THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1310 Session of 2020

INTRODUCED BY SANTARSIERO, HUGHES, FONTANA, FARNESE, MUTH, TARTAGLIONE, BLAKE, KEARNEY, COSTA AND L. WILLIAMS,
SEPTEMBER 18, 2020

REFERRED TO APPROPRIATIONS, SEPTEMBER 18, 2020

AN ACT

Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof,
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Article I-C of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding a subarticle to read:

SUBARTICLE G.1

UTILITY ASSISTANCE

Section 169.11-C. Definitions.

The following words and phrases when used in this subarticle shall have the meanings given to them in this section unless the context clearly indicates otherwise:


"Department." The Department of Community and Economic Development of the Commonwealth.

"Program." The COVID-19 Utility Relief Grant Program established under section 169.15-C.

"Residential utility service." Service delivered to a residential customer, including a multifamily dwelling unit, from utility facilities for electric power, natural gas, heating oil, liquid propane, drinking water and wastewater.

"Utility company." Any of the following that provides residential utility service:

(1) An electric distribution company.

(2) A natural gas distribution company.

(3) A heating oil company.

(4) A liquid propane company, including a manufactured home community owner that bills separately for utility
service.

(5) A water company, including a municipal-owned water authority and a manufactured home community owner that bills separately for utility service.

(6) A wastewater company, including a municipal-owned wastewater authority and a manufactured home community owner that bills separately for utility service.

(7) A municipal-owned authority.

(8) An electric cooperative.


The appropriations under this subarticle shall be in addition to any appropriation under the act of June 28, 2019 (P.L.839, No.1A), known as the General Appropriation Act of 2019, and the act of May 29, 2020 (P.L. , No.2A), known as the COVID-19 Emergency Supplement to the General Appropriation Act of 2019.

Section 169.13-C. Appropriations from account.

From the Federal amounts appropriated from the account for the current fiscal year, the following apply:

(1) For COVID Relief - LIHEAP, $50,000,000 is appropriated to the Department of Human Services for assistance through the LIHEAP Program.

(2) For COVID Relief - Utility Assistance, $150,000,000 is appropriated to the department for the purpose of providing utility assistance under section 169.15-C.

Section 169.14-C. Continuing appropriations.

The appropriations under this subarticle shall be continuing appropriations and shall not automatically lapse at the close of the current fiscal year.

Section 164.15-C. COVID-19 Utility Relief Grant Program.
(a) Establishment of program.--The COVID-19 Utility Relief Grant Program is established within the department.

(b) Use of funds.--Money appropriated to the department for COVID Relief - Utility Assistance as specified under section 169.13-C shall be used to make grants to utility companies under this subarticle.

(c) Guidelines.--The department, in cooperation with the Pennsylvania Public Utility Commission and the Pennsylvania Infrastructure Investment Authority, shall establish guidelines for the program that are consistent with the provisions of this subarticle within 30 days of the effective date of this section. The guidelines shall be submitted to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin and posted on the department's publicly accessible Internet website.

(d) Program requirements.--The following apply:

(1) A utility company shall submit the names and addresses of residential customers seeking utility assistance under the program to the department and any additional information deemed necessary by the department to administer the program.

(2) Utility assistance under the program may be awarded to a utility company that provides residential utility service to residential customers who:

   (i) began receiving unemployment compensation on or after March 1, 2020; or
   
   (ii) on or after March 1, 2020, had their annual household income reduced by 30% as a result of the COVID-19 pandemic.

(3) A utility company shall require a residential customer that meets the one or both of the criteria specified...
under paragraph (2) to provide a certification that the residential customer meets one or both of the criteria specified under paragraph (2).

(e) Application.--The following apply:

(1) The department shall develop a standard application for a utility company to apply for utility assistance under the program on behalf of the utility company's residential customers within 30 days of the effective date of this section.

(2) A utility company must attest to all of the following in an application for utility assistance under the program:

(i) The utility company will not terminate service of a residential customer for failure to make a payment until 60 days after the last month for which utility assistance was applied to the residential customer's account under the program.

(ii) (Reserved).

(iii) Funding received by a utility company under the program will not be used for the utility company's administrative costs.

(iv) Funding received by a utility company under the program will be applied fully to the accounts of residential customers who are late on payments or delinquent as a result of COVID-19 pandemic.

(3) The application shall be made available and posted on the department's publicly accessible Internet website and be in a form that can be completed and returned by a utility company electronically or through mail.

(4) The deadline for submitting applications to the
department for participation in the program shall be October

(5) A utility company shall, when appropriate, work with
a residential customer to develop a repayment plan for any
outstanding utility debt owed. A residential customer who is
enrolled in a customer assistance program shall be eligible
for a repayment plan under this paragraph. A repayment plan
under this paragraph for a residential customer to resolve an
unpaid balance on an account may not be less than the
following:

(i) Five years for a residential customer with a
gross monthly household income level at or below 150% of
the Federal poverty level.

(ii) Three years for a residential customer with a
gross monthly household income level more than 150% of
the Federal poverty level but not more than 250% of the
Federal poverty level.

(iii) Two years for a residential customer with a
gross monthly household income level more than 250% of
the Federal poverty level but not more than 350% of the
Federal poverty level.

(iv) One year for a residential customer with a
gross monthly household income level more than 350% of
the Federal poverty level.

(6) Notwithstanding any other provision of law, the
Public Utility Commission may establish a new payment
arrangement for any payment arrangement entered into by a
utility company and a residential customer under 66 Pa.C.S. §
1405 (relating to payment arrangements). A payment
arrangement entered into under this paragraph shall comply
with the provisions of 66 Pa.C.S. § 1405(b).

(f) Payments.--The following apply:

(1) The department shall only make payments under the program directly to utility companies.

(2) A utility company that receives funding under the program shall comply with any Federal or State audits.

(3) The department shall notify a residential customer of the amount of payment made to the utility company on behalf of the residential customer.

(4) The department shall make payments under the program as follows:

   (i) Except as provided under subparagraph (ii), an amount equal to 100% of the residential customer's monthly utility bill, but not to exceed $100 per month per utility, for each month the residential customer seeks utility assistance under the program for a maximum of six months. Payments shall be made no later than November 30, 2020.

   (ii) For a utility company that bills quarterly, an amount equal to 100% of the residential customer's quarterly bill, but not to exceed $300 per quarter for each quarter the residential customer seeks utility assistance under the program, for a maximum of two quarters.

   (iii) Payments under subparagraphs (i) and (ii) shall be made no later than November 30, 2020.

(5) The department shall only make payments under the program on behalf of households with an annualized current income of no more than the upper limit of "median income" as defined in the guidelines published annually by the United...
For a residential customer who is a tenant and who has a lease agreement that includes payments to a utility company by a landlord, the department shall work with the Pennsylvania Housing Finance Agency to ensure that no payment made from the program is provided to a landlord who previously received funding to cover the costs of utility payments as part of a payment from the Mortgage and Rental Assistance Program established under section 191-C.

(g) Report.—By December 31, 2020, the department shall issue a report to the chair and minority chair of the Appropriations Committee of the Senate and the chair and minority chair of the Appropriations Committee of the House of Representatives and post the report on the department's publicly accessible Internet website. The report shall include the following information:

(1) The total number of utility companies who applied for utility assistance under the program.

(2) The total amount of utility assistance that was applied for under the program.

(3) The average amount of utility assistance that was applied for under the program.

(4) The average amount of utility assistance that was provided under the program.

(5) The total number of residential utility companies, designated by county, who received utility assistance under the program.

(6) The total allocation of utility assistance under the program, designated by county.

Section 2. This act shall take effect immediately.