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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 971 Session of  
2017

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INTRODUCED BY MCGARRIGLE, DECEMBER 6, 2017

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
DECEMBER 6, 2017

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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. Sections 1529.1 and 1530 of Title 66 of the  
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 1529.1. [Duty] Foreign load and duty of owners of rental  
10 property.

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

17 (b) History of account.--Upon receipt of the notice provided  
18 in this section, if the mobile home park or residential building  
19 contains one or more dwelling units not individually metered, an

1 affected public utility shall forthwith list the account for the  
2 premises in question in the name of the owner, and the owner  
3 shall thereafter be responsible for the payment for the utility  
4 services rendered thereunto. An owner shall only be responsible  
5 for the payment for utility services rendered after the account  
6 is listed in the owner's name. In the case of individually  
7 metered dwelling units, unless notified to the contrary by the  
8 tenant or an authorized representative, an affected public  
9 utility shall list the account for the premises in question in  
10 the name of the owner, and the owner shall be responsible for  
11 the payment for utility services to the premises.

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.

17 (d) Agreement.--

18 (1) Notwithstanding any other law, regulation or order  
19 of the commission to the contrary, the owner of a residential  
20 building, containing more than one but not exceeding six  
21 dwelling units, or mobile home park, containing up to 70  
22 individual units, not individually metered, and a tenant may  
23 agree, as permitted by section 506-A of the act of April 6,  
24 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of  
25 1951, that the tenant will be responsible for usage  
26 registering on the tenant's utility account that is  
27 attributable to foreign load.

28 (2) If an owner and tenant have a lease or contract  
29 under which the tenant is responsible for usage as described  
30 in paragraph (1):

1           (i) The owner shall notify an affected public  
2 utility of the agreement and request that in the event of  
3 termination of service for nonpayment by the tenant or  
4 discontinuance of the tenant's account for any reason,  
5 the account shall be placed in the owner's name to ensure  
6 continued service to and operability of the uses causing  
7 the foreign load. If notice is provided as required by  
8 this section, a utility may not list an account in an  
9 owner's name on the sole basis that foreign load is  
10 present.

11           (ii) If an account is transferred into an owner's  
12 name under this subsection, any balance on the account,  
13 at the time of transfer, shall remain the tenant's  
14 responsibility. An owner shall only be responsible for  
15 charges accruing from the date of transfer.

16           (3) For purposes of this subsection, "foreign load"  
17 means utility usage on an account in the name of a tenant  
18 that is not exclusive to that tenant's unit and limited to  
19 the following:

20           (i) Outside lighting provided by the landlord and  
21 used by one or more tenants to safely enter and exit a  
22 residential building or mobile home park.

23           (ii) Hallway and stairway lighting inside a  
24 residential building used by one or more tenants to  
25 safely navigate a residential building.

26           (iii) A well pump or septic pump used to provide  
27 safe, sanitary water or sewer service to a residential  
28 building to one or more tenants.

29           (iv) A washing machine or clothes dryer located in a  
30 common area and used by one or more tenants.

1           (v) An electric outlet located in a hallway or other  
2           common area.

3           (vi) Any other device, appliance or usage agreed to  
4           by the tenant and property owner under this subsection.

5 § 1530. Waiver of subchapter prohibited.

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

10       Section 2. This act shall take effect in 60 days.