
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 860 Session of
1993

INTRODUCED BY AFFLERBACH, PORTERFIELD, HART, WILLIAMS, SHAFFER,
BELAN, BORTNER, DAWIDA, REIBMAN, ROBBINS AND BAKER,
MARCH 31, 1993

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 31, 1993

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for landlord ratepayers and
3 tenants, for notice prior to termination of service, for
4 penalties and for remedies; and imposing duties upon owners
5 of rental property.

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

8 Section 1. The definitions of "landlord ratepayer,"
9 "residential building" and "tenant" in section 1521 of Title 66
10 of the Pennsylvania Consolidated Statutes are amended and the
11 section is amended by adding definitions to read:

12 § 1521. Definitions.

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

16 "Billing month." A period of time not to exceed 35 days. The
17 bill shall not include any previously billed service furnished
18 during a period other than that covered by the current bill. If

1 previously unbilled utility service is included in the current
2 utility bill, the utility shall use an estimated bill for the
3 30-day period.

4 "Discontinuance." Any cancellation of the service contract
5 at the request of the ratepayer and in accordance with section
6 1523(b) (relating to notices before service to landlord
7 terminated).

8 "Landlord ratepayer." One or more individuals or an
9 organization listed on a gas, electric, steam, sewage or water
10 utility's records as the party responsible for payment of the
11 gas, electric, steam, sewage or water service provided to one or
12 more residential units of a residential building or mobile home
13 park of which building or mobile home park the party is not the
14 sole occupant. In the event the landlord ratepayer is not the
15 party to a lease between the landlord ratepayer and the tenant,
16 the term also includes the individual or organization to whom
17 the tenant makes rental payments pursuant to a rental
18 arrangement.

19 * * *

20 "Residential building." A building containing one or more
21 dwelling units occupied by one or more tenants. The term does
22 not include nursing homes, hotels and motels or any dwelling of
23 which the landlord ratepayer is the only resident.

24 ["Tenant." Any person or group of persons whose dwelling
25 unit in a residential building or mobile home park is provided
26 gas, electricity, steam or water pursuant to a rental
27 arrangement for the dwelling unit, mobile home or plot of ground
28 within a mobile home park but who is not the ratepayer of the
29 utility which supplied the gas, electricity, steam or water.]

30 "Tenant." Any person or group of persons who are

1 contractually obligated to make rental payments to the landlord
2 ratepayer under a rental arrangement, including, but not limited
3 to, an oral or written lease with the landlord ratepayer for a
4 dwelling unit in a residential building or mobile home park
5 which is provided gas, electric, steam, sewer or water as an
6 included service under the rental agreement and who are not the
7 ratepayers of the utility which supplied the gas, electric,
8 steam, sewer or water service.

9 "Termination." The cessation of service, whether temporary
10 or permanent, without the consent of the ratepayer. For the
11 purposes of this subchapter, this term shall include cessation
12 of service at the request of the landlord ratepayer when a
13 tenant does not agree to the cessation of service.

14 Section 2. Sections 1522, 1523 heading and (a), 1524, 1525,
15 1526, 1527(a), (b) and (c) and 1528 of Title 66 are amended to
16 read:

17 § 1522. Applicability of subchapter.

18 (a) General rule.--This subchapter applies to public
19 utilities as defined in paragraph (1)(i) and (ii) of the
20 definition of "public utility" in section 102 (relating to
21 definitions) and to public utility service rendered by those
22 public utilities if the premises served constitute residential
23 buildings as defined in section 1521 (relating to definitions).

24 (b) Municipal service beyond corporate limits.--

25 (1) Public utility service being furnished or rendered
26 by a municipal corporation, or by the operating agencies of
27 any municipal corporation, beyond its corporate limits shall
28 be subject to the provisions of this subchapter establishing
29 the procedures, rights, duties and remedies for the
30 [discontinuance] termination of service to landlord

1 ratepayers.

2 (2) Tenants and landlord ratepayers of a dwelling unit
3 in residential buildings or mobile home parks receiving
4 public utility service being furnished or rendered by a
5 municipal corporation, or by the operating agencies of any
6 municipal corporation, beyond its corporate limits shall be
7 subject to the provisions of this subchapter establishing the
8 procedures, rights, duties and remedies for the
9 [discontinuance] termination of service, the right of the
10 tenants to withhold rent, the prohibition of waiver and the
11 prohibition against retaliation by the landlord ratepayer
12 with respect to the public utility service.

13 § 1523. Notices before service to landlord [discontinued]
14 terminated.

15 (a) Nonpayment of charges.--Except when required to prevent
16 or alleviate an emergency as defined by the commission or except
17 in the case of danger to life or property, before any
18 [discontinuance] termination of service to a landlord ratepayer
19 for nonaccess as defined by the commission in its rules and
20 regulations or nonpayment of charges, a public utility shall:

21 (1) Notify the landlord ratepayer of the proposed
22 [discontinuance] termination in writing as prescribed in
23 section 1525 (relating to delivery and contents of
24 [discontinuance] termination notice to landlord) at least 37
25 days before the date of [discontinuance] termination of
26 service.

27 (2) Notify the following agencies which serve the
28 community in which the affected premises are located[,] in
29 writing[, at the time of delivery of notice to the tenants of
30 the proposed discontinuance] not less than ten days before

1 the proposed termination of service:

2 (i) The Department of Licenses and Inspections of
3 any city of the first class.

4 (ii) The Department of Public Safety of any city of
5 the second class, second class A or third class.

6 (iii) The city or county Public Health Department
7 or, in the event that such a department does not exist,
8 the Department of Health office responsible for that
9 county.

10 (3) Notify each dwelling unit reasonably likely to be
11 occupied by an affected tenant of the proposed
12 [discontinuance] termination in writing as prescribed in
13 section 1526 (relating to delivery and contents of first
14 [discontinuance] termination notice to tenants) at least
15 seven days after notice to the landlord ratepayer pursuant to
16 this section and at least 30 days before the [discontinuance]
17 termination of service. If within seven days of [receipt of
18 the notice] delivery or mailing of the notice to the landlord
19 issued pursuant to this section the landlord ratepayer files
20 a complaint with the commission disputing the right of the
21 utility to [discontinue] terminate service, the notice shall
22 not be rendered until the complaint has been adjudicated by
23 the commission, but the landlord ratepayer shall continue to
24 pay the undisputed portion of current bills when due pending
25 the final decision of the complaint.

26 * * *

27 § 1524. Request to landlord to identify tenants.

28 (a) Duty of public utility and landlord.--At least 37 days
29 before the termination of service, it is the duty of any public
30 utility to request from the landlord ratepayer the names and

1 addresses of the affected tenants. Upon receiving [a lawful]
2 such a request for the names and addresses of the affected
3 tenants pursuant to this subchapter, the landlord ratepayer
4 shall provide the utility with the names and addresses of every
5 affected tenant of any residential building or mobile home park
6 for which the utility is proposing to [discontinue] terminate
7 service unless within seven days of [receipt] delivery or
8 mailing of the notice the landlord ratepayer pays the amount due
9 the utility or makes an arrangement with the utility to pay the
10 balance.

11 (b) Time for providing information.--The information shall
12 be provided by the landlord ratepayer:

13 (1) within seven days of receipt of a request from a
14 public utility for tenants' names under subsection (a);

15 (2) within seven days of [receipt] delivery or mailing
16 of the notice to the landlord ratepayer required by section
17 1523 (relating to notices before service to landlord
18 [discontinued]; or] terminated);

19 [(2)] (3) within three days of any adjudication by the
20 commission that the landlord ratepayer must provide the
21 requested information if the landlord files a complaint with
22 the commission within seven days of receipt of the notice to
23 the landlord disputing the right of the utility to
24 [discontinue service.] terminate service; or

25 (4) upon such terms as may be ordered by a court in an
26 action brought by the utility under section 1532(b) (relating
27 to penalties).

28 (c) [Duty of public utility.--It shall be the duty of any
29 public utility to pursue any appropriate legal remedy it has in
30 order to obtain from the landlord ratepayer the names and

1 addresses of all affected tenants of a residential building or
2 mobile home park for which the utility is proposing
3 discontinuance of service to the landlord ratepayer.] Right of
4 public utility.--In the event the public utility is unable to
5 obtain the names and addresses of all affected tenants from the
6 landlord ratepayer, the public utility may pursue any
7 appropriate legal or equitable remedy it has in order to obtain
8 from the landlord ratepayer the names and addresses of all
9 affected tenants of a residential building or mobile home park
10 for which the utility is proposing termination of service to the
11 landlord ratepayer. The commission may order the public utility
12 to obtain the information from the landlord ratepayer.

13 § 1525. Delivery and contents of [discontinuance] termination
14 notice to landlord.

15 (a) General rule.--The notice required to be given to a
16 landlord ratepayer pursuant to section 1523 (relating to notices
17 before service to landlord [discontinued] terminated) shall
18 contain the following information:

19 (1) The amount owed the utility by the landlord
20 ratepayer for each affected account.

21 (2) The date on or after which service will be
22 [discontinued] terminated.

23 (3) The date on or after which the company will notify
24 tenants of the proposed [discontinuance] termination of
25 service and of their rights under sections 1527 (relating to
26 right of tenants to continued service), 1529 (relating to
27 right of tenant to recover payments) and 1531 (relating to
28 retaliation by landlord prohibited).

29 (4) The obligation of the landlord ratepayer under
30 section 1524 (relating to request to landlord to identify

1 tenants) to provide the utility with the names and addresses
2 of every affected tenant or to pay the amount due the utility
3 or make an arrangement with the utility to pay the balance
4 including a statement:

5 (i) That the list must be provided or payment or
6 arrangement must be made within seven days of receipt of
7 the notice.

8 (ii) Of the penalties and liability which the
9 landlord ratepayer may incur under section 1532 (relating
10 to penalties) by failure to comply.

11 (5) The right of the landlord ratepayer to stay the
12 notification of tenants by filing a complaint with the
13 commission disputing the right of the utility to
14 [discontinue] terminate service.

15 (b) Service of notice.--Any one of the following procedures
16 shall constitute effective notice to the landlord under section
17 1523:

18 (1) Notice by certified mail if the utility receives a
19 return receipt signed by the landlord ratepayer or [his
20 agent] the agent of the landlord ratepayer.

21 (2) Notice by personal service of the landlord ratepayer
22 or [his agent] the agent of the landlord ratepayer.

23 (3) [After unsuccessful attempts at personal delivery on
24 two separate days, notice] Notice by first class mail and
25 conspicuously posting at the landlord ratepayer's principal
26 place of business or the business address which the landlord
27 provided the utility as his address for receiving
28 communications.

29 § 1526. Delivery and contents of first [discontinuance]
30 termination notice to tenants.

1 (a) General rule.--The notice required to be given to a
2 tenant pursuant to section 1523 (relating to notices before
3 service to landlord [discontinued) shall be mailed or otherwise
4 delivered to the address of each affected tenant and]
5 terminated) shall be sent by first class mail or otherwise hand-
6 delivered to each affected tenant by name at his individual
7 dwelling unit, or by unit number or unit designation, and shall
8 be posted in common areas. In order to obtain the names and
9 addresses of the affected tenants and in conjunction with
10 section 1524 (relating to request to landlord to identify
11 tenants), the utility representative shall visit the affected
12 premises within seven days of service of notice to the landlord
13 ratepayer, under section 1525 (relating to delivery and contents
14 of termination notice to landlord), and by personally contacting
15 one or more of the affected tenants shall attempt to obtain the
16 names of all the tenants residing in the affected premises. The
17 notice for each affected tenant for whom a name has been
18 obtained shall be sent by first class mail or otherwise hand-
19 delivered to each affected tenant by name at his individual
20 dwelling unit by address and by unit number or, if none exists,
21 by unit designation and shall also be conspicuously posted in
22 the common areas. The notice for each affected tenant for whom a
23 name has not been obtained shall be hand-delivered to each
24 individual dwelling unit by address and unit number or, if none
25 exists, by unit designation and shall be conspicuously posted in
26 the common areas. For the purposes of this subsection, the term
27 "unit designation" means the geographic location of a dwelling
28 unit by floor and floor area. All notices shall contain the
29 following information:

30 (1) The date on which the notice is rendered.

1 (2) The date on or after which service will be
2 discontinued.

3 [(3) The circumstances under which service to the
4 affected tenant may be continued specifically referring to
5 the conditions set out in section 1527 (relating to right of
6 tenants to continued service).

7 (4) The bill for the 30-day period preceding the notice
8 to the tenants.

9 (5) The statutory rights of a tenant to:

10 (i) Deduct the amount of any direct payment to the
11 utility from any rent payments then or thereafter due.

12 (ii) Protection against any retaliation by the
13 landlord for exercising such statutory right.

14 (iii) Recover money damages from the landlord for
15 any such retaliation.

16 (6) That tenants may make payment to the utility on
17 account of nonpayment of charges by the landlord ratepayer
18 only by check or money order drawn by the tenant to the order
19 of the utility.

20 (7) A telephone number at the utility and at the
21 commission which a tenant may call for an explanation of his
22 rights.

23 (b) Information posted by utility.--The information in
24 subsection (a) shall be posted by the utility in those common
25 areas of the residential building or mobile home park where it
26 is reasonably likely to be seen by the affected tenants. Any
27 officer or employee of the utility may at any reasonable time
28 enter the common hallways and common areas of such building for
29 the purpose of complying with the provisions of this section.]

30 (3) On each account, the bill for the billing month

preceding the notice to the tenants except that, in the case of water and sewer service where the billing period is bimonthly or quarterly, the utility shall provide an estimate of costs for the previous 30-day period. Estimates shall be based upon actual usage or, if actual usage is not available, by determining one-twelfth of the dwelling unit's annual usage.

(4) The following statement of the tenant's rights, the words and phrases of which appear all in capital letters to be printed in 12-point bold-faced type with the first letter printed in upper case and the letters that follow in lower case and the words and phrases which do not appear all in capital letters to be printed in ten-point type, with any letter in upper case to remain so and the rest in lower case:

IMPORTANT NOTICE TO TENANTS

WARNING: YOUR (utility company shall insert company name and type of service) MAY BE SHUT OFF ON OR AFTER (date) BECAUSE (utility shall fill in reason for termination). TO STOP THE SHUTOFF OF YOUR UTILITY SERVICE, YOU MUST DO ONE OF THE FOLLOWING THINGS:

1. You can join with the other tenants to pay the utility bill for the last 30 days preceding this notice or you can pay the total bill yourself. Either way, you do not have to pay a deposit or get credit granted in your name. You will not have to pay your landlord's other debts or the debts of prior tenants and the utility service will remain in the name of the landlord.

2. You may deduct your payment to the utility company from your rent due now or from future rent.

1 The utility company will tell your landlord how much
2 you paid for that utility service.

3 ADDITIONAL INFORMATION

4 1. The bill which must be paid to continue
5 service is \$(amount).

6 2. Your landlord cannot punish you if you pay
7 the utility bill. Your landlord cannot raise your
8 rent, cannot evict you and cannot take action against
9 you in any other way for paying the utility bill and
10 deducting it from rent. You have a right to recover
11 money damages from the landlord for any damages or
12 injury he causes you for exercising your rights as a
13 result of this notice.

14 3. You have the right to dispute the accuracy of
15 the bill and have certain other rights. If you would
16 like further information regarding these rights,
17 contact your utility at (utility shall fill in a
18 phone number and address where the tenant may get
19 further information).

20 DO YOU HAVE ANY QUESTIONS?

21 If you have any questions about your utility service,
22 please contact the utility company at (telephone
23 number and address). If, after talking about your
24 problems with the utility, you are not satisfied,
25 then call the Pennsylvania Public Utility Commission
26 at its toll-free number, which is 1-800-692-7380, or
27 write the Residential Termination Unit, Bureau of
28 Consumer Services, Pennsylvania Public Utility
29 Commission, P.O. Box 3265, Harrisburg, Pennsylvania
30 17120. YOU SHOULD CALL OR WRITE BEFORE THE SHUTOFF.

1 TO AVOID SHUTOFF, YOUR LETTER MUST BE RECEIVED BEFORE
2 THE SHUTOFF DATE.

3 The words and phrases of the foregoing notice to tenants are
4 subject to revisions due to changes in the rules, regulations
5 and laws governing this subchapter.

6 (5) That the tenant or tenants must make payment to the
7 utility on account of nonpayment of charges by the landlord
8 ratepayer by check or money order drawn by the tenant to the
9 order of the utility or by cash, and that the tenant must
10 provide, upon request, reasonable identification to the
11 utility. Reasonable identification shall include, but not be
12 limited to, a driver's license, photo identification, medical
13 assistance or food stamp identification or any similar
14 document issued by any public agency which contains the name
15 and address of the tenant.

16 (b) Uniform explanation of tenants' rights and
17 responsibilities.--The commission shall direct the affected
18 utilities to develop for commission approval a uniform
19 explanation of all rights and responsibilities of tenants under
20 this subchapter. Within 180 days of the effective date of this
21 section, the uniform explanation of all rights and
22 responsibilities of tenants shall be available in a suitable
23 format for distribution by the utility company in response to
24 requests by tenants under subsection (a).

25 § 1527. Right of tenants to continued service.

26 (a) Application for continued service.--At any time before
27 or after service is [discontinued] terminated by a public
28 utility on account of nonpayment of charges by the landlord
29 ratepayer, the affected tenants may apply to the utility to have
30 service continued or resumed.

1 (b) Payment of charges by tenants.--A public utility shall
2 not [discontinue] terminate service or shall promptly resume
3 service previously [discontinued] terminated if it receives from
4 the tenants an amount equal to the bill for the affected account
5 of the landlord ratepayer for the [30-day period] billing month
6 preceding the notice to the tenants. Thereafter, the utility
7 shall notify each tenant of the total amount of the bill for the
8 second and each succeeding [period of 30 days or less] billing
9 month and, if the tenants fail to make payment of any bill
10 within 30 days of the delivery of the notice to the tenants, the
11 utility may commence [discontinuance procedures] termination of
12 service, except that no [discontinuance] termination may occur
13 until 30 days after each tenant has [received written] been
14 furnished notice of the proposed [discontinuance] termination as
15 prescribed in section 1528 (relating to delivery and contents of
16 subsequent [discontinuance] termination notice to tenants). [All
17 payments of charges by tenants to a utility on account of
18 nonpayment by the landlord ratepayer shall be made by a check or
19 money order drawn by the tenant to the order of the utility.]
20 The tenant or tenants shall make payment to the utility on
21 account of nonpayment of charges by the landlord ratepayer by
22 check or money order drawn by the tenant to the order of the
23 utility or by cash. In all cases, the tenant shall provide, upon
24 request, reasonable identification to the utility. For the
25 purposes of this subsection, "reasonable identification" shall
26 include, but not be limited to, a driver's license, photo
27 identification, medical assistance or food stamp identification,
28 or any similar document issued by any public agency which
29 contains the name and address of the tenant.

30 (c) Disposition of payment by utility.--Upon receiving any

1 payment, the utility shall notify the landlord ratepayer who is
2 liable for the utility service of the amount or amounts paid by
3 any tenant and the amount or amounts credited to the landlord's
4 bill for each tenant pursuant to this section. [In the event
5 that the tenants fail to satisfy the requirements of this
6 section to maintain or restore service and service to the
7 affected dwelling units is discontinued, the utility shall
8 refund to each tenant the amount paid by the tenant toward the
9 bill which the tenants failed to pay either upon the request of
10 the tenant or after holding the tenant's payment during 60
11 consecutive days of discontinued service, whichever occurs
12 first.] Tenants requesting continued utility service under this
13 section, except those individually subscribing for service under
14 subsection (d), shall not be considered utility customers but
15 shall be considered to be acting on behalf of the landlord
16 ratepayer who shall remain liable to the utility for service
17 provided after notice to tenants. In the event that the tenants
18 fail to satisfy the requirements of subsection (b) with regard
19 to the first billing month period preceding notice to the
20 tenant, the utility shall refund any such moneys received from a
21 tenant to that tenant. Any payments made by the tenants shall be
22 applied first against the bill for the billing month preceding
23 notice to the tenants and then against bills for service
24 rendered subsequent to the bill. Upon termination of service to
25 the tenants for failure to pay the utility bill for service in
26 full for any subsequent month or upon voluntary discontinuance
27 of service at the request of the tenants, the utility shall
28 immediately refund to the tenants any amounts paid to the
29 utility for the billing period for which payment in full was not
30 remitted.

1 * * *

2 § 1528. Delivery and contents of subsequent [discontinuance]
3 termination notice to tenants.

4 Subsequent notices required to be given to a tenant pursuant
5 to section 1527 (relating to right of tenants to continued
6 service) shall be [mailed or otherwise delivered to the address
7 of] sent by first class mail or otherwise hand-delivered to each
8 affected tenant [and] by name at his individual dwelling unit,
9 by unit number or unit designation, and shall be posted in
10 common areas. Whenever the utility has been unable to obtain the
11 names and addresses of the affected tenants under section 1524
12 (relating to request to landlord to identify tenants) or 1526
13 (relating to delivery of first termination notice to tenants),
14 the utility shall hand-deliver the subsequent notice of
15 termination to each affected tenant for whom a name has not been
16 obtained to the tenant's individual dwelling unit by address and
17 unit number or, if none exists, by unit designation. The notice
18 shall also be conspicuously posted in the common areas. For the
19 purposes of this section, the term "unit designation" means the
20 geographic location of a dwelling unit by floor and floor areas.
21 All notices shall contain the following information:

22 (1) The date on or after which service will be
23 [discontinued] terminated.

24 (2) The amount due, which shall include the arrearage on
25 any earlier bill due from tenants.

26 (3) A telephone number and an address at the utility and
27 at the commission which a tenant may call for an explanation
28 of his rights.

29 (4) The right of a tenant to file a complaint with the
30 commission to enforce any legal right that he may have under

1 this part.

2 Section 3. Title 66 is amended by adding a section to read:

3 § 1529.1. Duty of owners of rental property.

4 (a) Notice to public utility.--It is the duty of every owner
5 of a residential building or mobile home park which contains one
6 or more dwelling units, not individually metered, to notify each
7 public utility from whom utility service is received of their
8 ownership and the fact that the premises served are used for
9 rental purposes.

10 (b) History of account.--Upon receipt of the notice provided
11 in this section, if the mobile home park or residential building
12 contains one or more dwelling units not individually metered, an
13 affected public utility shall forthwith list the account for the
14 premises in question in the name of the owner, and the owner
15 shall thereafter be responsible for the payment for the utility
16 services rendered. In the case of individually metered dwelling
17 units, unless notified to the contrary by the tenant or an
18 authorized representative, an affected public utility shall list
19 the account for the premises in question in the name of the
20 owner, and the owner shall be responsible for the payment for
21 utility services to the premises.

22 (c) Failure to give notice.--Any owner of a residential
23 building or mobile home park failing to notify affected public
24 utilities as required by this section shall nonetheless be
25 responsible for payment of the utility services as if the
26 required notice had been given.

27 Section 4. Sections 1531(c), 1532 and 1533 of Title 66 are
28 amended to read:

29 § 1531. Retaliation by landlord prohibited.

30 * * *

1 (c) Presumption of retaliation.--The receipt of any notice
2 of termination of tenancy, an increase in rent or of any
3 substantial alteration in the terms of tenancy within six months
4 after the tenant has acted pursuant to section 1527 or 1529 to
5 avoid [discontinuance] termination of utility service shall
6 create a rebuttable presumption that the notice is a reprisal
7 against the tenant for exercising his rights under section 1527
8 or 1529. However, the presumption shall not arise if the notice
9 of termination of tenancy is for nonpayment of rent not withheld
10 under section 1529 or lawfully withheld under any other right
11 that the tenant may have by law.

12 § 1532. Penalties.

13 (a) [Failure to identify tenants] Per diem liquidated
14 damages.--Any landlord ratepayer who fails to provide a utility
15 with the names and addresses of affected tenants [pursuant to]
16 in accordance with section 1524 (relating to request to landlord
17 to identify tenants) [shall forfeit and pay to the Commonwealth
18 a civil penalty of not more than \$500 for each day of the
19 landlord ratepayer's failure to respond. The court in its
20 discretion may award the utility reasonable attorneys' fees,
21 filing fees and reasonable costs of suit for any action against
22 the landlord ratepayer which was necessary to obtain the names
23 and addresses of affected tenants pursuant to section 1524.] or
24 fails to provide reasonable access to the meter shall be deemed
25 to have caused substantial damage to the utility by thus forcing
26 a continuation of the existing utility service and, as a
27 consequence, shall be required to pay, as liquidated damages to
28 the utility, a sum of not less than \$500 but not more than
29 \$1,000 for each day of the landlord's failure to comply,
30 commencing with the first day completion and exhaustion of the

1 procedures provided under section 1524(a) and (b)(1), (2) and
2 (3).

3 (b) Injunctive relief.--The utility may commence an action
4 in equity against a landlord ratepayer to obtain injunctive
5 relief compelling the landlord to furnish the names and
6 addresses of affected tenants or compelling the landlord to
7 provide access to the meter. Interference with the utility's
8 ability to terminate service without this information shall be
9 deemed sufficient proof of immediate, continuing and irreparable
10 injury to sustain injunctive relief. The court shall, in
11 addition to awarding injunctive relief, render judgment in favor
12 of the utility for the total per diem liquidated damages
13 recoverable under subsection (a), together with reasonable
14 attorney fees and necessary costs of suit.

15 [(b)] (c) Tampering with posted notice.--Any person who
16 removes, interferes or tampers with a notice to tenants of
17 proposed [discontinuance] termination of service, posted
18 pursuant to section 1526 (relating to delivery and contents of
19 first [discontinuance] termination notice to tenants) commits a
20 summary offense and shall, upon conviction, be sentenced to pay
21 a fine not exceeding [\$25.] \$300.

22 (d) Denial of access to common areas.--Any landlord
23 ratepayer who willfully denies an agent or employee of the
24 utility access to common areas of his residential building for
25 any lawful purpose under this title, including, but not limited
26 to, posting or delivering notices to tenants under this
27 subsection, shall be subject to a civil penalty of not more than
28 \$500 for each day access is denied.

29 § 1533. Petition to appoint receiver.

30 (a) Appointment of receiver.--Notwithstanding the foregoing

1 sections of this chapter, when a landlord ratepayer is two or
2 more months in arrears in his utility payments, the affected
3 utility shall have the right to petition the court of common
4 pleas of the county wherein the leased premises are located to
5 appoint a receiver to collect rent payments otherwise due the
6 landlord ratepayer directly from the tenants and to pay all
7 overdue and subsequent utility bills therefrom. The provisions
8 of this section shall not be construed to supersede any tenant
9 rights or defenses under law regarding the payment of rent. This
10 right may be exercised only in those situations that involve [50
11 or more rental units in which the] units which are not
12 individually metered by the utility. Upon appointment, the
13 receiver shall notify the tenants of his powers and their rights
14 under law regarding payment of rent and continued utility
15 service by first class mail, certified mail, [or] personal
16 service or posting notice in each unit in the leased premises.

17 (b) Right to continued service.--The affected utility under
18 this section shall not [discontinue] terminate utility service
19 if it receives payment from the receiver in the amount specified
20 in subsection (c)(2) within 60 days from the date notice to the
21 tenants of the appointment of the receiver is mailed or
22 delivered.

23 (c) Duty of receiver.--The receiver shall:

24 (1) collect all rents directly from the tenants;

25 (2) pay the utility bills equal to the amount due for
26 the [30-day period] billing month prior to the [tenant]
27 tenants receiving notice of the appointment of the receiver
28 and all future bills as they become due;

29 (3) after payment of the amounts in subsection (c)(2),
30 any excess moneys shall be applied pursuant to further order

of court; and

(4) return the remainder to the landlord ratepayer, less the costs of the notification made to the tenants, plus a 2% administrative fee.

(d) [Discontinuation] Termination.--The receiver shall continue to collect the rents and make disbursements in the manner provided in subsection (c) until the second rental period [after] ends after all of the following conditions have been met:

(1) [the] The landlord ratepayer deposits in escrow with the utility a sum equal to the utility charges from the two highest monthly periods in the preceding 12 months[; and].

(2) [the] The landlord ratepayer demonstrates to the satisfaction of the court of common pleas that it has the financial recourses necessary to resume its obligations to the utility and the tenants.

(3) The landlord ratepayer pays the undisputed amount of all outstanding utility bills.

At such time rental payments will once again be made to the landlord ratepayer. Notice of this change shall be made to the tenants by the receiver by means of first class mail, certified mail, [or] personal service[, which costs shall] or posting notice in each unit in the leased premises, the costs of notice to be paid by the landlord ratepayer.

(e) Escrow fund.--The escrow fund established under subsection (d)(1) shall not be considered a prepayment of utility costs and shall [only] be applied only against outstanding utility bills at the time a new receiver is appointed for a subsequent failure by the landlord ratepayer to pay utility bills for a two-month period. [Said] The escrow fund

1 shall be returned to the landlord ratepayer not later than 90
2 days nor earlier than 60 days, after the landlord ratepayer
3 obtains a court order releasing [such funds] the fund and
4 certifying that timely payment of utility bills has been made
5 for the immediately preceding 24 consecutive months.

6 (f) Interest on funds.--Any funds held in escrow by any
7 utility shall bear interest payable to the landlord at a rate 1%
8 lower than [the maximum rate allowed by the Federal Reserve
9 Board to be paid on regular savings accounts at commercial
10 banks.] the rate actually received in a regular savings account
11 at a commercial bank within the court's jurisdiction, and the
12 remaining 1% shall be remitted to the court for administrative
13 costs.

14 (g) Number of receivers.--In the event more than one utility
15 company is affected by any landlord ratepayers' failure to pay
16 utility bills, the court shall appoint the same receiver to
17 function for all aggrieved utilities.

18 Section 5. This act shall take effect in 60 days.