UTILITY DISCONNECTIONS AND SHUTOFFS

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Synopsis: This article is one in a series of pieces that the *Energy Law Journal* has published on the issue of energy insecurity, i.e., the inability to meet basic household needs.¹ Utility services play a vital role in our modern economy, daily life and health, and overall societal wellbeing, and therefore, the loss of utility services is one indicia of energy insecurity. Utility disconnections and shutoffs adversely impact a significant number of individuals and families in the United States from both a financial and health-related perspective and these impacts have been exacerbated by increasing usage and prices. The article examines the disruptive impacts of utility disconnections and shutoffs on both the disconnected customers and utilities. Next, the article provides an overview of the federal and state regulation of utility disconnection and shutoff policy and various factors that are putting pressure on these existing policies. Finally, the article provides a state survey on the various frameworks, policies, and practices in place to address this form of energy insecurity, including notice and fee requirements, protections and exceptions for health-related conditions and vulnerable communities, the use of moratoria, available assistance, as well as how this impacts tenants and renters.²

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^{1.} See generally, e.g., Robert Fleishman et al., Energy Insecurity — What is it and Why Does it Matter?, 45 ENERGY L.J. 67 (2024); Emma Shumway et al., Addressing Energy Insecurity Upstream: Electric Utility Ratemaking and Rate Design as Levers for Change, 45 ENERGY L.J. 362 (2024).

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to conduct research, connect resources, raise awareness, and disseminate educational programming and materials that identify and explain the causes of energy insecurity and tools for reducing energy insecurity in the United States. The Energy Insecurity Initiative does not and will not advocate for specific policy changes and is technology agnostic. Opinions expressed in this article are those of the authors alone, and do not reflect the opinions of the EBA, the Columbia Parties, or the employers or clients of the authors.

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I. INTRODUCTION

The reliable and non-discriminatory provision of utility services at just and reasonable rates is at the heart of public utility regulations.³ The logic underpinning this regulatory structure is that public utilities play such a critical role in the modern economy, human health, and overall societal wellbeing that they cannot function without robust regulatory oversight. Despite the importance of utilities to modern daily life, many individuals and households across the United States go without reliable utility services due to affordability issues and other factors.

Reliable access to home energy is necessary for lighting, heating and cooling the home, as well as other essential functions like refrigerating and preparing food, heating water, and using electronic or medical devices. Energy insecurity is defined as the "inability to adequately meet basic household energy needs,"⁴ which can be both a chronic and acute problem. Chronic energy insecurity manifests as an inability to access or afford adequate supplies of energy, while acute energy insecurity arises when infrastructural, maintenance, environmental, or other external sources disrupt or impede access to energy.⁵ A substantial number of individuals and families across the United States experience energy insecurity, which can lead to a variety of adverse consequences, including residential instability and poor health outcomes.⁶

The United States Energy Information Administration (EIA) uses the following measures to assess energy insecurity in the United States: (i) reducing or forgoing basic necessities (e.g., medical care, food) to pay an energy bill, (ii) keeping the home at unhealthy or unsafe temperatures in order to reduce energy bills, or (iii) receiving a disconnection notice for bill nonpayment.⁷ According to the EIA's Residential Energy Consumption Survey (RECS), 34 million households (27% of United States households) reported at least one form of energy insecurity in 2020.⁸ While this is an improvement from 2015, when 37 million households (31% of United States households) reported at least one form of energy insecurity, detailed

7. ASHLEY J. LAWSON & CLAIRE MILLS, CONG. RSCH. SERV., R47417, ELECTRIC UTILITY DISCONNECTIONS 2 (2023), https://crsreports.congress.gov/product/pdf/R/R47417 [hereinafter CRS Report].

^{3.} See generally 16 U.S.C § 824d (2018).

^{4.} D. Hernández, Understanding 'Energy Insecurity' and Why It Matters to Health, 167 Soc. Sci. & MED. 1, 2 (2016).

^{5.} See Diana Hernández, Energy Insecurity And Health: America's Hidden Hardship, HEALTH AFFS. (June 29, 2023), https://www.healthaffairs.org/do/10.1377/hpb20230518.472953/ [hereinafter Energy Insecurity Hardship] (describing the differences between chronic and acute forms of energy insecurity).

^{6.} There are a myriad of different dimensions relating to energy issues that tend to overlap with one another. Concepts like "energy poverty," "energy access," "energy equity," and "energy burden" are separate constructs from energy insecurity and operate in different contexts. *See generally* Ann M. Eisenberg & Elizabeth Kronk Warner, *The Precipice of Justice: Equity, Energy, and the Environment in Indian Country and Rural Communities*, 42 ENERGY L.J. 281 (2021).

^{8.} See id. (citing EIA, IN 2020, 27% OF U.S. HOUSEHOLDS HAD DIFFICULTY MEETING THEIR ENERGY NEEDS, (Apr. 11, 2022), https://www.eia.gov/todayinenergy/detail.php?id=51979 [hereinafter HOUSEHOLD DIFFICULTY MEETING ENERGY NEEDS]).

examination of RECS data from 2015 and 2020 reveals limited progress towards reducing energy insecurity.⁹

As noted, utility disconnections and shutoffs are one indicia of energy insecurity.¹⁰ Over the past several decades, both home energy costs and usage have increased, placing greater financial burdens on low-income households and vulnerable communities.¹¹ This financial burden is exacerbated by increasing energy usage and prices that make it even more difficult for low-income households and vulnerable communities to stay current on utility payments. A utility customer that does not pay its bills in full and on time may be subject to disconnection or shutoff from utility service until any arrears are paid or they enter into a payment arrangement. To avoid a disconnection or shutoff, a household may rely on unsafe or unhealthy temperatures or forgo other necessities like food or medicine.¹² While energy assistance services are available in most states, they vary in amounts of assistance, eligibility requirements, and availability such that some customers and vulnerable communities cannot access them.¹³

National studies of utility disconnections and shutoffs in the United States found that low-income households, households with children, households of color, and renters were among the most impacted by service disconnections.¹⁴ Approximately one in three households struggle to pay their energy bills or maintain safe and comfortable temperatures in their homes. At the same time, 5.8-6.9% of households miss at least one payment in a given year, and approximately 3% experience a disconnection.¹⁵ In 2024, a report showed that six investor-owned utilities disconnected customers between January and September more than 662,000 times, a more than 20% increase for the same time period in 2023.¹⁶ In 2022,

^{9.} See generally, e.g., HOUSEHOLD DIFFICULTY MEETING ENERGY NEEDS, supra note 8.

^{10.} The terms "disconnections" and "shutoffs" may be perceived and used differently. For example, some view "disconnections" as a passive action that is a natural, unpreventable, and unfortunate consequence of poverty. In contrast, "shutoffs" is an active, avoidable, and punishing response to block households that cannot afford to pay their energy bills. *See* UNIV. OF MICH. SCH. FOR ENV'T & SUSTAINABILITY, ENERGY EQUITY PROJECT REPORT 53 (2022), https://energyequityproject.org/wp-content/up-loads/2022/08/220174_EEP_Report_8302022.pdf. For purposes of this article, both "disconnections" and "shutoffs" represent the crisis point of energy insecurity.

^{11.} Diana Hernández & Jennifer Laird, Surviving a Shut-Off: U.S. Households at Greatest Risk of Utility Disconnections and How They Cope, 66 AM. BEHAV. SCIENTIST 856, 859-60 (2022) [hereinafter Risk of Disconnections].

^{12.} Id. at 873-74 (discussing the "embodiment of hardship" and self-denial of basic needs and comforts).

^{13.} Id.; see also Trevor Memmott et al., Utility Disconnection Protections and the Incidence of Energy Insecurity in the United States, ISCIENCE, Mar. 17, 2023, at 5-6 [hereinafter Disconnection Protections].

^{14.} See Risk of Disconnections, supra note 11, at 871-73; see also Disconnection Protections, supra note 13, at 6, 8-9 (showing "that race and other vulnerable household characteristics are correlated with higher rates of disconnections"); CRS Report, supra note 7, at 10-11 (stating that low-income Black, Hispanic, and other non-white households were disconnected at least three times more than low-income White households); Energy Insecurity Hardship, supra note 5 (describing who are most likely to be energy insecure).

^{15.} See Risk of Disconnections, supra note 11, at 860.

^{16.} See Akielly Hu, Utilities are shutting off power to a growing number of households, GRIST 1 (Mar. 18, 2025), https://grist.org/climate-energy/utilities-are-shutting-off-power-to-a-growing-number-of-house-

electric utilities disconnected service to nearly 3 million households across the country due to nonpayment of bills.¹⁷ Households with an annual income below \$20,000 are 2.5 times more likely to experience a utility disconnection or shutoff than households with incomes between \$20,000 and \$60,000 and over 8 times more likely than households earning above \$60,000 per year.¹⁸

State and local regulations primarily determine the conditions and processes for utility disconnection or shutoff service.¹⁹ As a result, disconnection policies and practices and how disconnections are imposed, reported and documented vary from state to state across the country. In general, utilities disconnect or shutoff service because of a customer's extended failure to pay its utility bills. Most states, however, place some limits on when a utility can disconnect customers. Over forty states have statutory-based utility disconnection protections that aim to limit shutoffs during specific times of the year and/or for vulnerable populations.²⁰ These may take the form of seasonal protections (i.e., prohibit disconnections in certain months); temperature protections (i.e., prohibit disconnections when temperature is above or below a certain threshold); differing forms of mandatory customer notifications and population-based protections (i.e., prohibit disconnections for specific members of the population).²¹ Some states require a customer to demonstrate eligibility for the protection. For example, a state may require certification for population-based protections (such as certification of a medical condition and recertification in given time intervals), while some states limit the application of seasonal moratoria to certain customers, such as low-income customers.

The protections from utility disconnections and shutoffs, whether mandatory, voluntary, or based on specific criteria, are likely to have two primary short-term impacts. One, these protections temporarily reduce utility disconnections and shutoffs. Two, these protections allow low-income and vulnerable communities to redirect their spending from energy bills to other essential goods, like basic food and healthcare expenses.

During the COVID-19 pandemic, many states implemented either mandatory or voluntary utility disconnection and shutoff moratoria that prohibited regulated utilities from disconnecting or shutting off customers from their utility services for

holds/?utm_medium=email&utm_source=newsletter&utm_campaign=daily [hereinafter *Growing Disconnections*] (analyzing six companies that provide disconnection data and collectively serve 200 million customers across regions from California to the Carolinas).

^{17.} See, e.g., Sanya Carley et al., Electric Utility Disconnections: Legal Protections & Policy Recommendations, ENERGY JUST. LAB 2-4 (June 2023), https://utilitydisconnections.org/doc/electric-utility-disconnectionslegal-protections-and-policy-recommendations.pdf; Sanya Carley & David Konisky, Utility Disconnections-Dashboard, ENERGY JUST. LAB (May 2023), https://utilitydisconnections.org/doc/utility-disconnections-dashboard-technical-documentation_20230529.pdf; Sanya Carley & David Konisky, A power disconnection crisis: In 31 states, utilities can shut off electricity in a heat wave, IOWA CAP. DISPATCH (July 9, 2023), https://iowacapitaldispatch.com/2023/07/09/a-power-disconnection-crisis-in-31-states-utilities-can-shut-off-electricity-in-aheat-wave/ [hereinafter Disconnection Crisis]; CRS Report, supra note 7, at 11 (estimating that approximately 1% of households are disconnected each year).

^{18.} See Risk of Disconnections, supra note 11, at 864.

^{19.} See CRS Report, supra note 7, at 3-4.

^{20.} See, e.g., Disconnection Protections, supra note 13, at 3; CRS Report, supra note 7, at 4.

^{21.} See, e.g., Disconnection Protections, supra note 13, at 5-9; CRS Report, supra note 7, at 4-5.

nonpayment.²² These moratoria were implemented in various ways, including state governors issuing emergency orders or public utility commissions issuing orders for utilities to stop disconnections.²³ As discussed herein, the temporary protections from these moratoria and the resumption of disconnections for non-payment after the pandemic-related moratoria expired has provided important disconnection data and information on the benefit and usefulness of these protections.

This article provides a survey of the states to inform and provide a resource for lawmakers, policymakers, community organizations, and other interested parties on the various utility disconnection and shutoff legal and regulatory frameworks, policies, and practices and how they can help alleviate this crisis point of energy insecurity.

This article is being finalized just after the first 100 days of the second Presidential Administration of Donald Trump. As part of a broad deregulatory effort, the second Trump Administration has severed funding, reduced headcount, and cut programs across the federal government. In April 2025, all staff employed at the Department of Health and Human Services (HHS) working on LIHEAP programs were terminated.²⁴ As of this article's writing, the overall status of LIHEAP programs, funding, and support remains highly dynamic and uncertain. A severe reduction in federal LIHEAP funding and administrative support will likely exacerbate existing energy insecurity problems.

II. THE IMPACT OF DISCONNECTIONS AND SHUTOFFS

For some, the loss of utility service is infrequent and temporary. However, for others, losing utility service is an ever-present and reoccurring concern. Accordingly, this article and survey of policies starts with the understanding that the disconnection or shutoff of utility services is very disruptive and can have adverse financial and health-related consequences.²⁵ Because utility services are an essential part of our everyday lives, it is self-evident that utility disconnections and shutoffs, whether for a few days, weeks, or even months, can have a significant impact and pose a material hardship on the customer or household that loses its utility service. Further, as discussed below, it is important to recognize that utility disconnections and shutoffs also have both short- and long-term material impacts on the utility that terminates its service for nonpayment as well as the utility's other customers. That said, utility disconnection and shutoff protections and assistance programs are important in helping at-risk customers avoid disconnections, providing a pathway to reconnect their utility service, and allowing for the utility to retain a paying customer and recover its costs of providing service.

^{22.} See discussion infra Section IV.D.1.

^{23.} See discussion infra Section IV.D.1.

^{24.} See Kirsten Errick & Karin Rives, All Staff of Federal Low-Income Energy Subsidy Program Included in HHS Layoffs, S&P GLOB. MKT. INTEL. (Apr. 3, 2025), https://www.capitaliq.spglobal.com/apisv3/spgwebplatform-core/news/article?id=88337178&KeyProductLinkType=12.

^{25.} See Risk of Disconnections, supra note 11, at 871-74 (discussing that when facing disconnection people use a variety of coping mechanisms that impact their health and stress). See also Energy Insecurity Hardship, supra note 5, at 3 (describing how energy insecurity affects health).

A. Disconnected Customers

Being without electricity creates significant health and safety risks for consumers and significantly impacts their ability to engage productively in daily life. The fortunate ones have only experienced the loss of utility services for a short period of time due to an outage caused by a storm or other event. While only a temporary inconvenience, these events illustrate the extent to which we rely on electricity for heating and cooling our houses and apartments, for hot water to clean with, for refrigeration and cooking, for home healthcare equipment, and for our interactions with the outside world, including the education of students who need access to an electronic device to complete their schoolwork or participate in remote learning. Several studies have also shown that power outages can lead to carbon monoxide poisoning and fires from improper use of devices for generating electricity, heating, or cooking.²⁶ Outages also result in increased levels of hospitalizations associated with respiratory disease, renal disease, and cardiovascular disease as well as increased emergency medical service calls regarding medical device failure.²⁷

It is also important to recognize that a landlord's nonpayment of utility bills can lead to utility disconnections and shutoffs of apartment buildings and rental units and the same types of risks for tenants/renters.²⁸ All said, it is not difficult to see how frequent and long-term utility disconnections can be very disruptive to the life of low-income customers and vulnerable communities.

In addition to the more immediate impacts of utility disconnections and shutoffs on customers, there can also be significant residual impacts, and a temporary moratorium on utility disconnections and shutoffs does not address all of the low-income customers' utility bill problems. For example, utility disconnection and shutoff protections and moratoria are not bill forgiveness programs.²⁹ So, while a customer's utility service is not disconnected, the customer's outstanding balances continue to accrue over the period of nonpayment. This means that customers who were unable to pay their electric bills have their outstanding balances continue to increase, and the customer must pay back all the amounts in arrears. According to a 2020 report by the National Energy Assistance Directors Association (NEADA) the estimated amount of customer utility debt increased from \$12 billion pre-pandemic to \$32 billion at the end of 2020.³⁰ If the customers at risk of disconnection or shutoff are unable to pay that debt, it will most likely be spread among the utilities' remaining customers. Therefore, as set forth below, new measures are needed to provide reprieve from long-term utility debt problems facing customers at risk of disconnection or shutoff for nonpayment.

Finally, utilities often charge a reconnection fee for a disconnected customer to start receiving service again.³¹ Although such fees are typically designed to

^{26.} See Christine Dominianni et al., *Health Impacts of Citywide and Localized Power Outages in New York City*, ENV'T HEALTH PERSPS., June 11, 2018, at 1, https://ehp.niehs.nih.gov/doi/epdf/10.1289/EHP2154.

^{27.} See id.

^{28.} See Disconnection Protections, supra note 13, at 11.

^{29.} See CRS Report, supra note 7, at 6.

^{30.} See Disconnection Protections, supra note 13, at 11; see also CRS Report, supra note 7, at 6.

^{31.} See CRS Report, supra note 7, at 3.

reflect the utility's cost to disconnect and reconnect a customer, they add to the problem of affordability of utility service to low-income and vulnerable communities that may need to pay higher deposits because they are viewed as presenting a high risk of future utility disconnections or shutoffs.

B. Utilities

Utility disconnections caused by nonpayment present a problem not only for the customers that are disconnected, but also for the disconnecting utility and their other customers. As a general matter, the rates that a utility charges and collects from its customers are used, in part, to pay the utility's cost of service. In other words, utility costs are borne by customers. Therefore, a utility disconnection or shutoff results in a utility losing a customer and the anticipated revenue stream needed for the utility's services provided to all customers. When a customer is disconnected, not only are they no longer contributing to the utility's costs going forward, but often their unpaid bills for past costs are added to the costs borne by other utility customers. It is a better outcome for both the utility and the utility's other customers if a disconnected customer can return to being able to pay their bills in a timely manner on a going-forward basis, and pay some or all of their outstanding balance.

A utility can address the revenue shortfalls from disconnections and shutoffs and the associated uncollectable balances in different ways. For example, a utility customer may qualify for financial assistance from a utility and/or state-administered programs, which can help the customer avoid disconnection and/or help pay off the customer's outstanding balances.³² A utility can also work with the customer to negotiate a payment plan so that the customer can reconnect, receive and pay for utility services, and pay the arrearages over time.³³ By doing so, the utility retains the customer and a future stream of payments. A reasonable payment plan can also help prevent future nonpayment and disconnections. However, it is important to note that neither financial assistance nor a payment plan relieves the customer of paying the total amount due for the prior service provided, might not include long-term debt relief on the interest accrued on the amount of nonpayment, and might not be adjusted based on a customer's income or ability to pay.³⁴

The utility might also determine that it is unable to recover the customer's nonpayment in arrears. In those circumstances, a utility must recoup the lost revenues in other ways or take on more debt.³⁵ For example, a utility could choose to forgive or "write-off" the amount of the customer's bills in arrears that the utility cannot recover.³⁶ When a utility transforms unpaid balances to bad debt, it typically petitions regulators to recover the amount in general rates passing the costs

^{32.} See id.

^{33.} See id. at 3, 15.

^{34.} See Disconnection Protections, supra note 13, at 4-5; see also CRS Report, supra note 7, at 15.

^{35.} See CRS Report, supra note 7, at 15.

^{36.} Id. at 6-7.

to the utility's other customers through higher rates.³⁷ Again, the utility would need to justify the increase in rates and secure regulatory approval.

Another option that has been considered is for Congress to establish federal grants for utilities to mitigate their arrearage costs and help maintain the financial stability of utilities.³⁸ If such a grant program were established, it would need to address certain administrative challenges, including: Should the grants go directly to the utilities or state agencies? Who would have oversight of the program, state or federal? Should the grant program be available to all types of utilities or only regulated utilities?

It is also important to recognize that a utility must dedicate time and resources to managing disconnections and shutoffs and collections process for a customer's nonpayment of utility services. While this may be viewed as just a cost of doing business, it does not change the fact that it still takes away from the utility's other business functions and services.

III. REGULATION OF DISCONNECTION POLICY

A. Federal Guidance

While states have jurisdiction over retail utility service to end users and the federal government does not, federal law does identify preferred utility disconnection and shutoff policies under the Public Utility Regulatory Policies Act of 1978 (PURPA), which encourages utilities (1) not to disconnect customers without giving "reasonable prior notice" and allowing customers "a reasonable opportunity to dispute the reasons for such termination"; (2) not to disconnect customers who are unable to pay for electricity service during any period of time when termination of service would be "especially dangerous to health"; and (3) to have disconnection procedures that take into account "reasonable provisions for elderly and handicapped consumers."³⁹

Many utility disconnection and shutoff policies adhere to these basic principles in some manner; however, the details of the utility disconnection and shutoff process are determined by state and local regulations, and as a result, vary from jurisdiction to jurisdiction.⁴⁰

^{37.} See Disconnection Protections, supra note 13, at 11; see also CRS Report, supra note 7, at 6. Some have argued that when a utility is able to write off bad debt due to unpaid customer balances, the customer's delinquent account should similarly be absolved. That is not the current practice. See Kenneth W. Costello, US Utilities Have Billions in Unpaid Customer Balances. What Should They Do?, UTIL. DIVE (Oct. 6, 2021), https://www.utilitydive.com/news/us-utilities-have-billions-in-unpaid-customer-balances-what-should-they-do/607682/.

^{38.} See CRS Report, supra note 7, at 15.

^{39. 16} U.S.C. § 2625(g) (2008).

^{40.} See CRS Report, supra note 7, at 3.

B. State Regulation of Utility Disconnections and Shutoffs

Although most adhere to the same basic principles, there are differences in utility disconnection and shutoff policies, with states protecting customers in different ways. Over forty states have statutory-based utility disconnection and shutoff protections that aim to limit shutoffs during specific times of the year and/or for vulnerable populations. These may take the form of seasonal protections, temperature protections, and population-based protections. Some states require certification of the population-based protections (such as a medical condition),⁴¹ while some states limit the application of seasonal moratoria to certain customers, such as low-income customers.⁴² The following link provides an Excel spreadsheet cataloguing current state laws, regulations, and policies on utility disconnections and shutoffs.⁴³

In most states, utility disconnections and shutoffs are governed at the state level by the Public Utility Commission (PUC), Public Service Commission (PSC), or equivalent entity responsible for regulatory oversight of public utility companies. Generally, municipal and cooperative utilities are not regulated by the state regulatory authority and are instead regulated at the local level by municipal governments or by a board of directors. But, in some instances, municipal and cooperative utilities may be required to follow state policy on utility disconnections and shutoffs.

- In California, the California Public Utilities Commission (CPUC) may, through its orders and regulations, implement rules on its own motion or implement disconnection-related laws passed by the state legislature.⁴⁴ With this authority, the CPUC has added several sections to the California Public Utilities Code to enhance disconnection protections.⁴⁵ These rules apply to the state's investor-owned utilities.
- In Kentucky, there are no statutes governing utility disconnections; however, the Kentucky Public Service Commission (KYPSC) has issued regulations governing disconnection procedures undertaken by electric, natural gas, water, sewer, and telephone utilities — both investor owned and rural electric cooperative utilities.⁴⁶ Municipal

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^{41.} See Disconnection Protections, supra note 13, at 3.

^{42.} See id. at 5.

^{43.} Emma F. Hand et al., *States for Utility Disconnections & Shutoffs*, ENERGY BAR ASS'N (May 13, 2025), https://www.eba-net.org/wp-content/uploads/2025/05/States-Utility-Disconnections-Shutoffs.xlsx.

^{44.} See generally, e.g., Order Instituting Rulemaking on the Commission's Own Motion to Address the Issue of Customers' Electric and Natural Gas Service Disconnection, Rulemaking No. 10-02-005 (Cal. Pub. Utils. Comm'n Feb. 4, 2010); Final Decision Approving Settlement Agreement on Credit, Collection, and Disconnection Practices, Decision No. 14-06-036 (Cal. Pub. Utils. Comm'n June 30, 2014); CAL. PUB. UTIL. CODE §§ 779-780 (2023).

^{45.} *See generally, e.g.*, Order Instituting Rulemaking to Consider New Approaches to Disconnections and Reconnections to Improve Energy Access and Contain Costs, Rulemaking No. 18-07-005 (Cal. Pub. Utils. Comm'n July 20, 2018).

^{46.} See, e.g., KY. REV. STAT. § 278.010(3) (2025); 807 KY. ADMIN. REGS. 5:006, § 1(9) (2021).

gas and electric utilities are not regulated by the KYPSC, but many have their own utility shut-off and disconnection policies.⁴⁷

- In Minnesota, the state government passed the law governing disconnections, while the Minnesota Public Utility Commission implements the law.⁴⁸ However, in certain cities, for example, Grove City, Lafayette, and Aitkin, disconnection regulations are governed by the local governments.⁴⁹
- In Tennessee, each utility must establish a policy governing disconnections for non-payment of services.⁵⁰ A utility's statement of termination policy must be filed and approved by the Tennessee Public Utility Commission and provided to all existing customers and new customers that initiate service.⁵¹
- In Alaska, Arizona, Arkansas, California, Maryland, New Jersey, Utah, Vermont, Virginia, and Wyoming, municipal utilities, which are typically governed at the local level, and/or cooperatives, which are typically governed by a board of directors, must comply with state regulations regarding disconnection policy.⁵²

While the topic of utility disconnections and shutoffs has been around for as long as there have been utilities and most jurisdictions have well-established practices in place, recent experiences and increasing pressures on customers has created a need for a re-examination of current practices. These same factors also

^{47.} See Ky. REV. STAT. § 278.010(3).

^{48.} See, e.g., MINN. STAT. § 216B.096 (2023).

^{49.} Grove City, Minn., Pub. Works Code 1705 (2023); Aitkin, Minn. Code 51 (2023); Lafayette, Minn. Code 50 (2023).

^{50.} See TENN. CODE ANN. § 65-32-104 (2021) (stating "[t]he utility governing body, in conjunction with the utility management team, shall establish a policy governing the discontinuation of service for nonpayment of service. The policy must be in compliance with service practice standards and best practices for similarly situated utilities").

^{51.} See, e.g., TENN. COMP. R. & REGS. 1220-04-04-.19(3) (Rules of the Tennessee Public Utility Commission).

^{52.} See, e.g., ALASKA STAT. § 42.05 (granting the Regulatory Commission of Alaska (RCA) authority over public utilities, including those owned by municipalities, and applies similar regulatory authority over cooperatives); ALASKA ADMIN. CODE tit. 3 §§ 52.430, .450, .455 (2023); ARIZ. ADMIN. CODE § 14-2-211 (2023) (stating the Arizona Corporation Commission's (ACC) terms and conditions for termination of service shall apply to electric cooperatives, unless the ACC has approved an electric cooperatives revised tariff); ARK. CODE §§ 23-18-308, -4-101 (2023) (stating the Arkansas Public Service Commission (APSC) has jurisdiction over cooperatives organized under the Electric Cooperative Corporation Act, but does not regulate municipally owned utilities); CAL. PUB. UTIL. CODE §§ 2778, 10010-11 (stating the California Public Utility Commission's (CPUC) regulations [including disconnection rules] apply to electric cooperatives and municipalities); MD. CODE REGS. § 20-31-01-06 (2023) (stating that each utility must include a termination policy statement as part of their Customers' Rights Pamphlet); N.J. STAT. § 48:3-2.3 (2023), N.J. ADMIN. CODE § 14:3-3 (2024) (regulating cooperatives and municipalities by statute); UTAH ADMIN. CODE r. 746-200-7 (2017) (stating the Utah Public Service Commission has established rules about termination of service applicable to utilities in Utah); VT. STAT. ANN. tit. 30 § 3 (2023) (stating the Vermont Public Utility Commission and Department of Public Service have regulatory authority over all utilities in Vermont); 20 VA. ADMIN. CODE § 5-330-10 (2011) (stating municipal and cooperative utilities set policies within the framework established by the State Corporation Commission); WYO. STAT. ANN. §§ 37-17-102(a), -10-215 (exempting cooperatives from retail rate regulation but still subject to all other provisions of Wyoming public utility law and the authority of the Wyoming Public Service Commission).

compel a re-evaluation of customer assistance programs designed to prevent utility disconnections and shutoffs.

C. New Pressures on Existing Policies

1. COVID-19 Pandemic

The economic shutdowns and uptick in private-sector unemployment caused by the outbreak of COVID-19 in 2020 accelerated household-level energy insecurity trends that predated the pandemic. To illustrate, New York state lost 1.7 million private sector jobs within the first two months of COVID-19 shutdowns (i.e., May-March 2020). Consequently, residential customers in utility arrears ballooned from just over 1 million in January 2019, to 1.3 million by December 2021. By March 2022, one in eight New York residential customers were in arrears to utility companies, with each customer owing, on average, \$1,467.⁵³ Nationally, likely driven by similar dynamics of growing unemployment and inflation, total residential arrearages reached \$9.8 billion by July 2020,⁵⁴ and \$14.6 billion by December 2021.⁵⁵

Despite the post-COVID-19 economic recovery in 2022-24, energy insecurity persists. It appears that those most severely impacted during the initial shutdowns in 2020 have not benefited from the recovery, a greater number of households were pushed into energy insecurity, or some experienced a combination of both. According to NEADA, utility arrearages reached record levels in 2023 with 21.2 million households (16% — more than one out of six households) being behind on their energy bills.⁵⁶

During the COVID-19 pandemic, for example, most jurisdictions recognized the severe economic distress that could occur for families disconnected from utility service during the pandemic. In many ways, this was a logical extension of provisions that exist in many jurisdictions prohibiting disconnections during extreme weather conditions. In the early part of the pandemic, approximately 88% of residential electricity customers were protected temporarily from disconnection by state-issued disconnection moratoria or voluntary utility practices.⁵⁷ Most

^{53.} OFF.OF N.Y. STATE COMPTROLLER, ECONOMIC AND POLICY INSIGHTS: DISTRIBUTION OF UTILITY ARREARS IN NEW YORK STATE 1 (July 2022), https://www.osc.ny.gov/files/reports/pdf/distribution-of-utility-arrears-in-nys.pdf.

^{54.} Press Release, NEADA, Electric and Gas Residential Arrearages are Growing Rapidly (Oct. 1, 2020), https://neada.org/covidarrearagespr/.

^{55.} NEADA, RESIDENTIAL UTILITY ARREARAGES REACH \$19.5 BILLION AS CONSUMERS STRUGGLE WITH INFLATION IN ESSENTIAL GOODS 1 (May 2023), https://neada.org/wp-content/uploads/2023/05/arrearages-may2023.pdf.

^{56.} Press Release, NEADA, States Call for Congress to Restore Funding for LIHEAP About 1.4 Million Households Could be Cut from the Program (Jan. 23, 2024), https://neada.org/category/press/.

^{57.} See CRS Report, supra note 7, at 1, 5; Disconnection Protections, supra note 13, at 1 (stating "34 states and the District of Columbia implemented moratoria to protect residents from utility disconnections"); see also discussion infra Section IV.F (discussion of utility disconnections and shutoffs for tenants/renters).

states had lifted their pandemic-related moratoria by the end of 2021, and anecdotal evidence suggests that disconnections increased after the end of pandemic-related moratoria, at least in some parts of the country.⁵⁸

Importantly, while some state moratoria prohibited the assessment of late fees and other charges related to nonpayment, other states did not. In general, the moratoria were not bill forgiveness programs — although customers could not be disconnected, their outstanding balances continued to accrue over the months of nonpayment.⁵⁹ This meant both that customers who were unable to pay their electric bills saw their outstanding balances continue to increase and that utilities had to provide electric service for extended periods of time without receiving payment from those customers. The National Association of Regulatory Utility Commissioners (NARUC) noted:

There is a growing consensus among state PUCs [public utility commissions], the private utility sector, and key advocates that the blanket moratoria policies enacted early on in the pandemic response could have been more strategically implemented. Moratoria policies could be more exclusive to low- and moderate-income customers with caveats that customers in arrears need to work with their utility on repayment plans to qualify. Customers and utilities alike were unprepared for the massive arrearage burden stemming from blanket moratoria policies prohibiting disconnections.⁶⁰

The lack of data around utility disconnection and shutoff protection policies makes it difficult to comprehensively assess the success of policies designed to reduce utility disconnections and shutoffs and provide households meaningful relief from energy insecurity.⁶¹ However, one study suggests that the utility disconnection and shutoff moratoria that states implemented during the COVID-19 pandemic not only had a substantial impact on the number of utility disconnections

^{58.} See CRS Report, supra note 7, at 5 (first citing RICHARD J. CAMPBELL & ASHLEY J. LAWSON, CONG. RSCH. SERV., R46401, COVID-19 ELECTRIC UTILITY DISCONNECTIONS (2020); then citing Will Wade & Mark Chediak, '*Tsunami of Shutoffs' Looms with 1 in 6 Late on U.S. Energy Bills (1)*, BLOOMBERG L. (Aug. 23, 2022), https://news.bloomberglaw.com/environment-and-energy/tsunami-of-shutoffs-looms-with-1-in-6-late-on-us-energy-bills-1; then Jake Zuckerman, AEP Cut 164,000 Ohioans' Power for Nonpayment Last Year, More Than Any Other Utility, OHIO CAP. J. (July 7, 2022), https://ohiocapitaljournal.com/2022/07/07/aep-cut-164000-ohio-ans-power-for-nonpayment-last-year-more-than-any-other-utility/#:~:text=Be-

tween%20June%20201%20and%20May,in%20the%20same%20time%20frame; then Hannah LaClaire, *As Energy Prices Rise, Thousands of Mainers at Risk of Losing Power*, PORTLAND PRESS HERALD (May 23, 2022), https://www.pressherald.com/2022/05/22/as-energy-prices-rise-thousands-of-mainers-at-risk-of-losing-power/; and then Alicia Inez Guzmán & Luciana Perez Uribe Guinassi, *The other energy crisis*, SEARCHLIGHT N.M. (Mar. 30, 2022), https://searchlightnm.org/the-other-energy-crisis/).

^{59.} See CRS Report, supra note 7, at 6.

^{60.} William McCurry, *Lessons Learned from the Ongoing Response to the COVID-19 Crisis*, NARUC 20 (Oct. 2021), https://pubs.naruc.org/pub/99B5206E-1866-DAAC-99FB-E08F3EAF718C.

^{61.} See Disconnection Protections, supra note 13, at 1; see also CRS Report, supra note 7, at 11. Only a patchwork of data on utility disconnections and shutoffs exists today. For example, twenty-two states do not require utilities to report disconnections and shutoffs. Of the states that do require utilities to report on disconnections and shutoffs, only twenty states and Washington D.C. have up-to-date data. See Growing Disconnections, supra note 16.

and shutoffs,⁶² but also mitigated the need for a household to forego basic household expenses, such as paying for food or medical care.⁶³

The different approaches to utility disconnections and shutoffs taken by states during the COVID-19 pandemic offer an opportunity to study the impact of various policies and practices. As the United States seeks to replace and upgrade aging infrastructure, accommodate new demand from electrification, and transition to cleaner energy sources,⁶⁴ it is increasingly important to determine the best practices in utility disconnection and shutoff policies and practices that can most effectively alleviate energy insecurity.

2. Changing Weather

Increasingly extreme weather and changing weather patterns are also putting new pressure on utilities and consumers. Many policies related to weather-related prohibitions on utility disconnections and shutoffs were originally implemented for regions that traditionally had either life-threatening cold or hot temperatures annually, but typically not both. More and more, traditional "winter-peaking" regions are experiencing high summer heat, and traditional "summer-peaking" regions are having very cold winter weather (as was seen in Texas with Winter Storm Uri). These climatic swings were simply not anticipated at the time utility disconnection and shutoff policies were written.⁶⁵

3. Energy Burden

Economic pressures on consumers and utilities continue to grow. While oil prices reached a low of \$40.32/barrel in April 2020, they have since risen to an average of \$80/barrel in 2024.⁶⁶ Geopolitical instability in Ukraine has added additional pricing risk.⁶⁷ While U.S. oil and natural gas production continues to increase, a series of infrastructure disruptions, including the explosion at the Freeport LNG terminal in 2022 and the 2023 cyber-attack on the Colonial Pipeline,

^{62.} See Disconnection Protections, supra note 13, at 8.

^{63.} See id. at 9.

^{64.} See, e.g., U.S. ENERGY INFO. AGENCY, US RESIDENTIAL ELECTRICITY BILLS INCREASED 5% IN 2022, AFTER ADJUSTING FOR INFLATION (May 31, 2023), https://www.eia.gov/todayinenergy/detail.php?id=56660; Adam A. Millsap, *High Electricity Prices Will Go Even Higher Unless We Change Course*, FORBES (Mar. 9 2023), https://www.forbes.com/sites/adammillsap/2023/03/09/high-electricity-prices-will-go-even-higher-unless-we-change-course/?sh=438bff3616a8; Irina Ivanova, *Inflation is falling, but not your electricity bill. Here's why*, CBS NEWS MONEYWATCH (May 30, 2023), https://www.cbsnews.com/news/inflation-electricity-bills-higher-summer-2023/.

^{65.} See discussion infra Section IV.D.2.

^{66.} See U.S. ENERGY INFO. AGENCY, CRUDE OIL PRICES BRIEFLY TRADED BELOW \$0 IN SPRING 2020 BUT HAVE SINCE BEEN MOSTLY FLAT (Jan. 5, 2021), https://www.eia.gov/todayinenergy/detail.php?id=46336; see also U.S. ENERGY INFO. AGENCY, BRENT CRUDE OIL PRICES TRADED IN A NARROW RANGE IN 2024 (Jan. 5, 2025), https://www.eia.gov/todayinenergy/detail.php?id=64144.

^{67.} See Qi Zhang et al., Unveiling the impact of geopolitical conflict on oil prices: A case study of the Russia-Ukraine War and its channels, ENERGY ECON., Aug. 14, 2023, https://doi.org/10.1016/j.eneco.2023.106956 (discussing how the Russia-Ukraine War and subsequent events led to a rapid increase in crude oil prices).

among others, further disrupt security of supply.⁶⁸ Meanwhile, global and United States demand for natural gas, refined products, and power remains robust. All of these factors, along with rising core Consumer Price Index (which necessarily accounts for increases in energy costs), have contributed to a sustained period of high commodity prices, which are ultimately passed onto consumers, not only in their energy bills, but in the cost of nearly every product they purchase.

The "energy burden" of a household is defined as home energy expenditures as a share of household income, and it is considered to be a key metric for energy affordability.⁶⁹ Unsurprisingly, low-income households typically spend a greater portion of their income on energy, and thus, tend to have a higher energy burden than non-low income households.⁷⁰ Consumers suffering from higher energy burdens are more likely to have trouble paying their utility bills, and therefore, more likely to be at risk of a utility disconnection or shutoff or the threat of disconnection.⁷¹ In recent years, researchers have begun studying the combined energy and transportation burden of United States households, which accounts for the increasing deployment of electric vehicles (EV).⁷² On average, U.S. households in 2022 spent 5.6% of their income on energy, with transportation fuel making up over half of that spending.⁷³ By contrast, low-income households spent on average 17.8% of their income on energy alone.

In their study of United States household energy expenditures from 1999 to 2017, Bohr and McCreery (2020) found that households spending at least 10% of their income on heating and electricity services experienced a 150% to 200% greater risk of transitioning into poverty than households spending less than 10% of their income on energy services.⁷⁴ So, households facing a high energy burden are at risk of not only of utility disconnection or shutoff, but of falling into poverty. Roughly one in four United States households experienced high combined energy burdens over 12% of household income spent on just energy, while three in four

^{68.} See Liz Hampton et al., Freeport LNG plant blast adds to strain on global supplies, REUTERS (June 9, 2022), https://www.reuters.com/business/energy/explosion-hits-freeport-lng-plant-us-natgas-prices-plunge-2022-06-08/; see also Kristine Petrosyan, Colonial pipeline outage in the United States underscores risks to energy supplies, IEA (May 11, 2021), https://www.iea.org/commentaries/colonial-pipeline-outage-in-the-united-states-underscores-risks-to-energy-supplies.

^{69.} AM. COUNCIL FOR AN ENERGY-EFFICIENT ECON., COMBINED ENERGY BURDENS: ESTIMATING TOTAL HOME AND TRANSPORTATION ENERGY BURDENS 1 (May 2024), https://www.aceee.org/sites/de-fault/files/pdfs/combined_energy_burdens_-estimating_total_home_and_transportation_energy_burdens.pdf [hereinafter COMBINED ENERGY BURDENS]. See also Energy Insecurity Hardship, supra note 5 (stating that, in the United States, when the energy burden ratio "exceeds six percent, it is considered a high burden, and when it exceeds 10 percent, it is deemed severe").

^{70.} See COMBINED ENERGY BURDENS, supra note 69, at 1; see also Fleishman et al., supra note 1; Shumway et al., supra note 1.

^{71.} See Energy Insecurity Hardship, supra note 5 (noting that the financial hardship from energy expenses often leaves low-income households with fewer resources for basic needs, e.g., housing, food, clothing, childcare, medical expenses, digital access, and transportation).

^{72.} COMBINED ENERGY BURDENS, supra note 69, at 1

^{73.} Id.

^{74.} Risk of Disconnections, supra note 11, at 860 (citing Jeremiah Bohr & Anna C. McCreery, Do Energy Burdens Contribute to Economic Poverty in the United States? A Panel Analysis, 99 SOC. FORCES 155 (2020)).

low-income households experienced such high burdens.⁷⁵ Rural households had an average combined energy burden nearly 50% higher than urban households, while Black households were roughly 10% above the national average and Hispanic households were roughly 42% above the national average.⁷⁶ The prevalence of households experiencing high energy burden in the United States emphasizes the need to ensure that utility disconnection and shutoff policies across the country reflect best practices for handling a threat of utility disconnection and shutoffs in the manner most likely to enable the customer to return to paying their bills in a timely manner without undue stress on the household.

4. Other Developments Magnifying the Impact of Utility Disconnections and Shutoffs

The trend toward electrification of vehicles, appliances, and equipment formerly running on fossil fuels to achieve climate goals also heightens the need for enhanced utility disconnection and shutoff policies. While low-income electric customers may be slower than other customers to adopt EVs and to convert natural gas-fired furnaces, water heaters, washers and dryers to electric appliances, the trend to electrification is continuing and is likely to impact them as products available in the market are increasingly electric. The increasing dependence of consumers on electric equipment in every aspect of their lives makes the potential impact on a household of a utility disconnection and shutoff that much more significant.

Further, with increasing dependence on cell phones, tablets, and computers for social connection, education, and remote work opportunities, a utility disconnection and shutoff can significantly impact a person's ability to interact productively with the world around them and potentially improve their situation. For example, the percentage of children ages 3 to 18 using the internet has increased from 61.8% in 2011 to 75.2% in 2021.⁷⁷ The shift in low-income households is even more dramatic – for example in 2011 only 43.0% of children ages 3 to 18 in households with incomes less than \$10,000 used the internet, in 2011, that has increased to 70.1%.⁷⁸ Increased reliance on the internet and the electronic devices needed to access it, particularly for educational and employment opportunities, amplifies the impact of a utility disconnection or shutoff on a household.

IV. STATE UTILITY DISCONNECTION AND SHUTOFF APPROACHES AND BEST PRACTICES

Most utility disconnection and shutoff policies adhere to the federal principles found in PURPA. Typically, the utility contacts the customer, usually several times over a period of up to several months, to attempt to receive payment. Any

^{75.} *See* COMBINED ENERGY BURDENS, *supra* note 69, at 1.

^{76.} See id.

^{77.} U.S. DEP'T OF EDUC., NAT'L CTR. FOR EDUC. STAT., Percentage of Children Ages 3 to 18 Who Use the Internet and, Among Those Who Use the Internet, Percentage Using It in Various Locations, by Selected Child and Family Characteristics: 2011 and 2021, in DIGEST OF EDUCATION STATISTICS: 2022, tbl. 702.20 (2022), https://nces.ed.gov/programs/digest/d22/tables/dt22_702.20.asp?current=yes.

^{78.} Id.

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unpaid amounts accumulate as arrears, and the utilities may also assess late fees. Customers may have the option to enter into a payment plan with the utility or they may qualify for financial assistance from a utility and/or state-administered program, which can help the customer avoid utility disconnections and shutoffs and pay their outstanding balances. However, if the customer is still unable to pay their bill, the utility may disconnect or shutoff the service. Generally, utilities will reconnect a customer after receiving payment of the outstanding balances and, in some cases, a reconnection fee. States, however, differ in their approaches, with variations that reflect both established best practices and regional factors such as local weather patterns and specific state or regional issues.

A. Reasonable Notice of Utility Disconnections and Shutoffs, Fees, and Dispute Procedures

Before a utility can disconnect or shutoff service, it must comply with certain notice requirements, although, no notice is required for dangerous and/or hazardous conditions that present safety concerns. For most states, notice of a utility disconnection or shutoff typically takes the form of a written notice delivered in advance to the customer and contains information such as the reason for the utility disconnection or shutoff, the amount of payment due, utility contact information, and steps to avoid future utility disconnections or shutoffs. Utilities also delay disconnections or shutoffs if the customer disputes the accuracy of the bills. Finally, as noted earlier, some utilities charge fees for the disconnection and/or reconnection of service.⁷⁹

- Arkansas, Florida, Louisiana and North Carolina require five (5) days written notice of utility disconnection or shutoff for nonpayment.⁸⁰
- Kentucky, Missouri, Montana, Nevada, Oklahoma, and Virginia require ten (10) days written notice of utility disconnection or shutoff for nonpayment.⁸¹
- In California, customers have nineteen (19) days from the date the utility mails the bill to make payment.⁸² Once a bill becomes delinquent, ten (10) days' notice by mail is required before the utility may terminate service. Moreover, the utility must make a "reasonable effort" to contact an adult resident of the home by phone or "by personal contact" at least twenty-four hours before termination. If the utility is unable to make such phone or "personal" contact, it

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^{79.} See supra Section II.A.

^{80.} See, e.g., 126-03 ARK. CODE R. § 003.2-6.04 (LexisNexis 2024) (requiring five day written notice and add three days if notice mailed); 4 COLO. CODE REGS. § 723-3-3408(a) (2025); General Order, Delinquency Penalty for Non-Payment of Utility Bills (La. Pub. Serv. Comm'n July 12, 1976); FLA. ADMIN. CODE ANN. R. § 25-7.089(2)(g) (2025); 4 N.C. ADMIN. CODE § 11.12-8 (2025).

^{81.} See, e.g., 807 KY. ADMIN. REGS. 5.006 § 15(1)(f) (relating to electric and natural gas utilities); MO. CODE REGS. ANN. tit. 20, § 4240-13.050 (2019); MONT. ADMIN. R. 38.5.1405, -07, -13; NEV. ADMIN. CODE § 704.360 (2011); OKLA. ADMIN. CODE § 165:35-21-20 (2019); VA. CODE ANN. § 5-330-40 (2011).

^{82.} CAL. PUB. UTIL. CODE § 779.1.

must provide notice of termination "by mail or in person" at least forty-eight hours prior to termination.⁸³ Utility disconnections and shutoffs are prohibited "on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the [utility] are not open to the public."⁸⁴ California has instituted a prohibition against any reconnection fees and deposits for reestablishment of service by the state's investor-owned utilities.⁸⁵

- In Colorado, the utility must provide a disconnection or shutoff notice by mail or hand delivery at least twelve (12) business days before a disconnection or shutoff. This is followed by a requirement that the utility attempt to contact the customer by phone or in person at least twenty-four hours before the utility disconnection or shutoff. For remote utility disconnections and shutoffs, an additional attempt to contact the customer in person or by phone is required at least seventy-two hours before utility disconnection or shutoff.⁸⁶ Utility service cannot be discontinued for past due amounts under a \$50 threshold.⁸⁷ The utility may assess the following charges or fees (at no higher than cost) for the following: (i) a late payment charge; (ii) discontinuance of service fee; (iii) restoration of service fee; and (iv) collection fees.⁸⁸
- Alabama, Indiana, and Nevada regulate the charges and fees associated with utility disconnections and shutoffs and reconnections of utility service.⁸⁹
- Maryland caps late fees at 5% of the original unpaid amount.⁹⁰ Similarly, in Michigan, late payment fees are capped at no more than 2% of the delinquent portion of the bill.⁹¹
- In Iowa and Kansas, utility disconnection and shutoff procedures and practices allow for dispute/complaint resolution if the customer contests any late payments or charges.⁹² The length of such dispute/complaint resolution procedures can vary between thirty and

^{83.} See id.

^{84.} Id. § 780.

^{85.} Phase 1-A Decision Establishing Residential Disconnection Protections for Small and Multi-Jurisdictional Utilities, Rulemaking No. 18-07-005, at 42-44, 50-51 (Cal. Pub. Utils. Comm'n Aug. 25, 2022) [hereinafter Phase 1-A Decision].

^{86.} See 4 COLO. CODE REGS. §723-3-3408(a).

^{87.} See id. § 723-3-3407(b); see also NEV. ADMIN. CODE §§ 704.355, .360, .375 (prohibiting utility disconnections if unpaid amount is \$50 or less).

^{88.} See 4 COLO. CODE REGS. § 723-3-3404(a).

^{89.} See, e.g., ALA. ADMIN. CODE §§ 37-1-80, 770-X-1 (2024) (governing disconnection of utility service procedures); 170 IND. ADMIN. CODE § 4-1-16 (2025) (reconnection fees approved by Indiana Utility Regulatory Commission ("IURC")); *id.* § 4-1-13 (late payment charge approved by IURC); NEV. ADMIN. CODE § 704.383 (requiring any charge or fee must be in the tariff approved by the Commission).

^{90.} See MD. CODE REGS. 20.30.03.01.

^{91.} See MICH. ADMIN. CODE r. 460.125, .144 (2023).

^{92.} *See, e.g.*, 199 IOWA ADMIN. CODE §§ 19.4 (2025) (gas utilities); *id.* § 20.4 (electric utilities); KAN. CORP. COMM'N, ELECTRIC, NATURAL GAS, AND WATER BILLING STANDARDS §§ II.A–C, IV.A–B (2012).

sixty days. In most instances, a utility will delay the utility disconnection and shutoff as the parties try to resolve the dispute.

If one of the objectives of a utility disconnection and shutoff policy is to help customers who have been disconnected return as paying customers in good standing, policymakers should focus on removing unnecessary barriers to reconnection. For example, policymakers could ensure that disconnection fees, late charges, reconnection fees, and future deposits are set at the minimum level needed to ensure that there are not unreasonable impacts on other customers. A disconnect and reconnect fee should be set as low as possible for the utility to recover actual cost incurred to disconnect and reconnect a customer, particularly in light of significant Advanced Metering Infrastructure rollout in many parts of the country that enable remote utility disconnection and reconnect and reconnect a customer. If a utility employs such fees, they should be routinely re-examined to ensure they stay aligned with actual costs.

Similarly, if late fees and interest charges on outstanding balances are deemed necessary to avoid imposing costs on other customers, they should not begin to accrue until after any bill dispute is fully resolved, and policymakers should consider whether allowing late fees and interest to accrue when there is a mandatory moratorium in effect truly serves the purpose of the mandatory moratorium.

Policymakers should also consider removing any requirement that an outstanding balance be paid in full prior to reconnecting a disconnected customer in favor of allowing reconnection if the customer has agreed to a reasonable repayment plan. Such plans could offer the option to pay the balance over time or include a debt forgiveness component once a certain percentage of the bill is paid. This would give the customer a better ability to pay outstanding balances while also offering an incentive to do so. Governmental financial assistance programs to help customers pay outstanding balances could also be of great assistance to vulnerable customers in getting re-connected to utility service.

Further, a focused effort by utilities, regulators, and legislators is needed to partner and communicate with vulnerable communities and groups to understand what works and what does not work and to better inform customers of the availability of assistance programs to prevent and/or break the cycle of chronic utility disruptions.

B. Protections from Utility Disconnections and Shutoffs for Health-Related Conditions

The definition of "health" in the context of utility disconnection and shutoff regulations varies widely across the states, often depending on the specific language used in statutes or regulations. Generally, "health" is defined in terms of the potential health consequences that the loss of utility services, such as electricity, gas, or water, would have on an individual's (particularly those most vulnerable) physical well-being. The definition typically encompasses the risk of exacerbating existing medical conditions or creating new health hazards due to lacking access to essential services.⁹³ The variability among states highlights the importance of tailoring utility regulations to local conditions while ensuring that essential protections are in place for all individuals whose health could be compromised by the loss of utility services.

Most states have established some form of protection for customers at risk of serious health consequences due to utility disconnections and shutoffs. The common thread across many states is that health-related protections require medical certification, wherein a licensed healthcare provider certifies that the loss of utility services would pose a significant health risk to the customer or a member of the customer's household. Once this certification is provided, utilities are typically required to postpone a disconnection or shutoff for a specified period, often ranging from thirty to ninety days, and in some cases, the certification can be renewed.

- In California, utilities are prohibited from disconnecting or shutting off service to any household where a resident is seriously ill that meet certain criteria, including (i) having a household member under hospice care, (ii) relying on life-support equipment, or (iii) suffering from a life-threatening condition or illness.⁹⁴ In such circumstances, a licensed doctor, physician assistant, or nurse practitioner must certify that gas or electric service is medically necessary to sustain life or prevent the deterioration of the person's medical condition.⁹⁵
- In New York, the state's PSC mandates that utilities must delay disconnection or shutoff if a loss of service would seriously impact a customer's health.⁹⁶ As part of the medical certification process, utilities are required to work with customers to develop manageable payment plans.⁹⁷ New York utilities must contact customers at least three days before and again on the day of a scheduled disconnection or shutoff to evaluate potential harm.⁹⁸ If harm is likely, the utility must notify the local Department of Social Services, which will investigate further, and the utility cannot disconnect or shutoff service for fifteen business days.⁹⁹
- The Massachusetts Department of Public Utilities prohibits utility disconnections or shutoffs for customers with serious health conditions, especially during winter months.¹⁰⁰ The requirement for medical certification is standard, but Massachusetts interprets

^{93.} See Energy Insecurity Hardship, supra note 5 (describing how energy insecurity affects health).

^{94.} See CAL. PUB. UTIL. CODE § 779.

^{95.} See id.

^{96.} See N.Y. PUB. SERV. LAW § 32 (2023).

^{97.} See id.

^{98.} See id. \$ 11.5(c)(2) (requiring utilities to attempt contact with the customer or another adult at least three days before and on the day of the scheduled service shut-off).

^{99.} See id. \$ 11.5(c)(4)-(5) (mandating notification to the Department of Social Services if a disconnection may cause harm to the health or safety of any resident in the home).

^{100.} See 220 MASS. CODE REGS. § 25.03 (2023).

"health" broadly to encompass any medical condition that could be exacerbated by the loss of utilities, with special protections for vulnerable communities from losing access to essential services.¹⁰¹

- Texas requires medical certification to prevent utility disconnections or shutoffs for nonpayment and mandates that utilities and customers with health vulnerabilities agree to a deferred payment plan.¹⁰² To qualify, the customer must have their physician contact the utility and provide a written statement confirming the health risk and that the disconnection or shutoff would cause or worsen a severe illness.¹⁰³ Otherwise, Texas' regulations are less detailed and offer utilities more discretion in managing health-related disconnection and shutoff cases.
- Oregon also provides robust health-related protections, requiring utilities to refrain from disconnecting or shutting off services if a customer provides medical certification indicating that the loss of utility services would pose a severe risk to their health.¹⁰⁴ Oregon's regulations ensure that utilities consider the full impact of utility disconnection and shutoff on vulnerable communities.¹⁰⁵
- Mississippi and South Carolina offer fewer comprehensive regulations for health-related protections.¹⁰⁶ The regulations are more reactive, addressing health risks only under specific conditions, rather than proactively protecting public health in the context of utility services.¹⁰⁷
- Arizona's definition of "health" is closely tied to life-threatening conditions, particularly during extreme summer heat, where the loss of air conditioning could quickly escalate into a critical health emergency.¹⁰⁸ The state broadly defines "life-threatening" conditions, allowing for flexibility in protecting customers during the hottest months.¹⁰⁹ Specifically, the Arizona Corporation Commission requires utilities to consider health risks associated with high temperatures when deciding on utility disconnections and shutoffs.¹¹⁰

^{101.} See id.

^{102.} See 16 TEX. ADMIN. CODE § 25.483(j) (2023) (requiring utilities to offer deferred payment plans to customers with health conditions that make disconnection particularly dangerous and to accept medical certification to prevent disconnection during extreme weather events).

^{103.} See 25 TEX. ADMIN. CODE § 25.29(g)(1).

^{104.} See Or. Admin. R. 860-021-0405 (2023).

^{105.} See id.

^{106.} See MISS. CODE ANN. § 77-3-65 (2023); see also S.C. CODE ANN. REGS. 103-535 (2023).

^{107.} See § 77-3-651; see also 103-535.

^{108.} See Ariz. Admin. Code § R14-2-211.

^{109.} See id. § R14-2-211(A)(5).

^{110.} See id. § R14-2-211(A).

- Michigan's regulations include an outright ban on termination of utility service due to nonpayment of a bill for critical care customers, i.e., those on life support where termination would be immediately life threatening.¹¹¹
- Nevada has a ban on the termination of service if a utility has knowledge that the customer or a permanent resident of the customer's household: (i) is confined to the location where the service is provided; (ii) is on a life support device which requires a utility-provided service to function; and (iii) is likely to die without the aid of the life support device if the utility terminates service.¹¹²
- Minnesota's Medically Necessary Equipment exception requires a utility to reconnect or continue service to a customer's residence where a medical emergency exists or where medical equipment requiring electricity necessary to sustain life is in use, provided the customer delivers the utility certification that failure to reconnect or continue service will impair or threaten the safety of the members of the household.¹¹³

Where disconnection and shutoff policies require certification from a medical provider, policymakers should consider requiring utility outreach to clinics and other medical providers serving predominately low-income communities in the utility's service territory to ensure that doctors and medical providers are aware of such policies and the type of certification needed and can include information on the availability of such protections for medically vulnerable persons in their counseling of their patients. Policymakers should also re-examine such policies to ensure that the definition of an eligible medical condition is broad enough to include any condition negatively impacted by loss of power, including loss of air conditioning, heating, or refrigeration due to loss of power.

C. Exceptions for Vulnerable Groups

Utility disconnection or shutoff protections for the elderly, disabled individuals, low-income households, and military personnel are designed to safeguard the public health and welfare of these vulnerable communities. These protections are especially critical during extreme weather conditions, financial hardship, or health-related crises. Laws and regulations providing exceptions to utility disconnections and shutoffs for vulnerable populations vary significantly from state to state, with some states offering comprehensive safeguards while others provide minimal or conditional protections.

> California's regulatory framework provides protection from utility disconnections and shutoffs to vulnerable communities. For example, California law prohibits utility providers from disconnecting

^{111.} See MICH. ADMIN. CODE r. 460.130(1)-(8), .130a (1)-(8), .102(n).

^{112.} See NEV. ADMIN. CODE § 704.370.

^{113.} See MINN. STAT. § 216B.098(5) (2023) (medically necessary equipment exception).

service to the elderly if a licensed physician certifies that disconnection would be life-threatening.¹¹⁴ For low-income households, the state offers the California Alternate Rates for Energy (CARE) program, which provides discounted utility rates to eligible electric and gas customers whose annual household incomes do not exceed 200% of federal poverty guidelines.¹¹⁵ California also allows active-duty military personnel to avoid disconnection during deployment if they notify the utility in advance and provide proof of their military status.¹¹⁶

- New York's Home Energy Fair Practices Act (HEFPA) provides protections from utility disconnections and shutoffs for low-income, elderly, blind, and disabled customers.¹¹⁷ Under HEFPA, utility providers cannot disconnect service to low-income customers in the state's Energy Assistance Program during the winter heating season (i.e., November 1 to April 15) and must offer deferred payment plans to avoid shutoffs.¹¹⁸ For elderly, blind, or disabled customers, HEFPA mandates that utilities give at least fifteen days' notice before initiating service termination.¹¹⁹ Utilities must provide payment plans and explore all alternatives before disconnecting or shutting off service, ensuring that these vulnerable groups receive special consideration in times of financial hardship. In addition, New York has protections in place for military personnel from utility disconnections and shutoffs during active duty, provided they notify the utility of their active-duty status.¹²⁰
- Massachusetts has implemented strong protections for the elderly and disabled. Utilities are prohibited from disconnecting or shutting off services to customers with elderly households (i.e., 65 or older) and households with infants under 12 months old during the winter heating season (i.e., November 15 to March 15).¹²¹ Additionally, utilities in Massachusetts must maintain service if disconnection poses a life-threatening risk to any household member.¹²² In each situation, the customer must provide documentation proving the age or medical condition and evidence of financial hardship and allow the protections to extend year-round.¹²³
- Texas' Low-Income Discount Program, part of the state's System Benefit Fund, provides financial assistance in the form of reduced

^{114.} CAL. PUB. UTIL. CODE § 779(b)(3).

^{115.} Id. § 739.1(a).

^{116.} CAL. MIL. & VET. CODE § 409 (2024).

^{117.} N.Y. PUB. SERV. LAW § 32(3)(b); N.Y. COMP. CODES R. & REGS. tit. 16, § 11.5(b)(1) (2023).

^{118.} N.Y. COMP. CODES R. & REGS. tit. 16, § 11.5(c)(2).

^{119.} *Id.* § 11.5(b)(2).

^{120.} See, e.g., N.Y. MIL. LAW § 317(1) (2025).

^{121. 220} MASS. CODE REGS. 25.03(1)(a) (2024); MASS. GEN. LAWS ch. 164, §§ 124E, 124H (2023).

^{122. 220} MASS. CODE REGS. 25.03(1)(a).

^{123.} Id. § 25.05(2).

utility rates for qualifying low-income individuals.¹²⁴ For elderly and disabled individuals, Texas law requires that utilities provide extended notice periods of twenty days before disconnection or shutoff.¹²⁵ Utilities must also make reasonable efforts to contact the customer directly before proceeding with a shutoff.¹²⁶ Additionally, utility disconnections and shutoffs in Texas are prohibited during periods of extreme heat or cold for elderly, disabled, and lowincome customers.¹²⁷

- Michigan prohibits utility disconnections and shutoffs for elderly and disabled individuals during the winter heating season (i.e., November 1 to March 31).¹²⁸ Seniors aged 65 and older are also protected from utility disconnections and shutoffs during this time.¹²⁹ Active duty military can apply for shutoff protection from utility service for up to ninety days and apply for one or more extensions.¹³⁰
- Alabama and Mississippi have limited utility disconnection and shutoff protection regulations for vulnerable populations. There are no statutory protections in Alabama law that provide specific safeguards for the elderly or disabled or the military, beyond weatherrelated prohibitions.¹³¹ Similarly, Mississippi's regulatory framework does not provide detailed protections for utility disconnections or shutoffs for elderly, disabled, or low-income customers outside generalized provisions.¹³²

As noted above, several of the state protections from utility disconnections and shutoffs for vulnerable groups are locational and focused on providing relief during winter and/or summer seasons. Policymakers should consider changing such protections, so they are not reactive to seasonal events, but provide continuous, year-round support, if necessary, to ensure the public health and welfare for members of vulnerable communities.

D. Utility Disconnections and Shutoffs Moratoria

In contrast to the protections and exemptions from utility disconnections and shutoffs for specific individuals and vulnerable communities, moratoriums provide broader protection from utility disconnections and shutoffs based on the na-

^{124.} TEX. UTIL. CODE ANN. § 39.903(e)(1)(a) (2023).

^{125. 16} TEX. ADMIN. CODE § 25.483(b)(2).

^{126.} Id. § 25.483(l).

^{127.} Id. § 25.483(j).

^{128.} MICH. COMP. LAWS § 460.9r; MICH. ADMIN. CODE r. 460.138(1)(b).

^{129.} MICH. COMP. LAWS § 460.9r.

^{130.} See id. § 460.9c(4).

^{131.} See ALA. ADMIN. CODE r. 770-X-1-.14(7) (prohibiting disconnection of utility services during extreme weather conditions (*e.g.*, when the forecasted temperature exceeds 98°F or falls below 32°F) but not offering specific protections for elderly or disabled customers).

^{132.} See MISS. CODE R. § 77-3-37 (providing weather-related disconnection prohibitions, such as during extreme cold or heat, but without special considerations for vulnerable populations like the elderly or disabled).

ture and duration of the moratorium. In some states, moratoria are imposed pursuant to an emergency declaration by the state's governor. In other states, public utility commissions or other regulatory authorities impose moratoria on utility disconnections and shutoffs on their regulated utilities.

1. COVID-19 Moratoria

In response to stay-at-home orders and the economic disruption caused by the COVID-19 pandemic, a majority of the states and their utilities implemented temporary moratoria, prohibiting utility disconnections and shutoffs for nonpayment, for a finite period. A few states implemented voluntary moratoria in which regulated utilities agreed but were not legally prohibited from disconnecting or shutting off customers for nonpayment. Finally, a small number of states did not have any moratoria on disconnections or shutoffs due to COVID-19. The duration of the moratoria on utility disconnections and shutoffs varied among states, and in the case of emergency executive orders, the moratoria were valid until the state of emergency was lifted.

- In California, the COVID-19 moratorium lasted from March 17, 2020, until April 2022.¹³³
- In Indiana, the Governor initiated the COVID-19 moratorium.¹³⁴ The Indiana Utility Regulatory Commission (IURC) extended the disconnection moratorium for IURC-jurisdictional utilities through August 14, 2020, and required utilities to give customers a grace period of six (6) months to pay arrearages or to work out payment plans.¹³⁵ Disconnections by Indiana utilities not under IURC jurisdiction were also suspended through August 14, 2020, under Governor Eric J. Holcomb's Executive Order.¹³⁶
- In Maine, existing regulations allowed for a moratorium on utility disconnections and shutoffs to go into place without Executive Order.¹³⁷ Maine's regulations provide that when the Consumer Assistance Director finds that termination of utility service by one or

^{133.} See Cal. Exec. Order No. 28-20 (Mar. 16, 2020), https://www.gov.ca.gov/wp-content/up-loads/2020/03/3.16.20-Executive-Order.pdf.

^{134.} See Ind. Exec. Order No. 20-05 (Mar. 19, 2020), https://www.in.gov/sboa/files/EO_20-05.pdf.

^{135.} On June 29, 2020, the IURC issued order Cause No. 45377, consolidated under Cause No. 45380. *See In re COVID Investigation*, Phase 1 and Interim Emergency Order of the Commission, Cause No. 45377 (Ind. Util. Reg. Comm'n June 29, 2020). The order required utilities to offer payment arrangements with terms of at least six months and extended the disconnection moratorium for IURC-jurisdictional utilities through August 14, 2020. *Id.* at 5. Lastly, on August 12, 2020, the IURC issued order Cause No. 45380 which required utilities under its jurisdiction to offer payment arrangements of at least 6 months and make them available through October 12, 2020; and waive late fees, disconnection/reconnection fees, and deposits for residential customers through October 12, 2020. *See In re COVID Investigation*, Second Interim Emergency Order of the Commission, Cause No. 45380, at 4 (Ind. Util. Reg. Comm'n Aug. 12, 2020)

^{136.} Disconnections by Indiana utilities not under IURC jurisdiction were also suspended through Aug. 14 under Gov. Eric J. Holcomb's Executive Order. *See* Ind. Exec. Order No. 20-33 (June 30. 2022), https://www.in.gov/governorhistory/ericjholcomb/files/Executive-Order-20-33-Further-Extensions.pdf.

^{137. 65-407-815} ME. CODE R. § 3 (2024).

more utilities would present a clear danger to the health or safety of one or more customers, the Director can declare a partial or complete moratorium on the termination or disconnection of service by any or all utilities.¹³⁸

- Alabama, Arizona, Florida, Georgia, Idaho, Michigan, Minnesota, Missouri, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, West Virginia, and Wyoming had no COVID-19 pandemic moratoria or voluntary bans on utility disconnections and shutoffs.¹³⁹
- 2. Seasonal Moratoria

The availability of temperature-based and/or date-based moratoria or bans on utility disconnections and shutoffs varies among the states. For example, there are forty-two states that ban utility disconnections and shutoffs during cold weather, and there are twenty-three states that have passed heat-based bans.¹⁴⁰

a. Summer — Heat Sensitive

Some states that have moratoria on utility disconnections or shutoffs tied to the temperature during the summer months, regardless of hardship or income level, include:

- The Arizona Corporation Commission instituted a moratorium on utility disconnections and shutoffs related to extreme weather, which was codified into Arizona's regulations.¹⁴¹ The regulations allow electric utilities to choose between two disconnection options during periods of extreme weather: (1) if the forecasted temperature is above 95°F or below 32°F, or (2) they can choose to continue utilizing the June 1 through October 15 disconnection moratorium period.¹⁴² Both of these protections are available to residents regardless of income level.
- California has moratoria on utility disconnections and shutoffs related to extreme weather and not tied to income thresholds. For electric utilities, California regulations prohibit utility disconnections and shutoffs when temperatures exceed 100°F or are below 32°F.¹⁴³ For gas utilities, California law precludes disconnections and shutoffs when temperatures are below 32°F.¹⁴⁴

^{138.} See id.

^{139.} See NEADA, WINTER AND COVID-19 UTILITY SHUTOFF MORATORIUMS (Mar. 15, 2021), https://neada.org/wintercovid19moratoriums/.

^{140.} See Growing Disconnections, supra note 16.

^{141.} *See, e.g.*, Proposed Modifications to the Rules Regarding Termination of Service, Decision No. 78316, Docket No. RU-00000A-19-0132 (Ariz. Corp. Comm'n Nov. 9, 2021).

^{142.} See id. § 154(k)

^{143.} Phase 1-A Decision, *supra* note 85, at 12.

^{144.} See, e.g., id. at 14.

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- In Nevada, utilities may not disconnect or shutoff electricity when the temperature is 105°F or greater, or 15°F or lower.¹⁴⁵ If the temperature is 95°F or higher or 20°F or lower, disconnection or shutoff is disallowed if the resident is elderly or has another hardship.¹⁴⁶
- Minnesota, despite being a cooler Northern state, has adopted an emergency moratorium on utility disconnections and shutoffs declaring that a utility may not disconnect residential services when an excessive heat watch, heat advisory, or excessive heat warning is issued by the National Weather Service and is in effect.¹⁴⁷
- In Washington, Governor Jay Inslee signed into law a bill to ensure utility operators will not shut off electricity or water services when the National Weather Service has issued a heat-related warning or alert.¹⁴⁸
- Virginia recently passed a law that bans the utility disconnections and shutoffs for the nonpayment of bills or fees when the forecasted temperature is at or above 92°F within the twenty-four hours following the scheduled disconnection.¹⁴⁹
- Illinois strengthened its existing prohibition on utility companies from disconnecting customers for nonpayment of bills on hot days by lowering the threshold from 95°F to temperatures at or above 90°F or if the National Weather Service issues an excessive heat watch, heat advisory, or excessive heat warning.¹⁵⁰

b. Winter — Cold Sensitive

Most cold weather states protect certain eligible customers from utility disconnections and shutoffs during the winter months. Winter shutoff protections are not universal and are typically only given to customers whose household income is below a certain level.

> • In Massachusetts, a utility may not shut off or refuse to restore utility service or terminate service to the home of any customer experiencing financial hardship between November 15 and March 15.¹⁵¹ The winter protection is limited to gas or electric systems providing heat to, or operating the heating system in, a home.¹⁵² In contrast, utility disconnections or shutoffs are allowed during the summer months.¹⁵³

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^{145.} NEV. ADMIN. CODE § 704.375(7)(a)(1).

^{146.} See id.

^{147.} See, e.g., MINN. STAT. § 216B.0975 (excessive heat exception).

^{148.} Wash. Admin. Code §§ 480-100-143, -90-143 (2023).

^{149.} See VA. CODE ANN. § 15.2-2121.2 (2024).

^{150.} See 220 ILL. COMP. STAT. 5/8-205 (2023) (Public Act 103-0019).

^{151. 220} MASS. CODE REGS. 25.03(a)(3).

^{152.} See id.

^{153.} Id.

- In Michigan, under a winter protection plan, a utility cannot shut off service to eligible low-income customers from November 1 through March.¹⁵⁴ The utilities must also adopt and implement "an extreme weather condition policy" subject to Michigan PSC approval.¹⁵⁵
- New York's regulations protect low-income and vulnerable populations during the winter months when the risk of health complications from loss of heating is highest.¹⁵⁶ Between November 1 and April 15, utilities must take extra steps to assess this risk.¹⁵⁷ New York utilities are required to contact customers to evaluate the potential harm from a disconnection or shutoff.¹⁵⁸ If harm is likely, the utility cannot disconnect or shutoff service for fifteen business days while appropriate agencies investigate the customer's conditions.¹⁵⁹
- North Dakota, despite being a cold weather state, has no additional utility disconnection and shutoff protections during winter months.¹⁶⁰
- Alaska, despite its Arctic climate, also lacks weather-specific utility disconnection and shutoff protections.¹⁶¹ Alaskan law does, however, permit utilities to disconnect or shutoff service to a customer who has failed to comply with curtailment procedures during emergency supply shortages.¹⁶² The absence of such protections is due, in part, to the configuration of the Alaskan energy infrastructure, as rural communities largely rely on imported refined products to fuel power generators for local heating and electricity needs.
- c. Extreme/Severe Weather Events

Some states have moratoria on utility disconnections and shutoffs due to extreme weather events that are not tied to hardship or income level.

> • The Texas Public Utility Commission's protections from utility disconnections and shutoffs are mainly focused on extreme weather

^{154.} MICH. ADMIN. CODE r. 460.131(1), .102(s) (requiring payment of at least 7% of the estimated annual bill).

^{155.} See id. 460.134(1).

^{156.} See N.Y. COMP. CODES R. & REGS. tit. 16, § 11.5(c) (outlining the requirements for cold weather protections in utility disconnections).

^{157.} See id.

^{158.} *Id.* § 11.5(c)(2) (requiring utilities to attempt contact with the customer or another adult at least three days before and on the day of the scheduled service shut-off).

^{159.} *Id.* § 11.5(c)(4)-(5) (mandating notification to the Department of Social Services if a disconnection may cause harm to the health or safety of any resident in the home); *see also id.* § 11.5(c)(6) (requiring restoration of service for 15 business days if disconnection occurs without contact and there is potential harm to the residents).

^{160.} N.D. ADMIN. CODE § 69-09-02-05.1(3) (2023).

^{161.} See, e.g., ALASKA ADMIN. CODE tit. 3, § 52.450 (2024).

^{162.} See id. § 52.450(a)(3).

events.¹⁶³ Utilities in Texas are prohibited from disconnecting or shutting of service if the previous day's highest temperature did not exceed 32°F and is forecasted to remain at or below that level for the next 24 hours or if the National Weather Service has issued a heat advisory within the past two days.¹⁶⁴

 Mississippi and South Carolina offer limited utility disconnection and shutoff protections, where health is primarily defined in relation to extreme weather conditions.¹⁶⁵ These states focus on preventing utility disconnections and shutoffs during severe weather, but the year-round protections are less comprehensive.¹⁶⁶

While the parameters of seasonal and weather related moratoria will inevitably vary based upon any given state's particular climate, in light of rapidly changing weather patterns and recent weather emergencies in many states that did not previously experience either very cold or very hot weather, policymakers should re-evaluate current criteria for moratoria to ensure that they remain current with the changing weather patterns. In particular, policymakers should keep in mind that in states where one weather extreme or another is not routinely experienced, there may be significantly less infrastructure (such as widespread air conditioning or cooling centers in northern regions or weatherization for extreme cold in southern regions) in place to assist residents in handling extreme weather conditions. Policymakers should consider not only the changing weather patterns, but also whether the existing infrastructure makes customers more vulnerable to a particular type of weather extreme than customers living in areas accustomed to experiencing that type of extreme.

E. Available Customer Assistance to Avoid Utility Disconnections and Shutoffs

All states have some form of customer assistance programs to help eligible residents pay for their utility bills. Such assistance can include large federal programs administered through annual appropriations to states, state-funded programs, utility-funded programs, or through private charitable organizations, some of whom partner with government entities to distribute aid. Invariably, despite the availability of this assistance, the stresses on existing programs and individual households add pressure and an element of complexity to the affordability and ability of low-income and vulnerable communities.to pay for utility services.

1. Federal Assistance

The Low Income Home Energy Assistance Program (LIHEAP) provides funds to states to help low-income households pay for home energy expenses.¹⁶⁷

^{163. 25} TEX. ADMIN. CODE § 25.29.

^{164.} Id. § 25.29(i).

^{165.} See MISS. CODE ANN. § 77-3-65; S.C. CODE ANN. REGS. 103-535.

^{166.} See MISS. CODE ANN. § 77-3-651; see also S.C. CODE ANN. REGS. 103-535.

^{167. 45} C.F.R. § 96.1(g) (2025).

LIHEAP provides two types of funding: (1) block grants or regular funds (apportioned to each state by formula) and (2) emergency contingency funds.¹⁶⁸ LIHEAP was created by Congress in 1981 through Omnibus Budget Reconciliation legislation and has been reauthorized and amended several times since then. The LIHEAP formulas were based originally on residential energy expenditures and the intensity of cold, which favored states in the north.¹⁶⁹ In 2005, the formula changed to distribute funds based on low-income household expenditures on energy in the state.¹⁷⁰ These LIHEAP funds are distributed to states through the United States Department of Health and Human Services.

2. State Assistance

While LIHEAP funds are distributed to every state, the need far exceeds the amount Congress appropriates for LIHEAP funding annually. In addition to LIHEAP, there are state-level governmental programs that help low-income residents with energy bills. A few examples of programs in the states we surveyed:

- General Relief Assistance in Alaska provides emergency financial assistance to Alaskans in need, particularly those facing utility disconnections and shutoffs. The eligibility criteria include: (i) immediate and specific need, (ii) no other resources, (iii) Alaska residency, (iv) United States citizenship or eligible immigrant status, and (v) financial need- specific income and resource limits.¹⁷¹
- The California Arrearage Payment Program assists customers with the payment of utility bills or reduced billed amounts, thus effectively limiting utility disconnections and shutoffs in the state.¹⁷²
- Maryland has an Electric Universal Service Program, which is a year-round program for financial assistance with electricity bills.¹⁷³ Residents can only receive benefits once each year and must reapply each fiscal year (i.e., July-June). Maryland also has the state-run Arrearage Retirement Assistance Program, the Maryland Fuel Fund, and the Utility Service Protection Program.¹⁷⁴
- Maine has a variety of state-run assistance programs, including the Home Energy Assistance Program, the Electricity Lifeline Program

^{168.} See id.; see also Andrea Nishi et al., Energy Insecurity Mitigation: The Low Income Home Energy Assistance Program and Other Low-Income Relief Programs in the US, COLUMBIA UNIV. CTR. ON GLOB. ENERGY POL'Y (Nov. 15, 2023), https://www.energypolicy.columbia.edu/publications/energy-insecurity-mitigation-the-low-income-home-energy-assistance-program-and-other-low-income-relief-programs-in-the-us/.

^{169.} Low Income Home Energy Assistance Act of 1981, Pub. L. No. 97-35, tit. XXVI, 95 Stat. 357 (1981) (codified as amended at 42 U.S.C. §§ 8621-8630).

^{170.} Energy Policy Act of 2005, Pub. L. No. 109-58, § 121, 119 Stat. 594 (2005).

^{171.} See, e.g., ALASKA STAT. § 42.05.14 (2023) (establishment of RCA); ALASKA STAT. § 47.25.120 (2023) (General Relief Assistance).

^{172. 2022} California Arrearage Payment Program, CAL. DEP'T OF CMTY. SERVS. & DEV., https://www.csd.ca.gov/capp (last visited Apr. 25, 2025).

^{173.} Office of Home Energy Programs, MD. DEP'T OF HUM. SERVS., https://dhs.maryland.gov/office-of-home-energy-programs/how-do-you-apply/ (last visited Apr. 25, 2025).

^{174.} See id.

(ELP), the Energy Crisis Intervention Program, and the Arrearage Management Program ¹⁷⁵ For example, customers who qualify for ELP could receive up to \$1,200 towards their electricity bills.

- New York's state-run HeartShare has multiple Energy Assistance & Community Development programs that provide grants to qualified individuals and households to pay for hot water and electricity.¹⁷⁶ While program requirements vary, generally, to be eligible, applicants must have exhausted all sources of LIHEAP fundings and be facing an energy emergency. Active military and well-discharged veterans, regardless of income, can also apply. This grant is fuel blind and can be received once every twelve months.
- Michigan has created a low-income energy assistance fund that allows electric utility, municipally owned electric utility, or cooperative electric utility to add a surcharge on each retail-billing meter.¹⁷⁷

3. Utility Generated Funding

Many individual utilities offer assistance programs, some of which are more generous than others. In most cases, utilities partner with a local public agency or charitable organizations. A few examples include:

- In Illinois, the Your Neighbor Fund and the Bill Pay Assistance programs are utility assistance grants established by Commonwealth Edison in partnership with Neighborhood Housing Services of Chicago.¹⁷⁸
- In North Carolina, Duke Energy offers a Share the Light Fund assistance program to help customers in need of financial assistance.¹⁷⁹ Duke Energy works with a number of agencies to distribute funds to qualifying customers to pay their energy bills, deposits, and reconnection/connection charges. Duke Energy also has a list of Partner Agencies the help customers who are struggling to pay their energy bills during the summer.

^{175.} Home Energy Assistance Program, ME. STATE HOUS. AUTH., https://www.mainehousing.org/programs-services/energy/energy/energy/etails/liheap (last visited Apr. 25, 2025); see also Electricity Lifeline Program (ELP), YORK CNTY. CMTY. ACTION CORP., https://yccac.org/electricity-lifeline-program-elp/ (last visited Apr. 25, 2025).

^{176.} Energy Assistance & Community Development, HEARTSHARE: HUMAN SERVS. OF N.Y., https://www.heartshare.org/our-programs/energy-assistance-and-community-development/ (last visited Apr. 25, 2025).

^{177.} See MICH. ADMIN. CODE r. 460.9t (2024).

^{178.} Emergency Housing Assistance Grants, NEIGHBORHOOD HOUS. SERVS. OF CHI., https://nhschicago.org/emergency-assistance-grants/ (last visited Apr. 25, 2025).

^{179.} Share the Light Fund, DUKE ENERGY, https://www.duke-energy.com/home/billing/special-assistance/share-the-light (last visited Apr. 25, 2025).

4. Non-Governmental 501(c)(3) Organizations

Finally, large national charitable organizations such as The Salvation Army as well as smaller localized ones, help those in need caused by utility disconnections and shutoffs:

- Mississippi Power Project SHARE administered by the American Red Cross and funded by customer donations provides assistance to elderly, handicapped, medically disabled, and others.¹⁸⁰ The program assists in paying bills but does not cover the entire bill, and customers may receive up to \$300 annually.
- Nevada has the REACH program via United Way of Southern Nevada - a donation-based program "designed to help older adults age 62+ who meet the income eligibility guidelines."¹⁸¹ The program is limited to one application per twelve (12) months for up to \$300 in utility assistance, the recipient must have a Nevada ID.
- In Pennsylvania, assistance is offered through a public-private partnership, the Dollar Energy Hardship Fund.¹⁸² The eligibility to apply for the grant can vary between utilities. Generally, it requires an adult living in the home that has an account with the utility. The grant money cannot be used to cover security deposits or reconnection fees. In addition, the total gross household income must be at or below 250% of the Federal Poverty Income Guidelines.

F. Limits and Impacts of Utility Disconnections and Shutoffs for Tenants/Renters

In the states surveyed, there are no laws that expressly allow for the disconnection or shutoff of utility service or eviction of tenants/renters based solely on nonpayment of utility bills. However, if payment of utility bills is an obligation of the tenant/renter under the written lease agreement, nonpayment of utility bills could constitute a material breach of the lease requirements and grounds for the landlord to evict a tenant/renter. In such instances, the landlord has the burden to prove that the tenant has violated the terms of the lease. Similarly, nonpayment of rent may be grounds for eviction if utility costs are included as part of rent and are not paid.

> • In Texas, unless due to repairs, construction, or emergency, a landlord cannot interrupt or cause the interruption of utility services if (i) the tenant/renter pays the utility company directly; or (ii) the landlord furnishes utility service as an incident of the tenancy or by

^{180.} Payment Assistance, MISS. POWER, https://www.mississippipower.com/residential/manage-your-ac-count/payment-assistance.html (last visited Apr. 25, 2025).

^{181.} Project REACH Utility Assistance Program, UNITED WAY OF S. NEV., https://uwsn.org/our-work/community-supports/project-reach/ (last visited Apr. 25, 2025).

^{182.} We Help Families Maintain Utility Services, DOLLAR ENERGY FUND, https://www.dollarenergy.org/ (last visited Apr. 25, 2025).

other agreement.¹⁸³ In contrast, a landlord who submeters electricity or allocates or prorates non-sub metered electricity may interrupt or cause the interruption of utility services if it is provided for in the written lease agreement, subject to certain enumerated limitations.¹⁸⁴ In such circumstances, a landlord may not evict a tenant for failure to pay an electric bill when the landlord has interrupted the tenant's electric service unless the tenant fails to pay for the electric service after the electric service has been interrupted for at least two (2) days, not including weekends or state or federal holidays.¹⁸⁵

- In New York, a landlord cannot evict a tenant/renter for nonpayment of utility services unless it was in the written lease agreement. If a landlord wants to evict the tenant because the tenant has violated the lease, the landlord must provide the tenant with two different types of notice: (i) Notice to Cure: is the first notice the landlord needs to give the tenant who has violated the lease. If the rental unit is regulated, the notice must provide the tenant ten (10) days (or however much time is set by the applicable rent regulation) to correct the lease violation. If the rental is not regulated, there is no set period for a notice to cure. If the tenant fixes the problem, the landlord cannot take any further steps against the tenant. However, if the tenant fails to cure the violation, the landlord can give the tenant a notice of termination; (ii) Notice of Termination: is given after the landlord has already given the tenant a notice to cure and the tenant has not complied with it. The notice of termination will then inform the tenant that the tenancy has been terminated because the tenant failed to correct the lease violation, and the tenant has thirty (30) days to move out of the rental unit. If the tenant does not leave the rental unit, then the landlord can initiate eviction proceedings against the tenant through the court system.¹⁸⁶
- Colorado expanded the protections afforded to tenants/renters. Specifically, the law in Colorado prohibits written leases from characterizing utility payments as "rent."¹⁸⁷ "Rent" is narrowly defined as "money or other consideration . . . for the right to use, possess, and occupy a dwelling unit."¹⁸⁸ Accordingly, landlords are prohibited from evicting tenants/renters for nonpayment of utilities since such nonpayment does not constitute a rent default. The law also prohibits landlords who lease property under "any local, state, or federal voucher or subsidy program" from evicting a tenant solely

^{183.} Tex. Prop. Code § 92.008(h)(3)(B)(v), -(4)(B)(v) (2024).

^{184.} See id. § 92.008(h)(1).

^{185.} *Id.* § 92.008(h)(3)(B)(v), -(4)(B)(v).

^{186.} N.Y. REAL PROP. ACTS §§ 711, 753(4) (2023)

^{187.} COLO. REV. STAT. ANN. § 38-12-801 (West 2024).

^{188.} See id.

for nonpayment of utilities.¹⁸⁹ Finally, the law bans rental agreements from containing a waiver of the right to a jury trial, the right to bring a class action suit, and the implied covenant of quiet enjoyment.¹⁹⁰

- In Pennsylvania, the landlord and tenant/renter must agree on which party is responsible for paying the utility bills.¹⁹¹ If the landlord is responsible for paying for utility service and fails to pay the utility bill or if the landlord instructs the utility company to shut off service, the utility company must notify the tenant/renter at least thirty (30) days in advance. If the tenant is responsible for paying the utility bill, the landlord must ensure that each residential unit is individually metered. The landlord is not legally allowed to interfere with a tenant's/renter's utility service, even if the tenant/renter is behind on rent. Even when the water, sewer, gas or electric is included in monthly rental payments, a landlord cannot legally shut off utility service. This is considered an illegal attempt to evict a tenant/renter without going through proper legal procedures.
- In Maryland, if the landlord of a multi-unit building fails to pay the utility bill for the building and utility services are going to be shut off, the tenant/renter may create a new account with the utility company in order to restore service.¹⁹² The tenant will not be liable for any past due amounts owed by the landlord. The tenant may deduct from rent any payments, including a security deposit, made on the new utility service account, subject to: (i) the tenant having a valid lease (written or oral) which states that the landlord is required to pay for utility services; (ii) the tenant and landlord cannot be living together in the dwelling; (iii) the utility service must be delivered through a single meter, not a master meter; and (iv) the tenant must pay all or part of the utility bill (including payments made on the utility service account) OR must pay any security deposit required to obtain a new utility service account.

As a general matter, utility debt on its own does not trigger credit implications. Utility companies typically do not report to the three major credit bureaus (i.e., Experian, TransUnion, and Equifax). However, if utility bills are delinquent for long periods of time and are turned over to a collection agency or other debt collector, there will be a negative impact on the utility customer's credit. According to the Federal Trade Commission, a resident's ability to obtain utility services "has a lot to do with [their] credit history [,]" and late payments, collections, and

^{189.} See id.

^{190.} Id.

^{191.} See Utilities, HOUS. EQUITY CTR. OF PENN., https://renters.equalhousing.org/utilities/ (last visited Apr. 25, 2025).

^{192.} See Frequently Asked Questions about Utilities for Landlords and Tenants, THE PEOPLES' L. LIBR. OF MD., https://www.peoples-law.org/frequently-asked-questions-about-utilities-landlords-and-tenants (last visited Apr. 25, 2025); see also MD. CODE ANN., REAL PROP. § 8-212.3 (2024); MD. CODE ANN., PUB. UTIL.§ 7-309.

charge-offs can damage a resident's credit.¹⁹³ Further, many states have regulations regarding metering and submetering of tenants, especially residential tenants, that may impact the ability of a landlord to become involved in a situation where a tenant is unable to pay their utility bill. This is an area where policymakers wishing to address the issue of a landlord's ability to evict a tenant for failure to pay their utility bills would have to take into account the various landlord-tenant laws and metering and submetering policies in addition to the disconnections and shutoff policies to ensure that the policy is designed to effectively implement the policymakers' intention.

V. CONCLUSION

This article presents two important take-a-ways on utility disconnections and shutoffs in the United States. First, while the nature and form of utility disconnections and shutoffs vary from state to state, the disruptions caused by utility disconnections and shutoffs are an extreme burden (both financial and health-related) on low-income customers and vulnerable communities, as well as for the disconnecting utilities and other utility customers. Second, the availability of protections and limitations to prohibit utility disconnections and shutoffs under specific circumstances are important and necessary to help mitigate the harmful impacts on all parties.

While the complete elimination of utility disconnections and shutoffs would likely encourage free riders in the form of customers who could pay but chose not to if there is no threat of disconnection, there are steps that could improve the usefulness and effectiveness of the response to utility disconnections and shutoffs. We recommend that policymakers consider taking the following steps to improve the effectiveness of policies to reduce utility disconnections and shutoffs:

- Developing standardized, nationwide reporting on utility disconnection and shutoff data to allow monitoring and assessment of policies and programs so policymakers can compare apples-to-apples to identify best practices.
- Undertaking focused efforts for legislators to partner and communicate with vulnerable communities and groups to understand what works and what does not work and to better inform customers of the availability of assistance programs to prevent and/or break the cycle of chronic utility disruptions.
- Removing unnecessary obstacles to reconnection, and ensure that where disconnection fees, late fees, interest on outstanding balances, reconnection fees, and deposits are used, that they are designed solely to recover actual, documented utility costs. Such fees should also be routinely re-evaluated, particularly as newer technologies may reduce the costs of disconnecting and reconnecting a customer.

^{193.} *Getting Utility Services: Why Your Credit Matters*, FED. TRADE COMM'N: CONSUMER ADVICE (Oct. 2024), https://consumer.ftc.gov/articles/getting-utility-services-why-your-credit-matters.

- Establishing a practice that when a utility writes off bad debt due to customer nonpayment for utility services, there is similar debt forgiveness for the customers' accounts tied to the debt that was written off.
- Where late fees and interest charges are employed, not allowing such costs to begin accruing until after any bill dispute is resolved. Policymakers should also consider whether allowing late fees and interest to accrue during a moratorium on disconnections truly serves the purpose of the moratorium.
- Replacing policies that require payment of all outstanding balances in full prior to reconnection with policies that permit reconnection where the customer has entered into a payment plan or debt forgiveness program that will allow for all or part of the outstanding balance to be paid overtime.
- Providing more state protective measures from utility disconnections and shutoffs for vulnerable groups should provide continuous, year-round support to ensure the public health and welfare for such individuals and not be just reactive to seasonal events but also address conditions that are chronic in nature.
- Providing more protections from utility disconnections and shutoffs for households with children. Households with children generally face more financial burdens and pressures. Moreover, utility disconnections and shutoffs during childhood could have harmful intergenerational impacts.
- Where utility disconnection and shutoff policies require certification from a medical provider, requiring utility outreach to clinics and other medical providers serving predominately low-income communities in the utility's service territory to ensure that doctors and medical providers are aware of such policies and the type of certification needed and can include information on the availability of such protections for medically vulnerable persons in their counseling of their patients. Policymakers should also consider re-examining such policies to ensure that the definition of an eligible medical condition is broad enough to include any condition negatively impacted by loss of power, including loss of air conditioning, heating, or refrigeration.
- Re-evaluating the criteria for moratoria to ensure that they remain current with the changing weather patterns and consider whether the existing infrastructure makes customers more vulnerable to a particular type of extreme weather event.