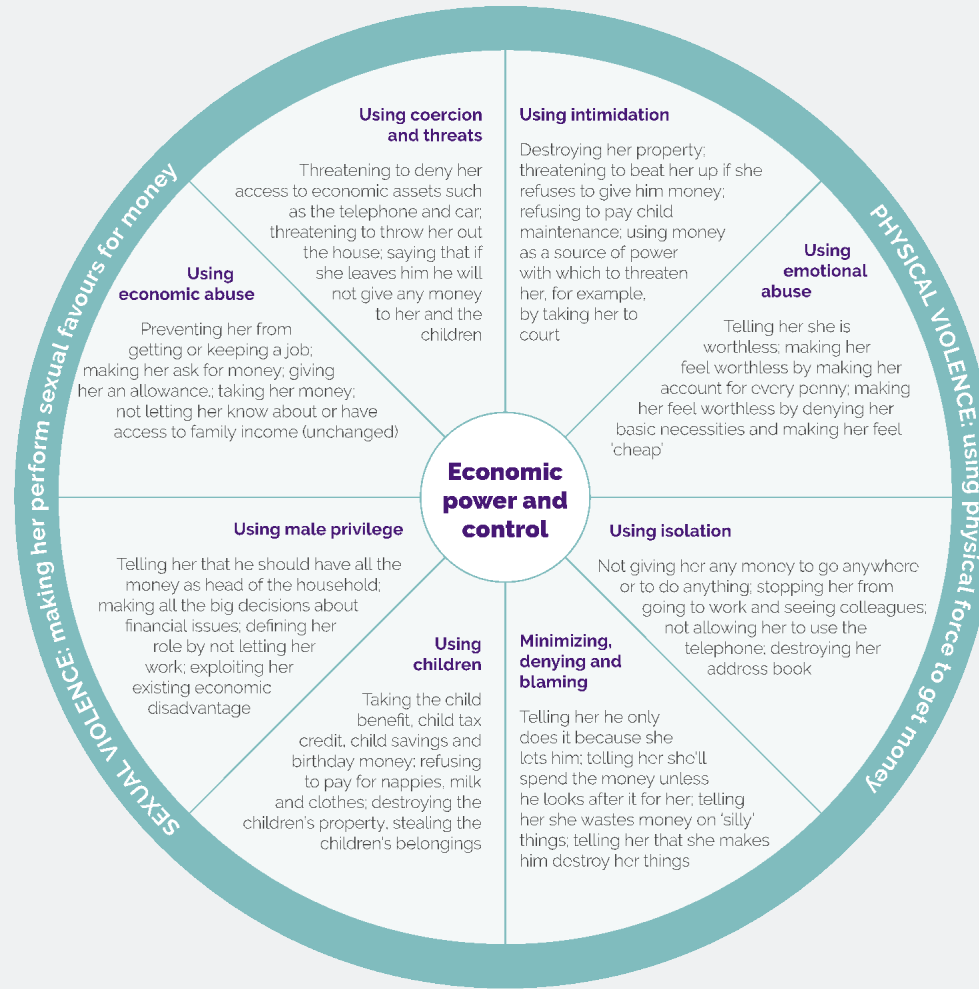


Financial/Economic Abuse

How Utility Debt Impacts Survivors

Developed by:
Domestic Abuse Intervention Project
202 East Superior Street
Duluth, MN 55802
218.722.4134

The Economic Abuse Wheel (Sharp, 2008)



Adapted with permission from: DOMESTIC ABUSE INTERVENTION PROGRAMS, 202 East Superior Street, Duluth, Minnesota 55802, 218-722-2781 www.theduluthmodel.org

Sharp, N. (2008) 'What's yours is mine' *The different forms of economic abuse and its impact on women and children experiencing domestic violence*, Refuge

Using Utilities in Economic Abuse Can...

1

Result in bad credit and lack of financial independence

2

Serve as barrier to leaving

3

Raise risks to health and safety

4

Limit access to future housing and utility services

5

Result in negative child custody outcomes

Domestic Violence and COVID-19

Heightened risks and limited access

Back to the Power and Control Wheel, can you identify some tactics and where they may fall on the wheel that are specific to COVID-19?

COVID-19 and Coercive Control

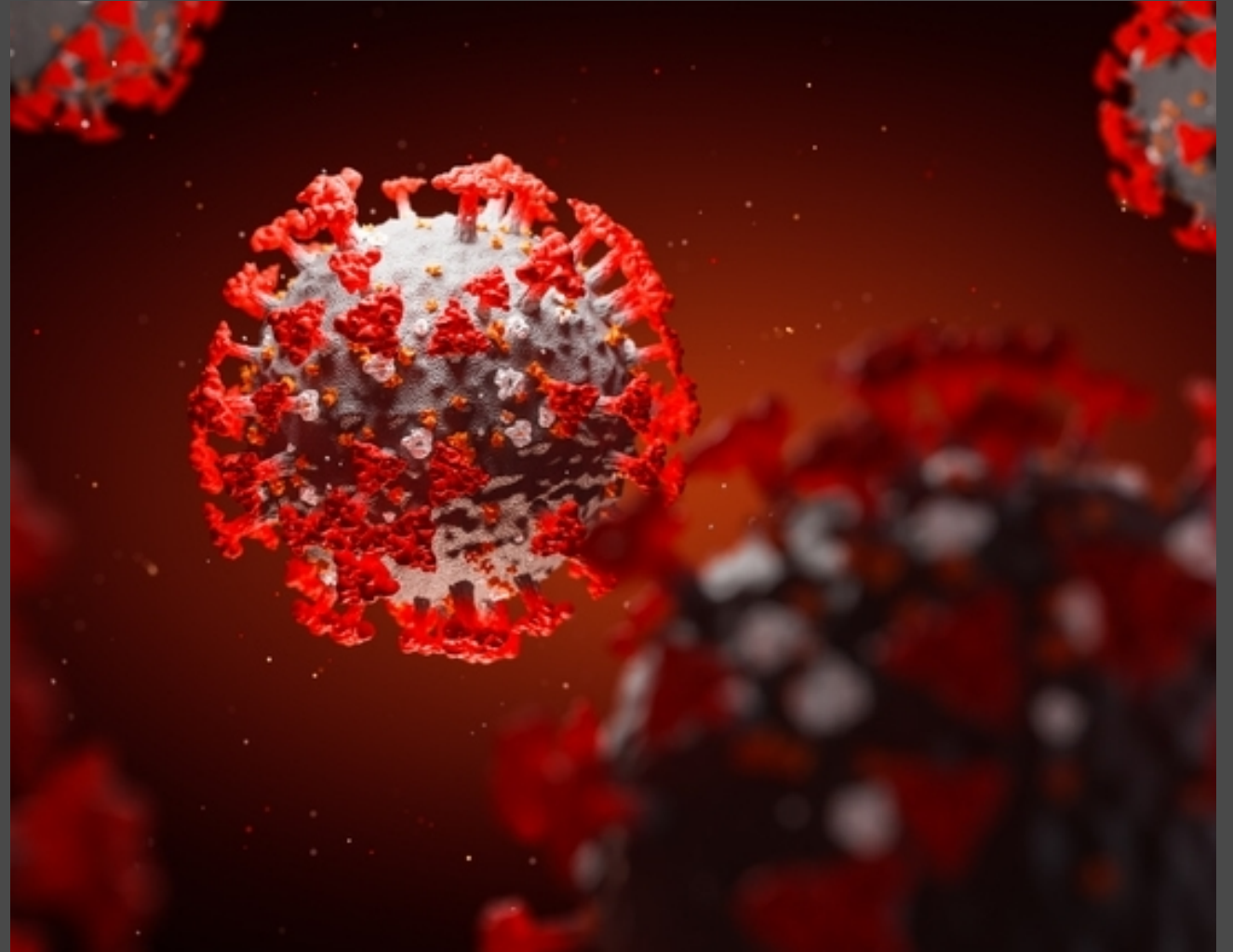
Empowers abusers to use isolation tactics.

Survivors have limited access to friends and family.

Abusers have much more free time now.

Many survivors are financially reliant on their abusers due to job loss or abusers have forced them to risk infection by working.

Abusers undermines survivors' ability to work from home.



Additional COVID-19 Issues

Impacts on child custody.

Abusers will refuse to follow CDC/State guidelines/mandates to protect themselves and others.

Abuser will not take virus seriously and may make fun of their partner for being scared.

Abuser will threaten to expose themselves, their partner, and/or minor child/ren to the virus.

Taking survivor's stimulus money or refusing them access to the money.



A Look at Current Utility Protections for DV Survivors



Key Policies: Pennsylvania

- **Security Deposit Waiver / Exemption for Low Income HHDs**
 - See 52 Pa. Code 56.282(3), 66 Pa. C.S. 1404(a.1)
- **No Liability for Debt Accrued in Someone Else's Name**
 - See 52 Pa. Code 56.285; 66 Pa .CS 1417
- **Additional / More Flexible Payment Arrangements**
 - See 52 Pa. Code 56.285; 66 Pa. CS 1417
- **Third-Party Notification**
- **Password Protection**
- **Relief Through Protection From Abuse (Restraining) Order**
 - Out of Pocket Losses, 23 Pa. C.S. 6108(8)
 - Other Relief, 23 Pa. C.S. 6108(10)

Key Policies in Other States

- **Illinois:**
 - Security Deposit Waiver for “certified victims of domestic violence”
 - DV must (1) be the basis of order of protection or (2) be certified by medical personnel, law enforcement, state’s attorney, attorney general, or dv shelter.
- **Kansas:**
 - Defendant in protection from abuse order may not cancel utility service to household for 60 days.
- **Louisiana:**
 - Waiver of “initial” deposit for victims of family violence.
- **Massachusetts:**
 - Protective order prevents abuser from disconnecting utility services. Relief may include request for compensation for losses to restore utility service.
- **New Hampshire:**
 - Protective order allows request to prevent defendant from taking action that would lead to utility service disconnection.
- **Texas:**
 - Victims with signed certification can seek waiver of security deposit for electric and telephone service.
- **Virginia:**
 - Protects victims with protection order from termination of service to home, and requires defendant to pay deposit if necessary to restore service.

Critical Policy Challenges

Legal Insufficiencies:

- Narrow Definition of Domestic Violence
- Little Protection for Survivors Without Current Service

Practical Issues:

- Implementation
- Access
- Knowledge

Best Practices for Design and Implementation of DV Protections



Identify Opportunities for Immediate Relief

Leverage Current Utility Rules / Regulations

- Carefully Examine Liability for Current/Prior Arrears
- Seek Affordable Payment Arrangement if Victim is Liable for Arrears
- Ask Utility to Waive Fees / Security Deposits
- Encourage Survivors to Apply Password to Account
- Connect Survivors with All Available Assistance Programs

Develop Critical Partnerships

Partner with Domestic Violence Programs

- Convene a Domestic Violence Utility Round-Table / Task Force
 - Local or Statewide DV Agencies
 - Legal Services
 - CAP Agencies / Other Utility Program Administrators
 - State Utility Commission
 - Utility Customer Service Representatives
 - Housing Providers / Local Housing Authorities
- Provide Cross-Training / Cross-Referrals
- Develop Targeted Utility Resources for Survivors and Advocates
- Promote Assistance Programs
- Invite to Join Advisory Committees
- Identify Whether Protection Order May Include Utility Relief
- Establish a DV-Specific Utility Assistance Fund

Establish a Point of Contact at Utility

Seek Targeted Policy Reforms

Seek Adoption of Domestic Violence Exemption

- Allow self-certification or certification by professional.
- Possible Applications:
 - Relief from Occupant / Joint Liability (Roommate Rules)
 - Flexible / Additional, Long-Term Payment Arrangements
 - Categorical Enrollment in Customer Assistance Programs
 - Reform Policies for Utility Assistance Programs
 - Accept applicants for service in addition to current customers
 - Exclude child support income
 - Waive requirement to provide documentation of abuser's income
 - Waive any recent / good faith payment requirements
 - Adopt arrearage forgiveness component
 - Prioritize victims for any limited grant assistance programs
 - Accept applicants with "zero income"
 - Reconnection / Late Fee Waivers
 - Eliminate Up-Front Payment to Establish Service

Require Utilities to Comply with Address Confidentiality

Implement Password Protections

Adopt a Third Party Notification Option

Questions?

Elizabeth Marx, emarxpulp@palegalaid.net

Danni Petyo, dpetyo@pcadv.org



Continuing the Learning

Additional Reading

- Shelterforce, [When Domestic Violence and Utility Bill Debt Intersect](#)
- LIHEAP Clearinghouse, [Domestic Issues Creating Hardships for Low-Income Utility Customers](#)
- VAWnet, [What Can Advocates Do to Help Survivors Stay Warm in the Winter?](#)
- National Domestic Violence Hotline, [Staying Safe During Covid-19](#)
- National Network to End Domestic Violence, [FAQ about Domestic Violence](#)

National Resources for Survivors and Advocates

- National Domestic Violence Hotline, www.thehotline.org
- National Network to End Domestic Violence, www.nnedv.org
- National Resource Center on Domestic Violence, <https://vawnet.org/>



Live Q&A

Submit a question to be answered by our speakers **LIVE!** Questions will be read aloud by the moderator. We will attempt to answer as many questions as possible.

