

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 892

Session of  
1979

INTRODUCED BY CALTAGIRONE, MARCH 28, 1979

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 28, 1979

AN ACT

1 Amending the act of November 26, 1978 (P.L.1255, No.299),  
2 entitled "An act providing for notice and the right to cure  
3 landlord's default to avoid the termination of utility  
4 service to tenants," changing the notice requirements to  
5 tenants, removing the notice requirement to certain agencies  
6 and providing for continued billing of tenants.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Sections 3, 4 and 5, act of November 26, 1978  
10 (P.L.1255, No.299), known as the "Utility Service Tenants Rights  
11 Act," are amended to read:

12 Section 3. Notices before service to landlord ratepayer  
13 discontinued.

14 (a) Except when required to prevent or alleviate an  
15 emergency or except in the case of danger to life or property,  
16 before any discontinuance of service within the utility's  
17 corporate limits, to a landlord ratepayer for nonpayment a  
18 public utility shall:

19 (1) Notify the landlord ratepayer of the proposed  
20 discontinuance in writing as prescribed in section 5 at least

1 [37] 60 days before the date of discontinuance of service.

2 [(2) Notify the following agencies which serve the  
3 community in which the affected premises are located in  
4 writing at the time of delivery of notice to the tenants of  
5 the proposed discontinuance of service:

6 (i) the Department of Licenses and Inspections of  
7 any city of the first class;

8 (ii) the Department of Public Safety of any city of  
9 the second class, second class A, or third class; and

10 (iii) the city or county Public Health Department or  
11 in the event that such a department does not exist, the  
12 Department of Health office responsible for that county.]

13 (3) Notify each residential unit reasonably likely to be  
14 occupied by an affected tenant of the proposed discontinuance  
15 in writing as prescribed in section 6 at least [seven] 30  
16 days after notice to the landlord ratepayer pursuant to this  
17 section, and at least 30 days before any such discontinuance  
18 of service. However, if within [seven] 30 days of receipt of  
19 the notice issued pursuant to this section, the landlord  
20 ratepayer files a petition with the court disputing the right  
21 of the utility to discontinue service, such notice shall not  
22 be rendered until such petition has been adjudicated by the  
23 court of common pleas or the Commonwealth Court.

24 (b) Before any discontinuance of service by a public utility  
25 to a landlord ratepayer due to a request for voluntary  
26 relinquishment of service by the landlord ratepayer:

27 (1) the landlord ratepayer shall state in a form  
28 bearing his notarized signature that all of the affected  
29 dwelling units are either unoccupied or the tenants  
30 affected by the proposed discontinuance have consented in

1 writing to the proposed discontinuance, which form shall  
2 conspicuously bear a notice that false statements are  
3 punishable criminally;

4 (2) all of the tenants affected by the proposed  
5 discontinuance shall inform the utility orally or in  
6 writing of their consent to the discontinuance; or

7 (3) the landlord ratepayer shall provide the utility  
8 with the names and addresses of the affected tenants  
9 pursuant to section 4 and the utility shall notify the  
10 community service agencies and each residential unit  
11 pursuant to sections 3 and 6. Under the voluntary  
12 relinquishment discontinuance procedures of this  
13 subparagraph the tenants shall have all of the rights  
14 provided in sections 7 through 11.

15 Section 4. Identifying tenants.

16 (a) Upon receiving a lawful request for the names and  
17 addresses of the affected tenants pursuant to this act, it shall  
18 be the duty of the landlord ratepayer to provide the utility  
19 with the names and addresses of every affected tenant of any  
20 building or mobile home park for which the utility is proposing  
21 to discontinue service unless within seven days of receipt of  
22 the notice, the landlord ratepayer pays the amount due the  
23 utility or makes an arrangement with the utility to pay the  
24 balance.

25 (b) Such information shall be provided by the landlord  
26 ratepayer:

27 (1) within [seven] 30 days of receipt of the notice to  
28 the landlord ratepayer required by section 3; or

29 (2) within three days of any adjudication by a court  
30 having jurisdiction that the landlord ratepayer must provide

1 the requested information if the landlord files a petition  
2 with the court within [seven] 30 days of receipt of the  
3 notice to the landlord disputing the right of the utility to  
4 discontinue service.

5 (c) It shall be the duty of any public utility to pursue any  
6 appropriate legal remedy it has, necessary to obtain from the  
7 landlord ratepayer, the names and addresses of all affected  
8 tenants of a building or mobile home park for which the utility  
9 is proposing discontinuance of service to such landlord  
10 ratepayer.

11 Section 5. Delivery and contents of discontinuance  
12 notice to landlord ratepayer.

13 (a) The notice required to be given to a landlord ratepayer  
14 pursuant to section 3 shall contain the following information:

15 (1) the amount owed the utility by the landlord  
16 ratepayer for each affected account;

17 (2) the date on or after which service will be  
18 discontinued;

19 (3) the date on or after which the company will notify  
20 tenants of the proposed discontinuance of service and of  
21 their rights under sections 7, 9 and 10;

22 (4) the obligation of the landlord ratepayer under  
23 section 4 to provide the utility with the names and addresses  
24 of every affected tenant or to pay the amount due the utility  
25 or make an arrangement with the utility to pay the balance  
26 including a statement:

27 (i) that such list must be provided or payment or  
28 arrangement must be made within [seven] 30 days of  
29 receipt of the notice; and

30 (ii) of the penalties and liability which the

landlord ratepayer may incur under section 18 by failure to comply; and

(5) the right of the landlord ratepayer to stay the notification of tenants by filing a petition with the court disputing the right of the utility to discontinue service.

(b) Any one of the following procedures shall constitute effective notice to the landlord under section 3:

(1) Notice by certified mail if the utility receives a return receipt signed by the landlord ratepayer or his agent.

(2) Notice by personal service of the landlord ratepayer or his agent.

(3) After unsuccessful attempts at personal service on two separate days, notice by first class mail and conspicuously posting at the landlord ratepayer's principal place of business or the business address which the landlord provided the utility as his address for receiving communications.

Section 2. Section 7 of the act is amended by adding a subsection to read:

Section 7. Rights of tenants to continued service.

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(c) After the tenants have paid the original utility bill, the utility shall continue to send bill notices to each tenant. The tenants shall then pay collectively unless ordered by a court to do otherwise or the tenants and the landlord agree in writing signed by the landlord and each tenant that the landlord will pay the utility bill.

Section 3. This act shall take effect in 60 days.