



*Helping Older Persons With  
Legal & Long-Term Care  
Problems*

# ***Utility Disconnection And Payment Assistance***

## ***Where To Turn When You Need Help To Pay Your Utility Bills***

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### ***1. When may my utilities be disconnected?***

Utilities may be disconnected when (a) your bill is not paid; (b) you use the utilities in a way not allowed by the utility company or in a way that might cause harm to other customers' service; (c) there is a government order, dangerous condition or a need for repair requires shut-off; or (d) you move or ask the company to disconnect the utilities. Note that this and all other information in this pamphlet applies only to customers of utilities regulated by the Public Utilities Commission of Ohio (PUCO) and does not necessarily apply to rural cooperatives.

### ***2. Are there exceptions to utility shut-offs for nonpayment?***

Yes. Shut-offs are prohibited (a) for customers current on their Percentage of Income Payment Plan (PIPP) payments (see Question 9); (b) for 30 days, if it would be dangerous to health as certified by a physician (three such thirty day periods are allowed per 12 month period); and (c) if it would make operation of necessary medical or life-supporting equipment impossible and the customer agrees to make payments in an extended payment plan.

### ***3. What are my legal rights concerning utility shut-offs?***

If your utilities are to be disconnected because of nonpayment, you have a right to receive notice at least 14 days before the shut-off date. The notice must tell you the

- (a) amount due;
- (b) earliest shut-off date;
- (c) different methods of payment available;
- (d) reason(s) for shut-off;
- (e) name, address and telephone number of a person at the utility company to talk to about the shut-off; and
- (f) your right to an appeal the reason for termination to the Public Utility Commission of Ohio (see Question 4).

You have no right to notice of shut-off for reasons other than nonpayment, except when the shut-off is for scheduled repairs and will last more than 6 hours.

#### *4. Who can help me with a utility dispute?*

The Ohio Consumers' Counsel acts as a residential utility advocate. Call them toll-free at 1-877-742-5622. PUCO'S Public Interest Center also helps resolve disputes between consumers and regulated utility companies. Call them at 1-800-686-7826.

#### *5. What can I do to avoid shut-off for non-payment?*

- (a) Having your doctor sign a Medical Certificate from your utility company certifying that termination of service would be dangerous to your health, will allow utility service to continue for 30 days even without any payment. Medical Certificates are available three times in any 12-month period.
- (b) Applying for the Emergency HEAP program at your local Community Action Agency from November through March, pays \$175 towards your heating bill, restores disconnected service, and puts you on the PIPP program (see Question 9).
- (c) If you or your deceased spouse are a veteran, contact your local county Veterans Service Commission for help in paying your utility bill.
- (d) If you have children in your household, the Department of Job and Family Services may pay a portion of your utility bill through its Emergency Assistance Program.
- (e) Check for local programs such as the HeatShare program run during the winter months by the Salvation Army in Southwest Ohio.
- (f) You may also contact your utility company and make arrangements to pay your bill in full or ask about an extended payment plan.

#### *6. What extended payment plans are available?*

After you prove that you cannot pay in full, the utility company must offer

- (a) a plan in which the amount past due is paid in six or more monthly payments, while you also pay your current bill;
- (b) a plan in which you pay 1/3 of the total bill each month (arrearages plus current bill);  
or
- (c) if you cannot afford a payment plan and your income is no more than 150% of the poverty level, you may qualify for the Percentage of Income Payment Plan (PIPP).

### *7. If shut-off is unavoidable, what are my rights?*

The company may not shut-off after 12:30 p.m. on a day before a day that the company will not be able to reconnect you (such as a Sunday or holiday). The company must give you notice personally or attach a notice to your residence on the day of shut-off. The person who comes out to do the shut-off must also first give you a chance to pay the amount you owe.

### *8. What are my rights as a tenant if my landlord is responsible for paying utilities and has received notice of shut-off?*

If the landlord does not pay the overdue bill after receiving a 14-day notice, each apartment will be given an additional 10-day notice of the upcoming shut-off. In addition, a written notice must be displayed in a multi-unit building where everyone will see it. If you live in a master-metered building (with only one meter for the entire building), you may avoid having your utilities shut off if you

- (a) give the utility company a copy of the written disconnection notice that is signed by at least 50% of the tenants in the building;
- (b) inform the utility in writing of the date of the last day on which you can pay rent before your landlord penalizes you or claims that you defaulted on the lease; and,
- (c) deposit your current and future rent payments with the clerk of the municipal/county court and apply to the court for an order to use the rent to pay back the utility company. You can get the necessary forms by asking any utility company.

If your landlord has 3 or fewer dwelling units and informed you of this fact when you first moved in, then you need to hire an attorney to properly take care of this procedure.

### *9. What if I don't have enough money to pay my utility bills?*

There are several energy benefit programs available to low-income customers. Income eligibility for most programs is based at 150% of the federal poverty level: \$13,290 for a household of one, \$17,910 for a household of two, and \$22,530 for a household of three in 2002. They include:

**(A) PERCENTAGE OF INCOME PAYMENT PLAN (PIPP)** is a payment plan that requires regulated gas and electric companies to accept payments based on a percentage of your household income. If you are eligible, during the heating season (November 1 - April 15), you must pay 10% of your monthly income to the utility company that provides you energy to heat your house and 5% to your other utility company.

**(B) HOME ENERGY ASSISTANCE PROGRAM (HEAP) AND EMERGENCY (E)-HEAP.** HEAP gives eligible customers a credit on their utility bill for the winter heating season. E-HEAP helps customers who need financial assistance because they have been disconnected

from their heating source, have gotten a disconnect notice, or have less than a 10-day supply of fuel. E-HEAP may also pay for heating system repairs.

**(C) OHIO ENERGY CREDITS (OEC)** provides a 25% to 30% credit on your heating bill from November through March, if you are a low-income elderly or permanently disabled person.

**(D) HOME WEATHERIZATION (HW)** weatherizes your home to lower utility bills by upgrading insulation, caulking and installing storm windows or doors, and heating system repairs or replacements.

**(E) TARGETED ENERGY EFFICIENCY AND WEATHERIZATION PROGRAM** offers low-income consumers assistance in achieving electrical energy savings by replacement of inefficient appliances and lighting and other measures. Customers with the highest energy costs and usages will be eligible.

All of the energy assistance programs listed above have been consolidated into the Universal Service Program (USP) which is administered by the Ohio Department of Development (ODOD), Office of Community Services. Customers may apply for the USP by calling ODOD at 1-800-282-0880. For hearing impaired applicants with a tele-communications device for the deaf, (TDD) call 1-800-686-1557.

Customers may also contact their local utility company or community action agency for a USP application. To locate a local community action agency or to be mailed a USP application contact the Ohio Consumers' Counsel at 1-877-PICKOCC (1-877-742-5622 toll free). For more information, visit ODOD's website at <http://www.odod.state.oh.us/cdd/ocs/heap.htm>, or OCC's website at <http://www.pickocc.org/handbook/uap.shtml>.

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Pro Seniors' Legal Hotline for Older Ohioans provides free legal information and advice by toll-free telephone to all residents of Ohio age 60 or older. If you have a concern that cannot be resolved over the phone, then the hotline will try to match you with an attorney who will handle your problem at a fee you can afford.

In southwest Ohio, Pro Seniors' staff attorneys and long-term care ombudsmen handle matters that private attorneys do not, such as nursing facility, adult care facility, home care, Medicare, Medicaid, Social Security, protective services, insurance and landlord/tenant problems.

This pamphlet provides general information and not legal advice. The law is complex and changes frequently. Before you apply this information to a particular situation, call Pro Seniors' free Legal Hotline or consult an attorney in elder law.

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