

NAVIGATING UTILITY ACCESS AND EQUITY WEBINAR

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Pennsylvania Utility Law Project



Agenda

- Welcome and Introduction
- Overview of Fair Housing Protections
- Discussion of Historical Housing Discrimination
- Understanding Utility Rights and Challenges
- Removing Barriers to Service for Vulnerable Populations
- Landlord-Tenant Matters
- Energy Efficiency
- Q&A Session / Closing



Pennsylvania Utility Law Project

PULP is a statewide legal services project of Regional Housing Legal Services and is a member of the Pennsylvania Legal Aid Network.

PULP's mission is to secure just and equitable access to safe and affordable utility services for Pennsylvanians experiencing poverty.

We work to achieve our mission by empowering individuals and communities through:

- Legal Representation, Groups, and Individuals
- Education and Training
- Policy Advocacy
- Supportive Services
- Consultation



The PA Human Relations Commission

Two-Part Mission:

1. Enforce PA Non-Discrimination Laws

Pa Human Relations Act

- Housing, Commercial Property, Employment, Public Accommodations & Primary/Secondary Education

Pa Fair Educational Opportunities Act

- Post Secondary Education

2. Promote Equal Opportunity for ALL in PA

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Fair Housing Protections

Fair Housing in
Pennsylvania:

It's Your Right!



Housing is
EVERYTHING

Education

Transportation

Employment

Health

Wealth

Opportunity

Fair Housing Laws

- Federal: Fair Housing Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act
- State: Pennsylvania Human Relations Act
- Local: Check your local ordinances!

Fair Housing Laws

Goal #1 – End Housing Discrimination

Goal #2 – Promote diverse, inclusive communities

Affirmatively Furthering Fair Housing

Taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics



Fair Housing Protections

- **The Fair Housing Act of 1968** made it unlawful to discriminate in housing transactions because of your protected class.
- **Types of housing:** apartments, single family homes, mobile home parks, condominiums, public housing, nursing homes, dormitories, & more.
- **Disparate treatment** – treatment that directly discriminates against a member of a protected class
- **Disparate impact** – a policy that impacts members of a protected class

Fair Housing Act

Race

Color

National Origin

Familial Status

Religion

Sex

Disability

Pennsylvania Human Relations Act

Race

Color

National Origin

Familial Status

Religious Creed

Sex

Disability

Age 40+

Ancestry

Use, handling, or training of Support Animals for Disability

Discriminatory Actions

Discriminatory Statements

Discriminatory Inquiries

Steering

Refusal to sell, lease, or finance housing

Unfair appraisals


Predatory lending

Discriminating in housing terms or conditions

Unequal provision of services & facilities

Sexual harassment

Refusal to provide reasonable accommodations & modifications

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Housing Inequalities & Historical Practices

Affirmatively Furthering Fair Housing

The PHRC is dedicated to ensuring fair housing choice for **ALL** Pennsylvanians. This is not possible without:

- **Actual choice:** the existence of realistic housing opportunities
- **Protected choice:** housing that can be accessed without discrimination
- **Enabled choice:** realistic access to sufficient information regarding options, so that any choice is informed

24 CFR § 5.151

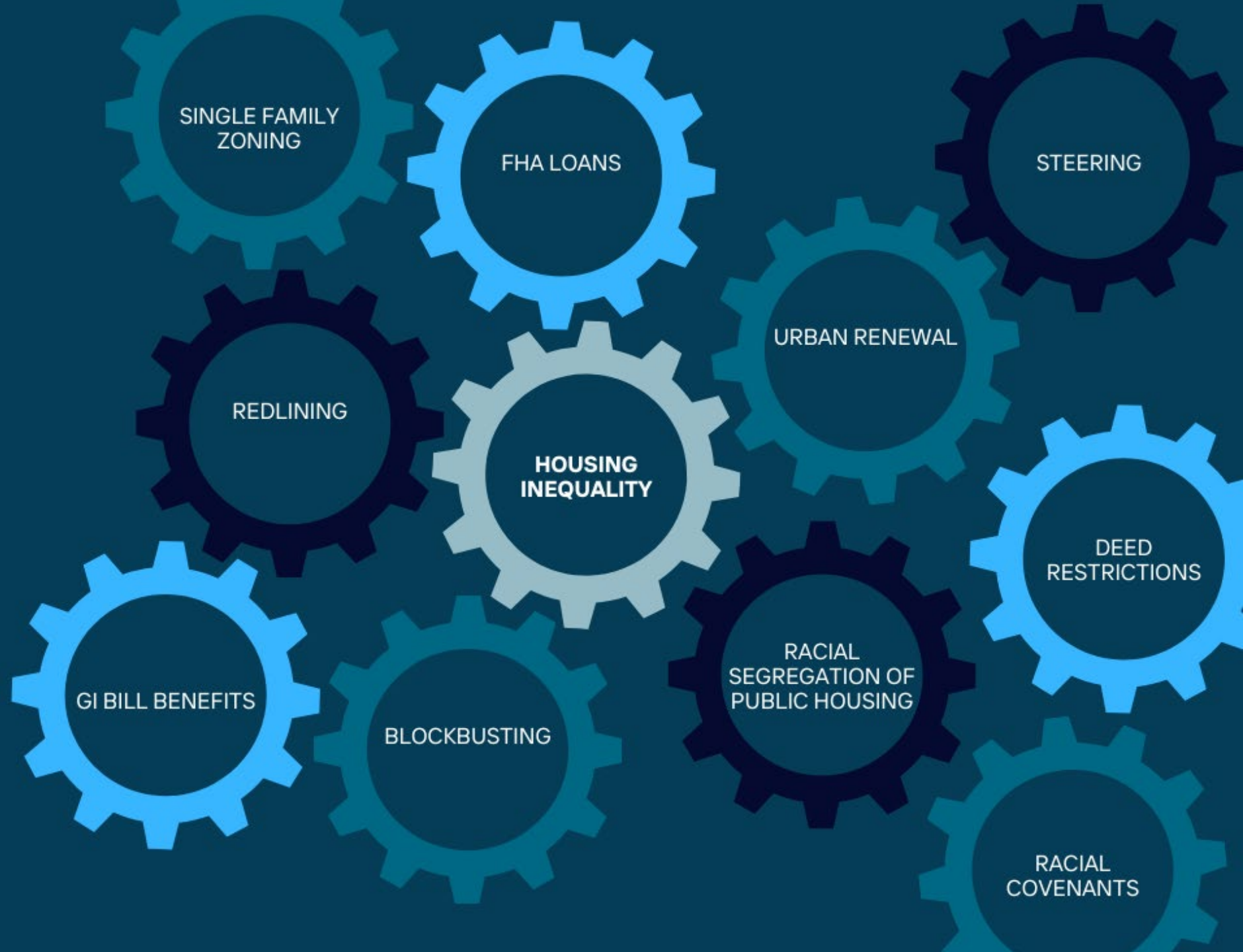
Actual Choice

Low income Pennsylvanians lack housing options:

- Insufficient affordable housing
- Cost Burdening
- Inaccessible assistance programs
- Poor housing quality
- Insufficient tenant protections

This has a disparate impact on individuals in protected classes.

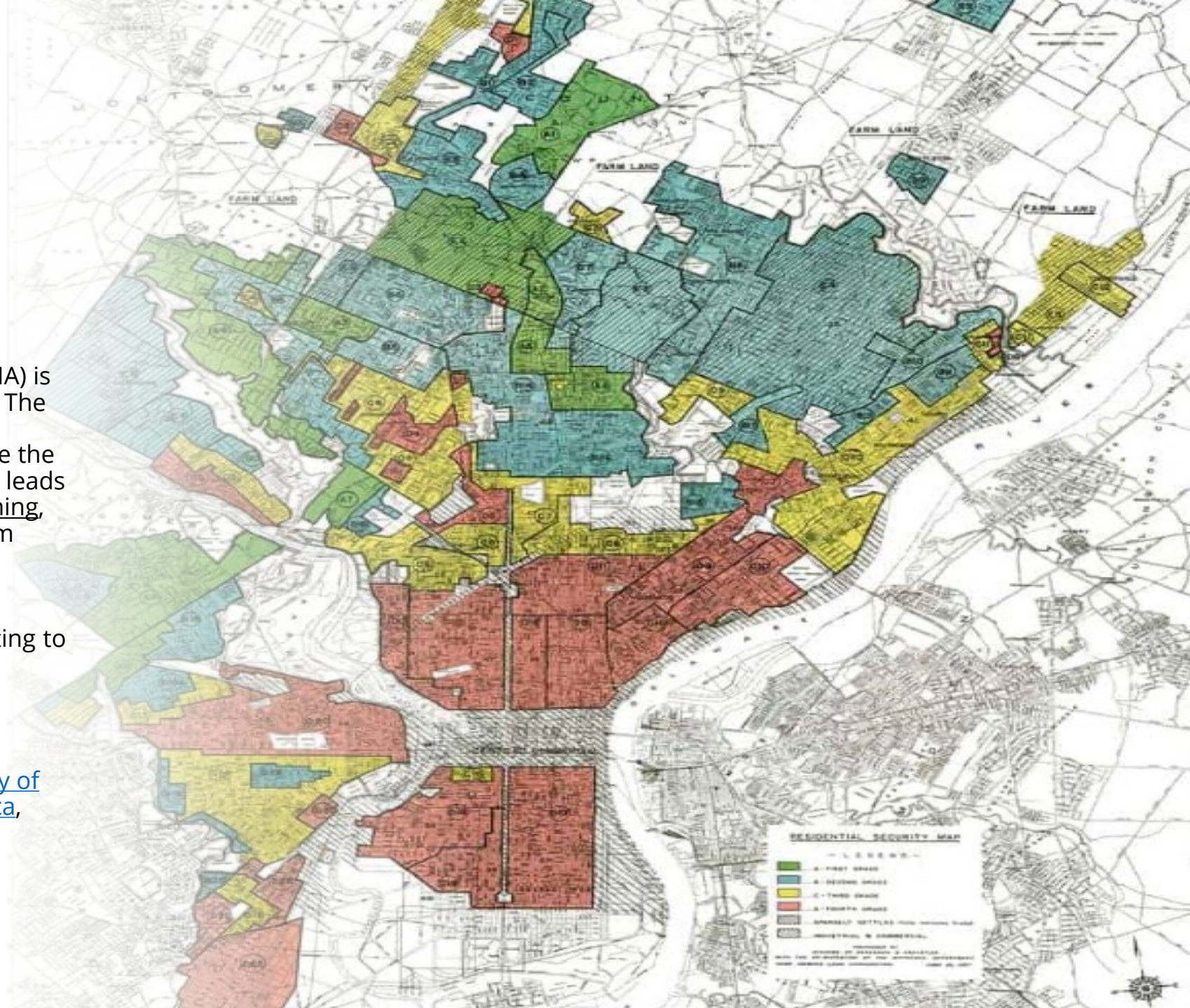
Systemic Housing Inequality

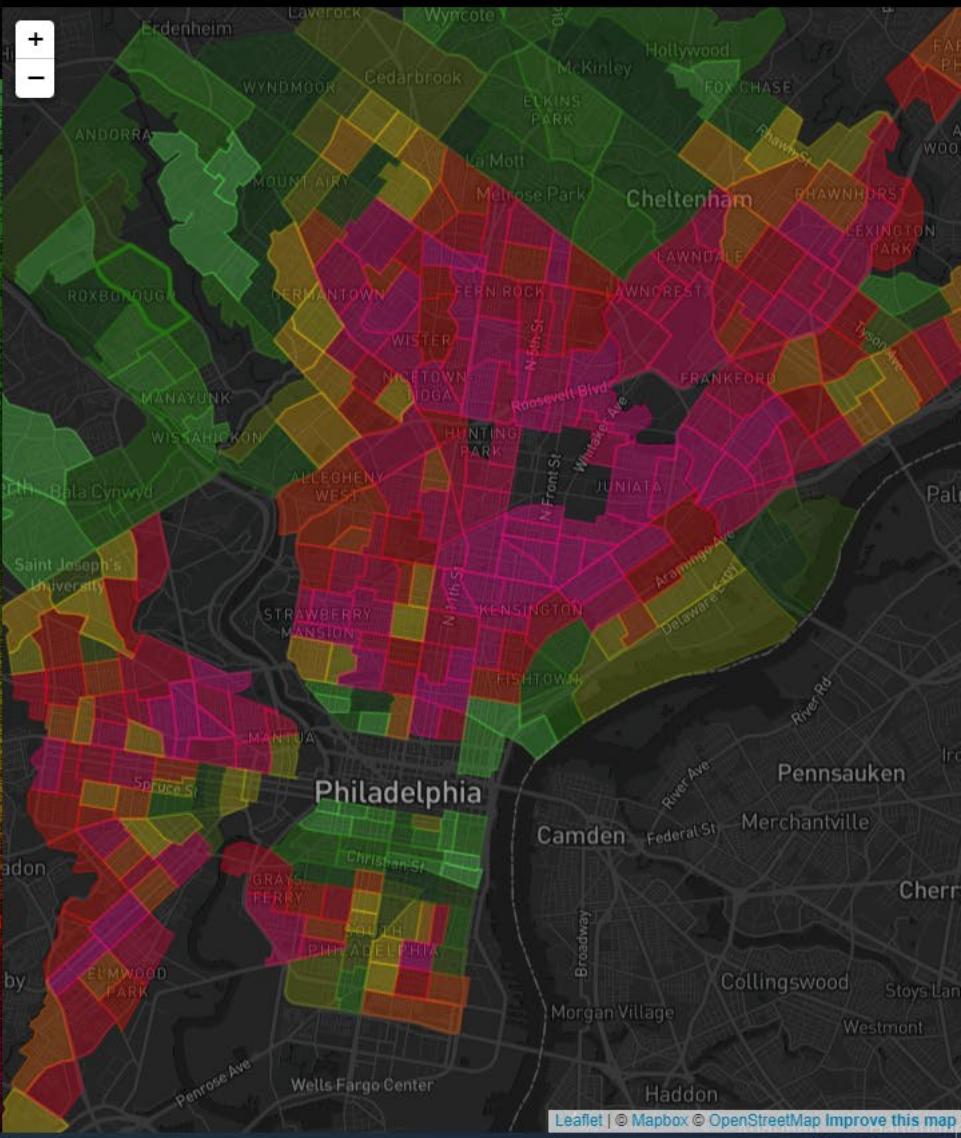
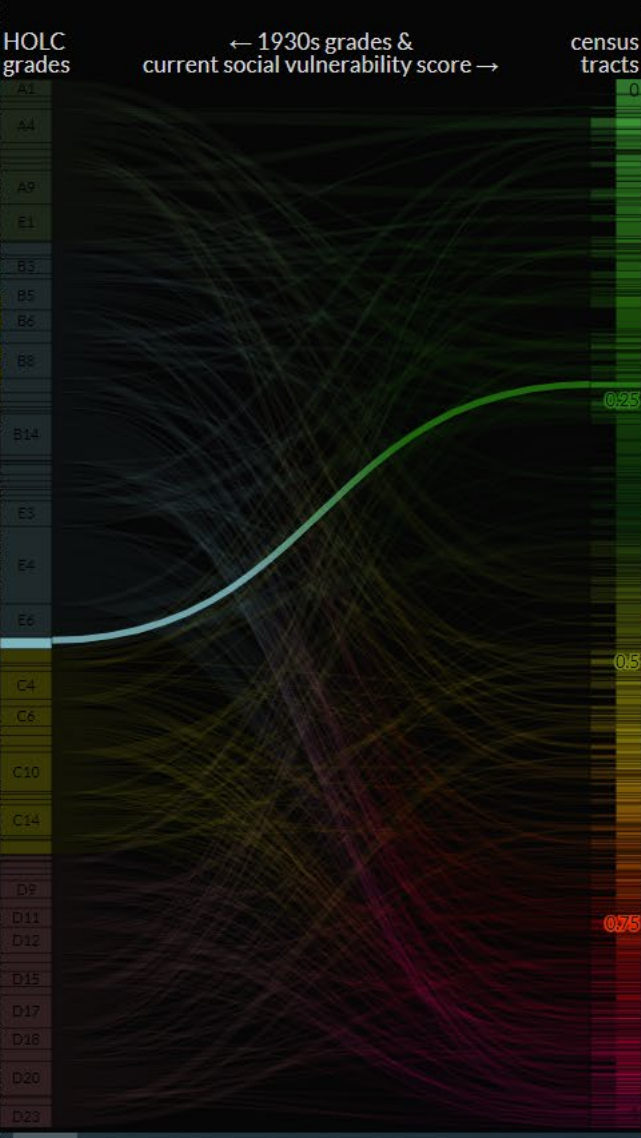
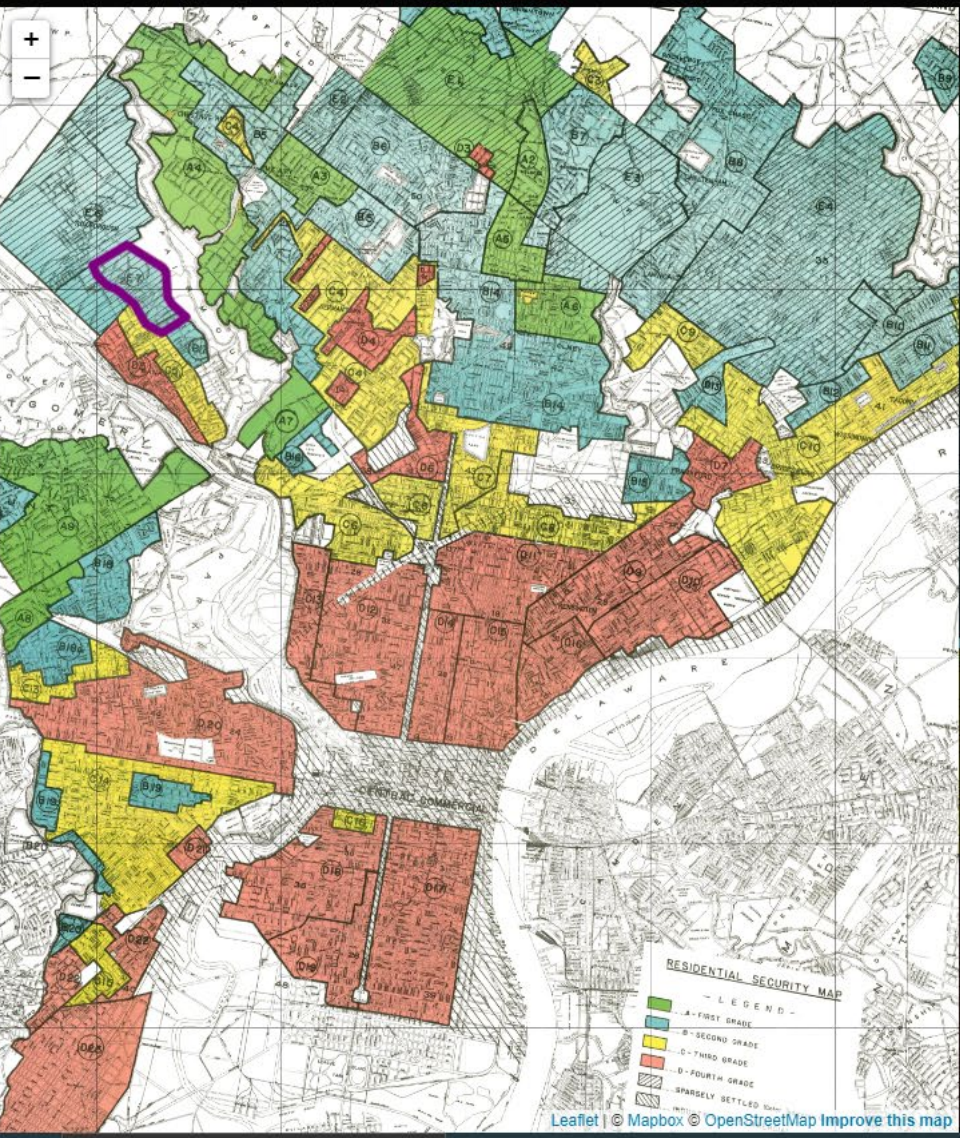


Redlining

1934: Federal Housing Administration (FHA) is created to boost home ownership during The Great Depression. The FHA insures home mortgages, but only for houses well inside the boundaries of white neighborhoods. This leads to the industry standard practice of redlining, which systematically withholds credit from homebuyers in black neighborhoods. In addition, the FHA favors loans for new suburban construction over older urban properties, thus simultaneously contributing to urban decay and the growth of white suburbia.

Sources: [Color of Law: A Forgotten History of How Our Government Segregated America](#), Rothstein, 2017





Understanding Challenges to Utility Accessibility

Utility Insecurity in Pennsylvania

Over **330,000** Pennsylvania households experienced an involuntary gas, electric, or water shut off in 2023 due to non-payment.

- **Gas terminations increased 40% year-over-year, from December 2022 to December 2023.**

Over **10,000** Pennsylvania households entered winter without a safe heating source.



Factors Driving Utility Insecurity

External Market
Forces

Inefficient
Housing

Inflated Return
on Equity

Infrastructure
Costs

Lead / PFAS
Remediation

Energy
Transition

Water / WW
Privatization

Stormwater
System
Upgrades

Residential
Energy
Competition

Collections and
Termination
Policies

Inadequate
Assistance
Programs

Rate Design /
Riders

Consequences of Utility Insecurity

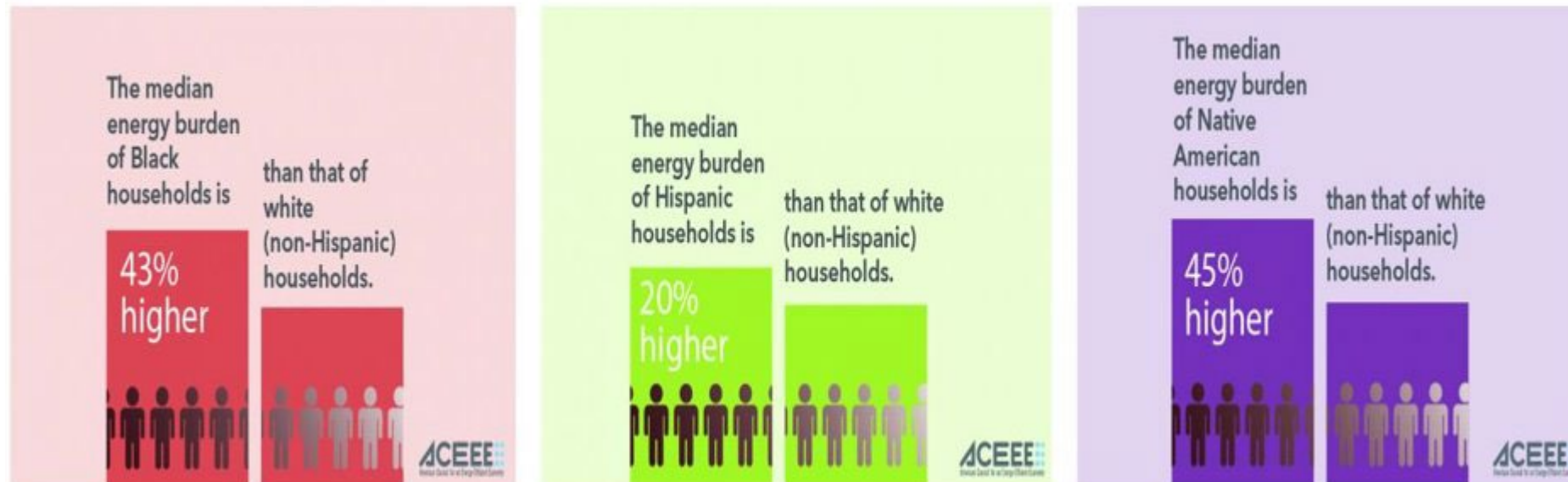
- Negative health outcomes
- Exposure to unhealthy / unsafe temperatures
- Inability to properly sanitize
- Interrupts family unity (CYS / custody disputes)
- Hinders child learning and development
- Severs communication with work/school
- Long-term impact on credit
- Liens (municipal utilities) encumber property
- Destabilizes Housing
 - Catalyst for eviction, foreclosure, and homelessness
 - Results in condemnation
 - Difficulty relocating
 - Ineligibility for public and private housing

Pennsylvania Home Energy Affordability Gap

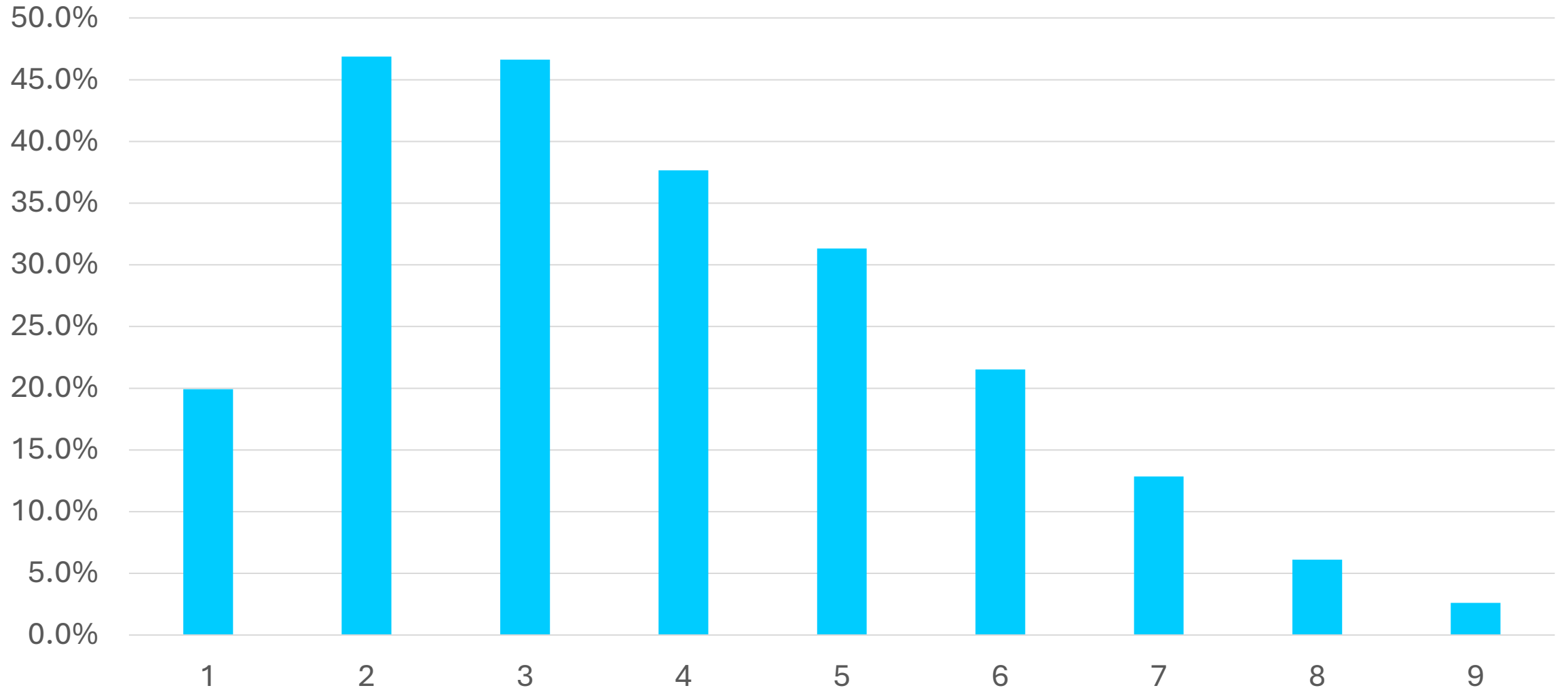
Federal Poverty Level	Home Energy Burden	# of Households
Below 50%	33%	282,747
50-100%	18%	329,656
100-125%	12%	183,370
125-150%	10%	192,284
150-185%	8%	285,880
185-200%	7%	129,934
Total	---	1,403,871

Analysis of disproportionate terminations and energy burden data in low income and BIPOC communities

- Low income households pay as much as 30% of their income towards home energy costs, compared to 3-4% for middle income households.
- Water / wastewater burdens regularly exceed 10% of household income for low income families.
- Black, Latino/a, and Indigenous households have significantly higher energy burdens compared to white households.

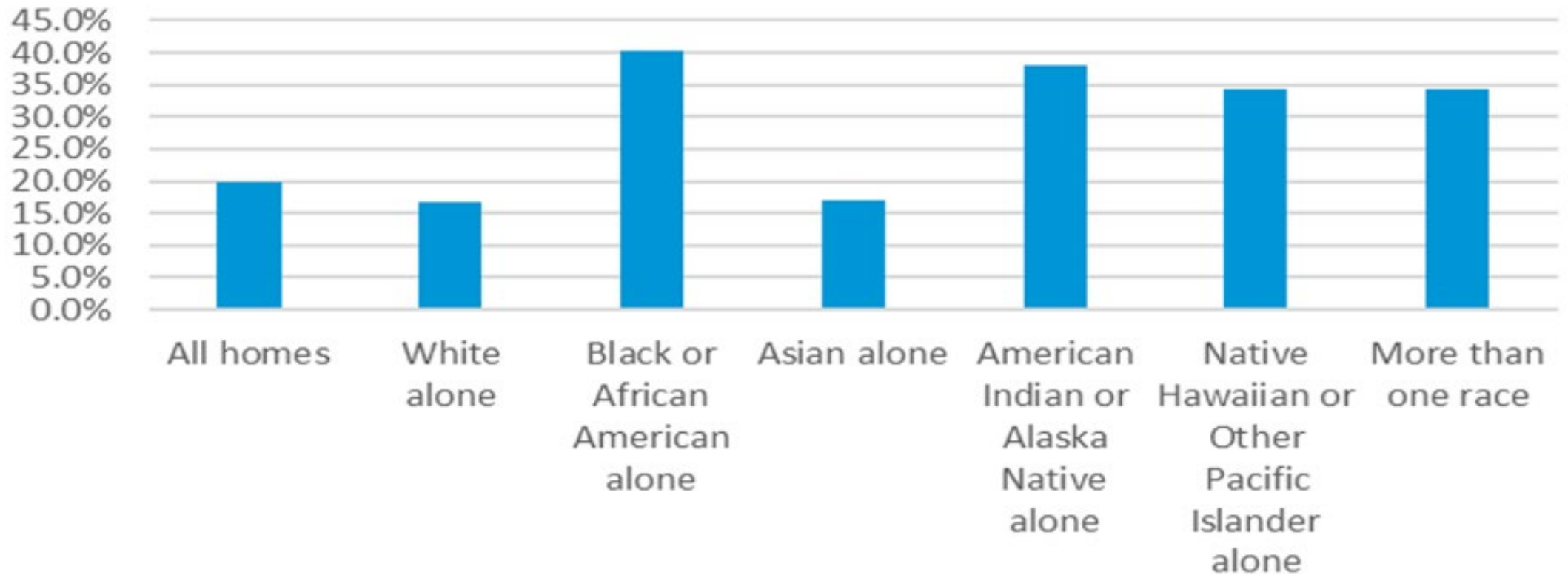


Reducing or forgoing food or medicine to pay energy costs - Household Income



US Dep't of Energy, Residential Energy Consumption Survey (released 2022)

Reducing or forgoing food or medicine to pay energy costs - Race of Householder



Energy and Water Affordability Programming

Utility-Run Assistance Programs

All large gas and electric utilities are required to administer “universal service” programs.

Programs developed over time and fall into four categories:

- **Customer Assistance Programs (CAP)**
 - Reduced bills and arrearage forgiveness
- **Hardship Fund**
 - Grants to pay bills
- **Low Income Usage Reduction Program (LIURP)**
 - Weatherization and Energy Efficiency
- **Customer Assistance Referral & Evaluation Services (CARES)**
 - Case management and referral to other social service supports

Low Income Household Energy Assistance Program

LIHEAP is a federally funded home energy assistance program, administered in Pennsylvania by the Department of Human Services.

- Program runs from November 1, 2023 – April 5, 2024
- Must apply every year

Three components

- Cash grant – grants range from \$300-\$1000 based on household size and income
- Crisis grant – available to help resolve a home heating ‘crisis,’ grants range from \$25-\$1000
- Crisis interface – Emergency Furnace Repair/Replacement

How to Apply

- In person at local County Assistance Office
- Apply online at Pa. COMPASS
- <https://www.compass.state.pa.us/>
- Call LIHEAP Hotline (1-866-857-7095) to request application

LIHEAP: Eligibility

General Eligibility for Cash Grants

- Household Income at/below 150% FPL
- Home Heating Responsibility - tenants count, even if they pay the landlord for heat
- PA Residency

Additional Eligibility for Crisis Grants

- Actual or imminent home heating emergency
- Termination notice or 15 days or less of deliverable fuel (oil/propane/wood)
- Grant will resolve the crisis

Challenge: LIHEAP & Immigration Status

Both US citizens and non-US citizens may qualify for LIHEAP

- Qualified noncitizen:
 - Lawfully admitted for permanent residence
 - Qualified for asylee or refugee status
 - Cuban or Haitian Entrant
 - Non-citizens who have been battered or subjected to extreme cruelty in the United States
 - Appendix B to the LIHEAP State Plan contains a full list of eligible immigration status and acceptable documentation.
- A person's statement that they are a citizen is considered sufficient verification
- Applicants must provide USCIS documentation for non US citizens in the household who are eligible for LIHEAP.
- A household member who does not qualify for LIHEAP due to immigration status:
 - **Can** be the payment name for the household
 - Will not be counted as a household member, however, their income will count as household income.

A household member who is “ineligible” for LIHEAP can apply if any member of their household, including a minor, is eligible.

PA Homeowners Assistance Fund (HAF)

- Homeowners at or below 150% AMI.
- Primarily for mortgage and other related costs.
- Total assistance capped at \$50,000.
- Up to \$10,000 per household for delinquent utility bills.

<https://pahaf.org/>

Overcoming Barriers to Access for Vulnerable Populations

Individuals with a Medical Condition

A household may submit a medical certificate to their utility to postpone termination or restore service if a household member is seriously ill OR diagnosed with a medical condition which requires continuation of utility service to treat the medical condition.

- A medical professional (physician, nurse practitioner, or physician's assistant), not the utility, gets to decide which conditions qualify.

A medical certificate postpones termination for up to 30 days from date of issuance.

- A customer may submit a new certificate every 30 days if they pay all current charges by due date.
- Even if a customer does not pay current charges by due date, they may renew medical certificates two additional times (90 days of protection).

Postponing Utility Termination

- Utility must postpone termination “at least” 3 days if notified that customer self-certifies that they are procuring a medical certificate.
- This temporary certification can be oral and made by customer.

Survivors of Domestic Violence

- **Protections for Customers with PFA or Other Court Order**
 - Must provide utility with a copy of PFA or other court order showing clear evidence of domestic violence.
 - 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...” **52 Pa. Code 56.323**
 - Cannot charge victim debt accrued in someone else’s name, even if they lived at the residence when the arrears were accrued.
 - Flexible payment arrangements based on individual facts and circumstances.
- **Additional Notice for Customers with PFA or Other 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.

Language Access

- **Termination Notices - 52 Pa. Code § 56.91(17).**
 - Utilities are required to include on termination notices a phone number and directions for translation assistance in Spanish and any languages comprising 5%+ of the population in its service territory.
- **Billing Information - 52 Pa. Code § 56.201(b).**
 - Utilities serving a substantial number of Spanish-speaking customers must provide billing information in Spanish.
- ***Languages Most Commonly Spoken at Home in Pennsylvania***

<u>Language</u>	<u>Total Population</u>	<u>LEP Population</u>	<u>LEP %</u>
Spanish	633,342	248,401	39.2%
<i>Chinese (Mandarin & Cantonese)</i>	95,753	49,002	51.2%
German	43,349	8,739	20.2%
<i>Russian</i>	39,733	18,124	45.6%
Arabic	39,249	12,557	32.0%
<i>Vietnamese</i>	36,389	20,292	55.8%
French (Including Cajun)	35,229	9,214	26.2%
Korean	27,974	12,610	45.1%
Gujarati	27,038	8,884	32.9%
Hindi	24,264	5,035	20.8%

Strategies for Starting and Maintaining services

Terminations

- **Authorized Termination (Post April 1)**
 - Nonpayment of undisputed delinquent account.
 - Failure to:
 - Comply With Terms Of Payment Agreement
 - Complete Security Deposit
 - Permit Access To Equipment
- **Terminations may only occur Monday - Thursday**
 - ***NO FRIDAY TERMINATIONS***
- **Termination Exception – 52 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...”

PUC-Regulated Utilities - 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 electronically through email/text.
 - 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.
- **Other Protections**
 - PUC-issued Payment Arrangements for service restoration, offering extended terms based on income.
 - Waiving security deposits for low-income customers eligible for CAP.

Landlord-Tenant Matters and Energy Efficiency

Historical housing inequities and their impact on utility access.

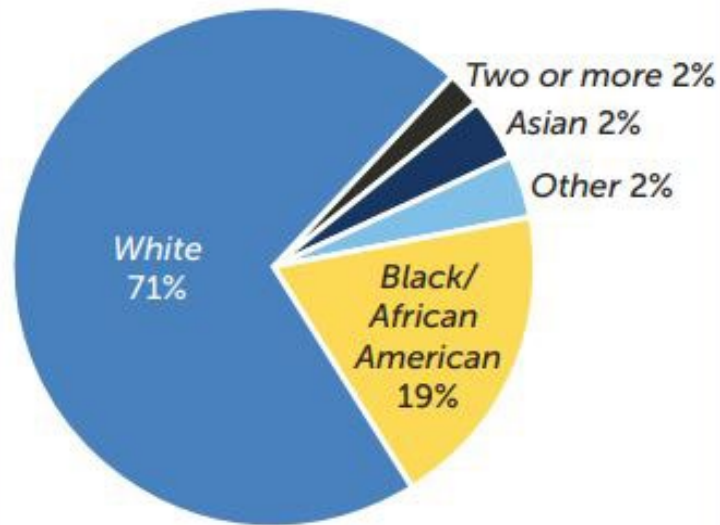
Rental Housing Landscape in PA

Rentals Make Up 32% of All Housing Units in Pennsylvania



Source: Pennsylvania Budget and Policy Center

Race of Pennsylvania Renters



Source: Pennsylvania Budget and Policy Center analysis of 2019 Census data.

Household Income of Pennsylvania Renters



Source: Pennsylvania Budget and Policy Center analysis of 2019 Census data.

Tenant Protections

- **If a utility is in the landlord's name, and the landlord does not pay, renter must be:**
 - Notified of the landlord's arrearages 30 days in advance of termination.
 - Given an opportunity to pay the last 30 day charges
 - Allowed to pay utility bills going forward and deduct from rent, without taking on the debt of the landlord
 - Protection from retaliation
- **A landlord/owner may not voluntarily shut off service while occupied by a tenant without notarized consent – or in emergencies.**
 - Tenant must be given notice and ability to keep service on going forward.
- **Applicable Laws:**
 - Discontinuance of Service to Leased Premises, *66 Pa. C.S. 1521 et seq.*
 - Utility Service Tenants Rights Act (USTRA), *68 P.S. 399.1 et seq.*

Tenant Participation in Efficiency Programs

Barriers:

- Tenant Access Denied Due to Landlord Non-Participation
- Lack of Landlord Consent
- No Response to Utility Solicitations

Solutions:

- Promoting Landlord Participation and Enhancing Responsiveness
- Addressing Landlord Issues through Trainings and Legal Services
 - Financial Concerns
 - Legal Considerations
 - Rights and Obligations to Tenants, Terms and Conditions, Warranty Disclaimers

Improving Energy Efficiency

Improving Rental Housing Through Energy Efficiency

Challenges in Rental Housing:

- Quality of Affordable Units
- Limited Affordable Housing Stock
- Financial Barriers to Entry

How Energy Efficiency Programs Help:

- Modernize and Upgrade
- Expand Affordable Housing Stock
- Alleviate Financial Strain

Energy Efficiency Programs

Utility-Run Efficiency Programs

Low Income Usage Reduction Program (see above)**

- Utility-administered (gas/electric) low income residential usage reduction program mandated by PA PUC regulations at 52 Pa. Code, Chapter 58.

Act 129 Energy Efficiency and Conservation Plans

- All PA electric utilities with at least 100,000 customers are required to have EE&C Plans to reduce electric consumption.
- Free and reduced cost energy efficiency measures are available for all customers.
- *Specific programming for low income single family and multifamily.*

Water Service Line Leak Repair Programs / Lead Service Line Replacement Programs

- Funding to fix leaks and/or remove lead pipes.
- Programming is very limited, working to expand.

Energy Efficiency Programs

Federal and State Programs

Whole Home Repairs Program

- Provides funding for county-wide agencies to address habitability and safety concerns, provides measures to improve energy or water efficiency and make units accessible for individuals with disabilities.

Weatherization Assistance Program

- Weatherization and energy efficiency measures installed in low income homes at no cost to the household helps to improve home comfort and drive energy costs down – as well as drive emissions down.
- ***New Multifamily WAP program will launch soon!***

New Energy Efficiency Programs

- **Infrastructure Investment and Jobs Act (IIJA) Programs**
 - Expanded Weatherization Assistance Program
 - \$182M over 5 years
 - Includes “Weatherization Readiness”
- **Inflation Reduction Act (IRA) Programs**
 - **HOMES**
 - \$129.9M over 10 years
 - \$4,000-\$8,000 for home efficiency, depending on projected savings
 - **HEEHRA** – High Efficiency Electric Home Rebate
 - \$129.2M over 10 years
 - Up to \$14,000 “Rebate” for Qualified Electrification
 - **“Solar for All”**

Q&A Session / Closing

Utility Information & Resources

- **PA Utility Law Project (PULP)**
 - For Advocates:
 - Case Consultation Contact: PULP@pautilitylawproject.org
 - Other Downloadable Resources: www.pautilitylawproject.org (Resources Tab)
 - For Clients with legal utility issues:
 - UtilityHotline@pautilitylawproject.org
 - Phone: 844-645-2500
- **PA Public Utility Commission (PUC)**
 - [PA PUC Medical Certificate Guidance](#)
 - [Standard Medical Certificate Form](#)
 - File Informal Complaint - PUC Bureau of Consumer Services (BCS)
 - Informal Complaints: 800-692-7380
 - <https://www.puc.pa.gov/complaints/informal-complaints/>

PULP CONTACT FORM



PHRC Housing Initiatives & Resources

- **Fair Housing Complaints:** learn about the complaint process on our [website](#) or by calling the PA Fair Housing Line: 855-866-5718
- **White Paper:** the [State of Fair Housing in the Commonwealth of Pennsylvania](#)
- **Trainings:** free virtual and in-person trainings on a wide variety of [fair housing issues](#)
- **Fair Housing Empower Hour:** [\(2\) Fair Housing Empower Hour - YouTube](#)
- [Advisory Councils](#) and [Ambassadors](#)
- **Fact sheets and brochures:** available on www.phrc.pa.gov
- **PHRC Speaks: Fair Housing in the 21st Century:** [PCNtv program](#) about issues that impact housing access.
- **Quarterly Newsletter** – email bmellinger@pa.gov to join the email list