

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

AS AMENDED ON THIRD CONSIDERATION, MAY 26, 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
19 previously unbilled utility service is included in the current

1 utility bill, the utility shall use an estimated bill for the
2 30-day period.

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

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

18 * * *

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

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

29 "Tenant." Any person or group of persons who are
30 contractually obligated to make rental payments to the landlord

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

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

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

16 § 1522. Applicability of subchapter.

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

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

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

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

12 § 1523. Notices before service to landlord [discontinued]
13 terminated.

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

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

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

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

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

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

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

25 * * *

26 § 1524. Request to landlord to identify tenants.

27 (a) Duty of public utility and landlord.--At least 37 days
28 before the termination of service, it is the duty of any public
29 utility to request from the landlord ratepayer the names and
30 addresses of the affected tenants. Upon receiving [a lawful]

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

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

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

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

18 [(2)] (3) within three days of any adjudication by the
19 commission that the landlord ratepayer must provide the
20 requested information if the landlord files a complaint with
21 the commission within seven days of receipt of the notice to
22 the landlord disputing the right of the utility to
23 [discontinue service.] terminate service; or

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

27 (c) [Duty of public utility.--It shall be the duty of any
28 public utility to pursue any appropriate legal remedy it has in
29 order to obtain from the landlord ratepayer the names and
30 addresses of all affected tenants of a residential building or

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

12 § 1525. Delivery and contents of [discontinuance] termination
13 notice to landlord.

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

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

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

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

28 (4) The obligation of the landlord ratepayer under
29 section 1524 (relating to request to landlord to identify
30 tenants) to provide the utility with the names and addresses

1 of every affected tenant or to pay the amount due the utility
2 or make an arrangement with the utility to pay the balance
3 including a statement:

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

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

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

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

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

20 (2) Notice by personal service of the landlord ratepayer
21 or [his agent] the agent of the landlord ratepayer ON ONE <—
22 BUSINESS DAY AND CONSPICUOUSLY POSTING AT THE LANDLORD
23 RATEPAYER'S PRINCIPAL PLACE OF BUSINESS OR THE BUSINESS
24 ADDRESS WHICH THE LANDLORD PROVIDED THE UTILITY AS HIS
25 ADDRESS FOR RECEIVING COMMUNICATIONS.

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

1 communications.] TO THE LANDLORD RATEPAYER ONLY AFTER AN <—
2 UNSUCCESSFUL ATTEMPT AT PERSONAL SERVICE ON ONE BUSINESS DAY.
3 NOTICE BY FIRST CLASS MAIL MAY OCCUR ON THE SAME BUSINESS DAY
4 AS THE ATTEMPT AT PERSONAL SERVICE.

5 (4) IF THE LANDLORD RATEPAYER'S PLACE OF BUSINESS IS
6 LOCATED OUTSIDE OF THIS COMMONWEALTH AND NO AGENT OF THE
7 LANDLORD RATEPAYER IS LOCATED IN THE STATE, NOTICE BY
8 CERTIFIED MAIL AND NOTICE BY FIRST CLASS MAIL TO THE LANDLORD
9 RATEPAYER ON THE SAME BUSINESS DAY.

10 § 1526. Delivery and contents of first [discontinuance]
11 termination notice to tenants.

12 (a) General rule.--The notice required to be given to a
13 tenant pursuant to section 1523 (relating to notices before
14 service to landlord [discontinued) shall be mailed or otherwise
15 delivered to the address of each affected tenant and]
16 terminated) shall be sent by first class mail or otherwise hand-
17 delivered to each affected tenant by name at his individual
18 dwelling unit, or by unit number or unit designation, and shall
19 be posted in common areas. In order to obtain the names and BE <—
20 POSTED IN COMMON AREAS.

21 (1) IN THE CASE WHEN A UTILITY DOES NOT SEND NOTICE BY
22 FIRST CLASS MAIL, NOTICE SHALL BE HAND DELIVERED. HAND
23 DELIVERY SHALL MEAN TWO ATTEMPTS AT PERSONAL SERVICE ON A
24 RESPONSIBLE INDIVIDUAL RESIDING WITHIN THE DWELLING UNIT, ON
25 THE SAME OR SEPARATE DAYS. EACH ATTEMPT AT PERSONAL SERVICE
26 MUST BE MADE AS FOLLOWS:

27 (I) ONE ATTEMPT SHALL BE MADE BETWEEN 8 A.M. AND 5
28 P.M. ON ANY DAY MONDAY THROUGH FRIDAY.

29 (II) THE OTHER ATTEMPT SHALL BE MADE EITHER BETWEEN
30 6 P.M. AND 10 P.M. ON ANY DAY MONDAY THROUGH FRIDAY, OR

1 BETWEEN 8 A.M. AND 5 P.M. ON A SATURDAY OR SUNDAY.
2 EACH OF THESE ATTEMPTS MUST BE MADE NOT LESS THAN FOUR HOURS
3 APART. IF NO PERSONAL SERVICE IS MADE ON ANY OCCASION, THE
4 NOTICE MUST BE POSTED ON THE INDIVIDUAL DWELLING UNIT AND
5 INSERTED UNDER THE DOOR IF FLOOR SPACE ALLOWS.

6 (2) IN THE CASE WHERE THE UTILITY CANNOT GAIN ACCESS TO
7 A RESIDENTIAL BUILDING TO COMPLY WITH PARAGRAPH (1), THE
8 UTILITY SHALL APPLY TO COURT TO OBTAIN THE NAMES AND SEND
9 NOTICE BY FIRST CLASS MAIL TO THE AFFECTED TENANT.

10 IN ORDER TO OBTAIN THE NAMES AND addresses of the affected
11 tenants and in conjunction with section 1524 (relating to
12 request to landlord to identify tenants), the utility
13 representative shall visit the affected premises within seven
14 days of service of notice to the landlord ratepayer, under
15 section 1525 (relating to delivery and contents of termination
16 notice to landlord), and by personally contacting one or more of
17 the affected tenants shall attempt to obtain the names of all
18 the tenants residing in the affected premises. The notice for
19 each affected tenant for whom a name has been obtained shall be
20 sent by first class mail or otherwise hand-delivered to each
21 affected tenant by name at his individual dwelling unit by
22 address and by unit number or, if none exists, by unit
23 designation and shall also be conspicuously posted in the common
24 areas. The notice for each affected tenant for whom a name has
25 not been obtained shall be hand-delivered to each individual
26 dwelling unit by address and unit number or, if none exists, by
27 unit designation and shall be conspicuously posted in the common
28 areas. For the purposes of this subsection, the term "unit
29 designation" means the geographic location of a dwelling unit by
30 floor and floor area. All notices shall contain the following

1 information:

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

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

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

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

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

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

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

16 (iii) Recover money damages from the landlord for
17 any such retaliation.

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

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

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

1 the purpose of complying with the provisions of this section.]

2 (3) On each account, the bill for the billing month
3 preceding the notice to the tenants except that, in the case
4 of water and sewer service where the billing period is
5 bimonthly or quarterly, the utility shall provide an estimate
6 of costs for the previous 30-day period. Estimates shall be
7 based upon actual usage or, if actual usage is not available,
8 by determining one-twelfth of the dwelling unit's annual
9 usage.

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

17 IMPORTANT NOTICE TO TENANTS

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

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

1 2. You may deduct your payment to the utility
2 company from your rent due now or from future rent.
3 The utility company will tell your landlord how much
4 you paid for that utility service.

5 ADDITIONAL INFORMATION

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

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

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

22 DO YOU HAVE ANY QUESTIONS?

23 If you have any questions about your utility service,
24 please contact the utility company at (telephone
25 number and address). If, after talking about your
26 problems with the utility, you are not satisfied,
27 then call the Pennsylvania Public Utility Commission
28 at its toll-free number, which is 1-800-692-7380, or
29 write the Residential Termination Unit, Bureau of
30 Consumer Services, Pennsylvania Public Utility

1 Commission, P.O. Box 3265, Harrisburg, Pennsylvania
2 17120. YOU SHOULD CALL OR WRITE BEFORE THE SHUTOFF.
3 TO AVOID SHUTOFF, YOUR LETTER MUST BE RECEIVED BEFORE
4 THE SHUTOFF DATE.

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

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

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

27 § 1527. Right of tenants to continued service.

28 (a) Application for continued service.--At any time before
29 or after service is [discontinued] terminated by a public
30 utility on account of nonpayment of charges by the landlord

1 ratepayer, the affected tenants may apply to the utility to have
2 service continued or resumed.

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

1 contains the name and address of the tenant.

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

1 utility for the billing period for which payment in full was not
2 remitted.

3 * * *

4 § 1528. Delivery and contents of subsequent [discontinuance]
5 termination notice to tenants.

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

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

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

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

1 (4) The right of a tenant to file a complaint with the
2 commission to enforce any legal right that he may have under
3 this part.

4 Section 3. Title 66 is amended by adding a section to read:
5 § 1529.1. Duty of owners of rental property.

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

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

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

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

1 § 1531. Retaliation by landlord prohibited.

2 * * *

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

14 § 1532. Penalties.

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

1 \$1,000 for each day of the landlord's failure to comply,
2 commencing with the first day OF completion and exhaustion of ←
3 the procedures provided under section 1524(a) and (b)(1), (2)
4 and (3).

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

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

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

1 § 1533. Petition to appoint receiver.

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

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

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

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

1 (3) after payment of the amounts in subsection (c)(2),
2 any excess moneys shall be applied pursuant to further order
3 of court; and

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

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

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

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

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

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

27 (e) Escrow fund.--The escrow fund established under
28 subsection (d)(1) shall not be considered a prepayment of
29 utility costs and shall [only] be applied only against
30 outstanding utility bills at the time a new receiver is

1 appointed for a subsequent failure by the landlord ratepayer to
2 pay utility bills for a two-month period. [Said] The escrow fund
3 shall be returned to the landlord ratepayer not later than 90
4 days nor earlier than 60 days, after the landlord ratepayer
5 obtains a court order releasing [such funds] the fund and
6 certifying that timely payment of utility bills has been made
7 for the immediately preceding 24 consecutive months.

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

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

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