

**STATE OF MARYLAND  
OFFICE OF PEOPLE'S COUNSEL**

**Paula M. Carmody, People's Counsel**

6 St. Paul Street, Suite 2102

Baltimore, Maryland 21202

410-767-8150; 800-207-4055

[www.opc.maryland.gov](http://www.opc.maryland.gov)

**BILL NO.:** **House Bill 128**  
**Public Utilities – Termination of Service to**  
**Multifamily Dwelling Unit – Notification to Property**  
**Owner or Manager**

**COMMITTEE:** **Senate Finance**

**HEARING DATE:** **March 29, 2016**

**SPONSORS:** **Delegate Jackson**

**POSITION:** **Informational**

---

House Bill 128 imposes additional notice requirements on public service companies in the event of termination of utility service to a customer who resides in a multi-unit dwelling or building. The Bill requires the utility to send a notice of service termination not only to the tenant but to the property owner or manager. As amended in the Economic Matters Committee, the notice requirement would only apply to those property owners or managers who actually enroll in a service termination notification program established under Public Service Commission (Commission) regulations. As OPC understands it, the original impetus for the Bill was public safety – that is, to provide an alert to property managers to avoid a potentially hazardous situation to other tenants in the building.

However, the Bill was amended further on the floor of the House to state that the Bill could not be construed to “interfere with the ability of a property owner or property manager to assume responsibility for a customer account and recover payment of an arrearage due as rent.” (House Bill 128 at page 2, lines 14-16). The Office of People’s Counsel (OPC) does not represent individuals in landlord-tenant matters, which was the primary subject of the original bill. However, as amended on the House floor, it appears that the Bill could have implications

for utility customers residing in multi-family dwelling units whose utility service is terminated for past-due utility bills. For that reason, OPC provides these informational comments.

For the past 35 years, OPC has worked with a network of state and local government agencies as well as non-profit organizations across the State on issues affecting low-income and vulnerable utility customers. As a result, OPC is very familiar with the operation of governmental and private programs that offer assistance to customers and households for past-due energy bills. These programs include DHR's Office of Home Energy Programs (EUSP and MEAP), Fuel Fund (Central Maryland), the Department of Social Services' and Office on Aging discretionary emergency fund programs or referrals (EAFC, Special Funds, Flex Funds), FEMA, and private charitable organizations.

OHEP's energy assistance programs are the primary source of assistance for utility bill assistance and arrearages (EUSP arrears and MEAP). Given the limitations on the availability of EUSP arrearage assistance, other programs frequently are called upon to provide some or all of the arrearage funds to avoid a service termination or allow a service restoration. Funding from other governmental or private emergency funds, while totally discretionary, is often needed to address the full arrearage amount to avoid a pending service termination or enable service restoration. In the central Maryland area, the Fuel Fund operates to match customer payments (which frequently will include those other non-EUSP funds) and BGE ratepayer-funded credits to assist with bills in the face of service terminations. While OPC is not providing an opinion on the legal question of whether a landlord can collect utility bill payments made by the landlord as rent, it is clear that in such a scenario, a low-income customer will lose the ability to apply for utility bill assistance from any of these sources for those arrearages.