

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1686 Session of
2015

INTRODUCED BY MOUL, MILLARD, SCHWEYER, SCHEMEL, PETRI, GODSHALL,
O'NEILL, M. K. KELLER, METZGAR, BLOOM, TALLMAN, WARD, TRUITT,
A. HARRIS, KAUFFMAN AND WARNER, NOVEMBER 12, 2015

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, NOVEMBER 12, 2015

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in service and facilities, further
3 providing for duty of owners of rental property and for
4 waiver of subchapter prohibited.

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

7 Section 1. Section 1529.1(c) of Title 66 of the Pennsylvania
8 Consolidated Statutes is amended and the section is amended by
9 adding subsections to read:

10 § 1529.1. Duty of owners of rental property.

11 * * *

12 (c) Failure to give notice.--Any owner of a residential
13 building or mobile home park failing to notify affected public
14 utilities as required by this section shall [nonetheless] be
15 responsible for payment of the utility services [as if the
16 required notice had been given] in an amount equal to the
17 average usage registered by the foreign load during the time the
18 account was in the tenant's name.

1 (d) De minimis foreign load.--The provisions of this section
2 may be waived for de minimis foreign load under the following
3 circumstances:

4 (1) The foreign load registering on a utility meter for
5 an account in the tenant's name is for one of the following
6 appliances:

7 (i) Outside lighting provided by the property owner
8 and used by a tenant to safely enter and exit the
9 property at night.

10 (ii) Hallway lighting or lighting in other common
11 areas of the property used directly by a tenant to safely
12 navigate the property.

13 (iii) A septic pump, sump pump or other device whose
14 use directly benefits the tenant by preserving the
15 property in a safe and sanitary condition.

16 (iv) Any other device, appliance or usage agreed to
17 by the tenant and property owner pursuant to paragraph
18 (2).

19 (2) A tenant has agreed to be responsible for the
20 metered usage resulting from de minimis foreign load in
21 exchange for a rent reduction comparable to the amount of
22 foreign load registering on the meter. A lease or contract
23 clause requiring a tenant to be responsible for usage
24 resulting from de minimis foreign load must be signed by the
25 tenant and the property owner, notwithstanding any signatures
26 required elsewhere in the lease or contract.

27 (e) Definition.--For purposes of this section, "foreign
28 load" shall mean utility service usage that is:

29 (1) registered by a tenant's meter in a residential
30 building or mobile home park containing one or more dwelling

1 units; and

2 (2) used by another tenant or common area of the
3 residential building or mobile home park.

4 Section 2. Section 1530 of Title 66 is amended to read:

5 § 1530. Waiver of subchapter prohibited.

6 [Any] Except as provided under section 1529.1(d)(2) (relating
7 to duty of owners of rental property), any waiver of a tenant's
8 rights under this subchapter shall be void and unenforceable.

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