



Domestic Issues Creating Hardships for Low-Income Utility Customers

Establishing and maintaining utility service can be a significant challenge for many average American families. When you add domestic and economic abuse into those families, the challenges of maintaining, restoring, or starting utility service are intensified. Low-income utility customers who experience domestic abuse may require legal protections and financial assistance specific to their circumstances in order to maintain utility services.

Domestic abuse can take many forms, but two significant types of domestic abuse impacting utility customers are financial and economic abuse.ⁱ Financial and economic abuse results when an abuser, often a romantic partner or family member, intentionally causes problems related to utility service which can result in disconnection of service.

The protocol for case management by a utility provider can often be the deciding factor between contributing to the economic stress of a customer, or enabling them in their ability to establish or re-establish themselves as a customer. Seeking financial assistance and legal protections specific to domestic abuse victims is often the only option for these customers.ⁱⁱ Standard protocols generally do not specify a separate procedure or protection for a victim of domestic violence.

According to the National Consumer Law Center ([NCLC](#)):

Getting utilities set up and kept current can be particularly difficult for domestic violence survivors. Several roadblocks to keeping or acquiring new utility service exist. The utility company may try to hold a survivor responsible for delinquent utility bills on an account managed by the abuser. In addition, a survivor who has any preexisting utility debt may find it hard to get new service.ⁱⁱⁱ

Often, these victims are low-income utility customers who are not aware of their rights and protections as a domestic abuse victim, or do not recognize financial and economic abuse as a form of domestic abuse. Low-income utility customers may not be knowledgeable about their options for financial assistance or legal protections in these cases. Cooperation between assistance programs and utility providers is a crucial first step in educating utility customers of their protections and available assistance options.

The issue of protecting domestic violence victims as utility customers has been a specifically identified con-



Resources for Domestic Issues in LIHEAP

- National Center on Domestic and Sexual Violence. www.ncdsv.org
- National Domestic Violence Hotline. www.thehotline.org
- National Network to End domestic Violence. www.nnedv.org
- Pennsylvania Utility Law Project. <http://www.rhls.org/utilities/pulp/>
- Women's Law Center. www.womenslaw.org

cern for case managers for years. Some states have developed legal protections so that these victims are protected from shutoffs and costs of service restoration, and some may receive other types of financial assistance to help them pay utility bills. A document produced by the National Housing Law Project called, [A State and Local Law Compendium](#), provides an overview of housing protections and state laws available for domestic violence survivors and is specifically designed to serve as a starting point for case workers and domestic violence assistance organizations.

Only nine states (Illinois, Kansas, Louisiana, Massachusetts, Mississippi, New Hampshire, Pennsylvania, Texas, and Virginia) specifically mention utilities and protections for victims in the context of maintaining, restoring, or re-establishing utility service. That means roughly 80% of all states in the do not provide protections for utility customers who are struggling with utility service due to intentional actions by another individual.

Pennsylvania Leads the Way

The Pennsylvania Utility Law Project ([PULP](#)) is spearheading the initiative to assist and protect domestic violence victims with these utility issues through newly developed legal protections. PULP's goal is to help survivors of domestic violence secure affordable, reliable utility service. With Pennsylvania being one of few states that have taken significant action and successfully made changes in policies, protections and regulations, PULP serves as an ideal role model for states looking to design and implement their own protections.

Even with some protections having been in place since 2007 implementation can be slow. Often, utility customers who are victims of financial abuse face a variety of roadblocks such as:

1. A customer who is not originally listed on an account with their energy retailer being re-

quired to assume the previous debts of an abusive partner (e.g. transfer of debt);

2. A customer being a joint account holder with an abusive partner facing difficulty terminating the account (or effectively remove either name from the account) and being jointly and severally liable for previous debts; and
3. A customer who is liable for utility debts (in whole or in part) and is unable to pay.

Elizabeth Marx, Supervising Attorney for the Pennsylvania Utility Law Project, provides some much-needed context to further understand this issue:

The ability to connect and maintain utility service is essential for a household's health, safety, and well-being. Lack of services can result in eviction, loss or denial of public housing, and chronic health problems. Low income customers are particularly at risk for termination, and often choose between utility service and other critical needs like food, health care, medicine, transportation, and child care.

These risks are even more palpable for victims of domestic violence, who often struggle to establish financial independence after leaving an abuser. According to the [National Network to End Domestic Violence](#), abusers often actively sabotage their victim's economic stability as a means of exercising further abuse and control. When leaving an abuser, a victim may have medical needs, face lengthy court proceedings, and experience periods of unemployment, all while under threat of further violence. Under these kinds of pressures, a high electric bill could shatter a victim's economic stability, sending them into homelessness or worse, forcing her to return to an abuser.^{iv}

From July 2015 through March 2017, PULP handled 206 cases, and cleared or deferred approximately \$101,800 in arrears. PULP has also reconnected and prevented active termination of 122 accounts and assisted their clients with enroll-

ment in assistance programs.^v

The Pennsylvania Coalition Against Domestic Violence ([PCADV](#)) provides protections to low-income utility customers who currently have a Protection from Abuse ([PFA](#)) order. In Crawford County, Pennsylvania alone there were 110 PFAs filed through August 1 of 2017, 177 filed in 2016, and 179 in 2015. Protections for victims of domestic violence with PFA Orders include:

- Service cannot be turned off during the winter without PUC approval
- Depending on income, a special payment arrangement may be available
- Service cannot be terminated the day before a weekend or holiday
- The victim may not be responsible for a bill in someone else's name
- Victims may not be required to pay a security deposit and may qualify for the amount due to be spread over three payments
- The victim may call the utility company to inform it about the PFA order so the special procedures and protections can be provided.

The utility provider may require a copy of the PFA in order to enforce protections.

Statutes have been established in Pennsylvania to address protection from abuse orders, utility customer protections, and termination exceptions.

[Responsible Utility Customer Protection- 66 Pa. C.S. § 1417](#) - Permits utilities to establish collection policies for those with PFA orders that are more lenient than those set forth in the chapter.

[Residential Utility Service Standards & Billing - 52 Pa. Code §§ 56.251-56.451](#) - Permits utilities to offer credit, termination and restoration of service policies that are more lenient for those with PFA orders than for other customers. Be aware that victims of domestic violence may be required by the utility to prove their victimization by producing a PFA.

[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...”*

This termination exception statute protects a victim from having their utilities shutoff from negligent payment activity on an account that was in another person's name.

[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.”*

This statute shows that a victim has no liability for arrears in another person's name, unless a court order declares the debt the responsibility of the victim.

With statutes such as these in place, low-income utility customers in Pennsylvania who are victims of domestic violence will have opportunities to re-establish, start, or maintain an account with a utility provider without the consequences intended by an abuser affecting them. Without protections in place

for these low-income utility customers, an abuser could leave a victim with a large debt to the utility company, resulting in shut-offs, excessive debt(s), and an inability to re-establish or maintain an account with the utility provider.

What are other states doing for protections?

Illinois

Illinois law provides a waiver of utility deposits for “certified victims of domestic abuse.” This protection states specifically that, “Utilities ‘shall defer the utility’s initial credit and deposit requirements for a period of 60 days for a residential customer or applicant who is a victim of domestic violence.’”^{vi}

To become a certified victim of domestic violence in Illinois and receive the deferral, “the “domestic violence must (1) have been the basis for the issuance of an order of protection or (2) be certified by treating medical personnel, law enforcement personnel, a State’s Attorney, the Attorney General, or domestic violence shelter. The certification letter must be printed on the certifying entity’s letterhead or accompanied by a letter on the certifying entity’s letterhead that identifies the certifying individual.”

Kansas

Kansas law states the court may grant an order, which expires 60 days following the date it is issued, that prevents the defendant (the abuser in this case) from cancelling utility service to the household.^{vii}

Louisiana

Louisiana provides a waiver for the “initial” utility deposit for victims of family violence. Only one member of the family is required to be certified for the household to receive the waiver. A copy of the waiver can be found [here](#). Requirements for the waiver in Louisiana have had some terminology concerns that were addressed and changed by the Louisiana Public Service Commission in 2007 through docket No. R-29900.^{viii}

Massachusetts

Massachusetts has a [209A protective order](#), and if obtained through the court, will prevent an abuser from disconnecting the victim’s utility services. This order can be obtained for various lengths of time and must be renewed and it is possible to get a life time protective order in Massachusetts.

Massachusetts also specifically states in their law that a domestic abuse victim may file a complaint in court requesting “protection from such abuse,” and specifically states that the abuser shall “compensate the victim for losses of costs to restore utility service.”^{ix}

Mississippi

In Mississippi, utility customers who are victims of domestic violence might soon be able to delay some of their utility deposits for up to 60 days. The Mississippi Public Service Commission ([MIPUC](#)) created a rule to remove what they considered to be one of the biggest obstacles for people in violent domestic situations--coming up with utility deposits for a new home away from the abuser(s).

Brandon Presley, chairman of the Mississippi Public Utility commission, said, “Evidence shows that the financial burdens such as utility deposits prevent many from leaving domestic violence situations.”^x

New Hampshire

New Hampshire offers legal protection that include, but are not limited to, “Restraining the defendant from taking any action which would lead to the disconnection of any and all utilities and services to the parties’ household.”^{xi}

Protections for these victims, as shown here, are embedded in the language of statutes related to domestic violence recognized by the state.

Texas

Texas utility customers have a form available to them (found [here](#)), developed by the [Texas Council on Family Violence](#) in coordination with the [Public](#)

[Utility Commission of Texas Legal Services Center](#) that allows certification of an individual as a “victim of family violence.” Certification of being a victim of family violence in Texas qualifies you for a waiver of the deposit requirement for electric and telephone service. This deposit is often a major obstacle in a victim’s ability to establish new utility service.

Virginia

Virginia has a law that protects victims of domestic violence from having their utilities terminated on premises (the home) that a “petitioner,” (the victim), has been granted possession of. Not only does Virginia protect a victim from having their utilities shut off by an abuser, their law states that they can order the respondent (the abuser), to restore utility services to the premises of the petitioner and they must pay the deposit amount required to restore services.^{xii}

Implementation of New Protections

Issues in implementation reach deeper than just changing the statutes and wording of protections. Physical action that enforces those new statutes is just as essential. If people are not knowledgeable about the changes and protections, and utility companies are uneducated of changes or do not perform outreach, how would those customers get the protections they are legally entitled to?

Victims of domestic abuse are often hesitant to report the abuse in fear of retaliation by the abuser, therefore they may not report the abuse—even if they are asked about it specifically. They fear that reporting the abuse will lead to a loss of financial support and intensify the abusive behavior. The result is that many domestic violence cases go unreported. Training call center operators in effectively addressing the abuse responsibly, privately, and successfully is vital.

There has been recent movement within various Public Service Commissions to train staff, but utility providers have been slow to follow. Even if a utility

provider has a policy in place, call centers are often not sufficiently trained to implement the protections and, may even turn consumers away when they attempt to disclose that they are a victim of domestic violence.

Financial Assistance: What’s Available?

Oregon’s Temporary Assistance Program

Oregon’s [Temporary Assistance for Domestic Violence Survivors Program](#) provides temporary financial assistance to families whose safety is at risk due to domestic violence. The program helps with housing related payments when there has been a domestic violence situation, and provides utility assistance if the customer is a domestic violence victim.

This program, a [DHS Self-Sufficiency Program](#), specifically defines domestic violence as:

Hurting, threatening or putting someone down or making them afraid. It also includes trying to control them or make them do things. The abuse can get worse over time. Domestic violence can happen between people in a family, intimate partners, or other people who live in the same house.^{xiii}

The financial assistance from this program can be as much as \$1,200.00 over a 90 day eligibility period. Utility payments are paid directly to the vendor.

Pennsylvania Hardship Fund Program

As victims of domestic violence navigate court proceedings, secure a new home or employment, or find childcare while transitioning to safety, they often have little to no income. It can take several months before they reach out for financial assistance with their utilities. The Hardship Fund program enables individuals who have experienced, or are experiencing domestic violence to apply for assistance.

Participation in the program for domestic violence victims are approved on a case-by-case basis and

often require further intervention by an attorney on behalf of the victim.

To receive assistance through a hardship fund, applicants must meet the Federal Poverty Guideline (FPG) eligibility requirements. Generally, Hardship Fund Programs in Pennsylvania provide assistance to those at or below 200% of the FPG.

Training

In Pennsylvania, one of the most immediately effective tactics at addressing this issue is to train call center managers and employees to appropriately and specifically ask utility customers, “Are you a victim of domestic violence?” Pennsylvania has already taken initiative to address this and provided training for the Utility Energy Association for their call center managers.

When legal protections are in place for domestic violence victims, they should not be turned away or ignored by call centers. The call centers need to be properly trained on how to effectively recognize signs of financial and economic abuse and know how to address it.

Additionally, training local agencies that work directly with low-income households would allow them to provide more education and information to households experiencing financial or domestic

abuse. Community Action Agencies and local LIHEAP intake offices are well positioned to discuss these issues during the intake process, and can aid LIHEAP customers in accessing resources offered by their utility companies. Enhancing the partnership between utility vendors and Community Action Agencies can improve outreach efforts and effectively reach households that would benefit from available services.

Summary

This brief overview reveals the challenges utility customers who are victims of economic and financial abuse face when trying to establish, maintain, or re-establish utility service; and what states and financial assistance programs are doing to address the problem.

With domestic violence considered a national epidemic, statistics show it is undoubtedly an imminent circumstance for at least one in four utility customers.^{xiv} Obstacles still arise as struggles with implementation of new protections for victims continue to be put into place. Educating people, utilities, and state programs so that everyone is aware of new policies and statutes is a continuous effort. By coordinating assistance programs with utility providers, more solutions can be effectively developed and implemented.

This Issue Brief has been prepared by the LIHEAP Clearinghouse under contract with the U.S. Department of Health and Human Services, Division of Energy Assistance. The content of this publication does not necessarily reflect the views or policies of the Department of Health and Human Services, nor does mention of trade names, commercial products, organizations or program activities imply endorsement by the U.S. Government or compliance with HHS regulations.

List of Resources

ⁱWomen’s Law Center. *Financial Abuse*. June 2017. Retrieved from <https://www.womenslaw.org/about-abuse/forms-abuse/financial-abuse>

ⁱⁱMarx, Elizabeth. *The Intersection of Utility Service and Domestic Violence in Pennsylvania*. Pennsylvania Utility Law Project. August 2017.

ⁱⁱⁱNational Consumer Law Center. *Domestic Violence Survivors*. October 2017. Retrieved from <https://www.nclc.org/special-projects/domestic-violence-survivors.html>

^{iv}Marx, Elizabeth. *The Intersection of Utility Service and Domestic Violence in Pennsylvania*. Pennsylvania Utility Law Project. August 2017.

^vMarx, Elizabeth. *Addressing Survivor Utility Needs*. Domestic Violence Attorney Network Meeting. Pennsylvania Utility Law Project. October, 2015.

^{vi}Young, David. *New Law #1: Waiver of Utility Deposit requirements for Domestic Abuse Victims*. January 2017. Retrieved from <http://illinoisenvironmentallaw.com/uncategorized/new-law-1-waiver-of-utility-deposit-requirements-for-domestic-abuse-victims/>

^{vii}Shultzman, Meliah. *Housing Rights of Domestic Violence Survivors: A State and Local Law Compendium*. January 2013. National Housing Law Project. Page 65. Retrieved from <http://nhlp.org/files/Domestic%20violence%20housing%20compendium%20FINAL7.pdf>

^{viii}Louisiana Public Service Commission General Order. *Docket No. R-29900 Credit and Deposit Requirements for Victims of Family Violence*. February 2007. Retrieved from http://www.lpsc.louisiana.gov/docs/orders/GeneralOrder2-28-07_R-29900.pdf

^{ix}Shultzman, Meliah. *Housing Rights of Domestic Violence Survivors: A State and Local Law Compendium*. January 2013. National Housing Law Project. Page 93. Retrieved from <http://nhlp.org/files/Domestic%20violence%20housing%20compendium%20FINAL7.pdf>

^xPresley, Brandon. *State Supreme Court Reinstates PSC’s Domestic Violence Utility Waiver in Part*. June 2017. News Release. Mississippi Public Service Commission. Retrieved from <http://www.psc.state.ms.us/commissioners/northern/press%20releases/2017/State%20Supreme%20Court%20Reinstates%20PSC’s%20Domestic%20Violence%20Rule.pdf>

^{xi}Shultzman, Meliah. *Housing Rights of Domestic Violence Survivors: A State and Local Law Compendium*. January 2013. National Housing Law Project. Page 128. Retrieved from <http://nhlp.org/files/Domestic%20violence%20housing%20compendium%20FINAL7.pdf>

^{xii}Shultzman, Meliah. *Housing Rights of Domestic Violence Survivors: A State and Local Law Compendium*. January 2013. National Housing Law Project. Page 197. Retrieved from <http://nhlp.org/files/Domestic%20violence%20housing%20compendium%20FINAL7.pdf>

^{xiii}Kelly-Siel, Erinn, and Jerry Waybrant. *Self-Sufficiency Programs Overview Ways and Means Presentation*. February 2015. Oregon Department of Human Services. Retrieved from <http://www.oregon.gov/DHS/ABOUTDHS/DHSBUDGET/20152017%20Budget/SSP%20Ways%20and%20Means%20Overview.pdf>

^{xiv}Campbell, Jacquelyn C., et.al. *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study*. American Journal of Public Health. July 2003.