
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1310 Session of
2020

INTRODUCED BY SANTARSIERO, HUGHES, FONTANA, FARNESE, MUTH,
TARTAGLIONE, BLAKE, KEARNEY, COSTA AND L. WILLIAMS,
SEPTEMBER 18, 2020

REFERRED TO APPROPRIATIONS, SEPTEMBER 18, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
2 "An act relating to the finances of the State government;
3 providing for cancer control, prevention and research, for
4 ambulatory surgical center data collection, for the Joint
5 Underwriting Association, for entertainment business
6 financial management firms, for private dam financial
7 assurance and for reinstatement of item vetoes; providing for
8 the settlement, assessment, collection, and lien of taxes,
9 bonus, and all other accounts due the Commonwealth, the
10 collection and recovery of fees and other money or property
11 due or belonging to the Commonwealth, or any agency thereof,
12 including escheated property and the proceeds of its sale,
13 the custody and disbursement or other disposition of funds
14 and securities belonging to or in the possession of the
15 Commonwealth, and the settlement of claims against the
16 Commonwealth, the resettlement of accounts and appeals to the
17 courts, refunds of moneys erroneously paid to the
18 Commonwealth, auditing the accounts of the Commonwealth and
19 all agencies thereof, of all public officers collecting
20 moneys payable to the Commonwealth, or any agency thereof,
21 and all receipts of appropriations from the Commonwealth,
22 authorizing the Commonwealth to issue tax anticipation notes
23 to defray current expenses, implementing the provisions of
24 section 7(a) of Article VIII of the Constitution of
25 Pennsylvania authorizing and restricting the incurring of
26 certain debt and imposing penalties; affecting every
27 department, board, commission, and officer of the State
28 government, every political subdivision of the State, and
29 certain officers of such subdivisions, every person,
30 association, and corporation required to pay, assess, or
31 collect taxes, or to make returns or reports under the laws
32 imposing taxes for State purposes, or to pay license fees or
33 other moneys to the Commonwealth, or any agency thereof,

1 every State depository and every debtor or creditor of the
2 Commonwealth," in emergency COVID-19 response, providing for
3 utility assistance.

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

6 Section 1. Article I-C of the act of April 9, 1929 (P.L.343,
7 No.176), known as The Fiscal Code, is amended by adding a
8 subarticle to read:

9 SUBARTICLE G.1

10 UTILITY ASSISTANCE

11 Section 169.11-C. Definitions.

12 The following words and phrases when used in this subarticle
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Current fiscal year." The fiscal year beginning July 1,
16 2019, and ending June 30, 2020.

17 "Department." The Department of Community and Economic
18 Development of the Commonwealth.

19 "Program." The COVID-19 Utility Relief Grant Program
20 established under section 169.15-C.

21 "Residential utility service." Service delivered to a
22 residential customer, including a multifamily dwelling unit,
23 from utility facilities for electric power, natural gas, heating
24 oil, liquid propane, drinking water and wastewater.

25 "Utility company." Any of the following that provides
26 residential utility service:

27 (1) An electric distribution company.

28 (2) A natural gas distribution company.

29 (3) A heating oil company.

30 (4) A liquid propane company, including a manufactured
31 home community owner that bills separately for utility

1 service.

2 (5) A water company, including a municipal-owned water
3 authority and a manufactured home community owner that bills
4 separately for utility service.

5 (6) A wastewater company, including a municipal-owned
6 wastewater authority and a manufactured home community owner
7 that bills separately for utility service.

8 (7) A municipal-owned authority.

9 (8) An electric cooperative.

10 Section 169.12-C. Construction with General Appropriation Act
11 of 2019.

12 The appropriations under this subarticle shall be in addition
13 to any appropriation under the act of June 28, 2019 (P.L.839 ,
14 No.1A), known as the General Appropriation Act of 2019, and the
15 act of May 29, 2020 (P.L. , No.2A), known as the COVID-19
16 Emergency Supplement to the General Appropriation Act of 2019.

17 Section 169.13-C. Appropriations from account.

18 From the Federal amounts appropriated from the account for
19 the current fiscal year, the following apply:

20 (1) For COVID Relief - LIHEAP, \$50,000,000 is
21 appropriated to the Department of Human Services for
22 assistance through the LIHEAP Program.

23 (2) For COVID Relief - Utility Assistance, \$150,000,000
24 is appropriated to the department for the purpose of
25 providing utility assistance under section 169.15-C.

26 Section 169.14-C. Continuing appropriations.

27 The appropriations under this subarticle shall be continuing
28 appropriations and shall not automatically lapse at the close of
29 the current fiscal year.

30 Section 164.15-C. COVID-19 Utility Relief Grant Program.

1 (a) Establishment of program.--The COVID-19 Utility Relief
2 Grant Program is established within the department.

3 (b) Use of funds.--Money appropriated to the department for
4 COVID Relief - Utility Assistance as specified under section
5 169.13-C shall be used to make grants to utility companies under
6 this subarticle.

7 (c) Guidelines.--The department, in cooperation with the
8 Pennsylvania Public Utility Commission and the Pennsylvania
9 Infrastructure Investment Authority, shall establish guidelines
10 for the program that are consistent with the provisions of this
11 subarticle within 30 days of the effective date of this section.
12 The guidelines shall be submitted to the Legislative Reference
13 Bureau for publication in the Pennsylvania Bulletin and posted
14 on the department's publicly accessible Internet website.

15 (d) Program requirements.--The following apply:

16 (1) A utility company shall submit the names and
17 addresses of residential customers seeking utility assistance
18 under the program to the department and any additional
19 information deemed necessary by the department to administer
20 the program.

21 (2) Utility assistance under the program may be awarded
22 to a utility company that provides residential utility
23 service to residential customers who:

24 (i) began receiving unemployment compensation on or
25 after March 1, 2020; or

26 (ii) on or after March 1, 2020, had their annual
27 household income reduced by 30% as a result of the COVID-
28 19 pandemic.

29 (3) A utility company shall require a residential
30 customer that meets the one or both of the criteria specified

1 under paragraph (2) to provide a certification that the
2 residential customer meets one or both of the criteria
3 specified under paragraph (2).

4 (e) Application.--The following apply:

5 (1) The department shall develop a standard application
6 for a utility company to apply for utility assistance under
7 the program on behalf of the utility company's residential
8 customers within 30 days of the effective date of this
9 section.

10 (2) A utility company must attest to all of the
11 following in an application for utility assistance under the
12 program:

13 (i) The utility company will not terminate service
14 of a residential customer for failure to make a payment
15 until 60 days after the last month for which utility
16 assistance was applied to the residential customer's
17 account under the program.

18 (ii) (Reserved).

19 (iii) Funding received by a utility company under
20 the program will not be used for the utility company's
21 administrative costs.

22 (iv) Funding received by a utility company under the
23 program will be applied fully to the accounts of
24 residential customers who are late on payments or
25 delinquent as a result of COVID-19 pandemic.

26 (3) The application shall be made available and posted
27 on the department's publicly accessible Internet website and
28 be in a form that can be completed and returned by a utility
29 company electronically or through mail.

30 (4) The deadline for submitting applications to the

1 department for participation in the program shall be October
2 31, 2020.

3 (5) A utility company shall, when appropriate, work with
4 a residential customer to develop a repayment plan for any
5 outstanding utility debt owed. A residential customer who is
6 enrolled in a customer assistance program shall be eligible
7 for a repayment plan under this paragraph. A repayment plan
8 under this paragraph for a residential customer to resolve an
9 unpaid balance on an account may not be less than the
10 following:

11 (i) Five years for a residential customer with a
12 gross monthly household income level at or below 150% of
13 the Federal poverty level.

14 (ii) Three years for a residential customer with a
15 gross monthly household income level more than 150% of
16 the Federal poverty level but not more than 250% of the
17 Federal poverty level.

18 (iii) Two years for a residential customer with a
19 gross monthly household income level more than 250% of
20 the Federal poverty level but not more than 350% of the
21 Federal poverty level.

22 (iv) One year for a residential customer with a
23 gross monthly household income level more than 350% of
24 the Federal poverty level.

25 (6) Notwithstanding any other provision of law, the
26 Public Utility Commission may establish a new payment
27 arrangement for any payment arrangement entered into by a
28 utility company and a residential customer under 66 Pa.C.S. §
29 1405 (relating to payment arrangements). A payment
30 arrangement entered into under this paragraph shall comply

1 with the provisions of 66 Pa.C.S. § 1405(b).

2 (f) Payments.--The following apply:

3 (1) The department shall only make payments under the
4 program directly to utility companies.

5 (2) A utility company that receives funding under the
6 program shall comply with any Federal or State audits.

7 (3) The department shall notify a residential customer
8 of the amount of payment made to the utility company on
9 behalf of the residential customer.

10 (4) The department shall make payments under the program
11 as follows:

12 (i) Except as provided under subparagraph (ii), an
13 amount equal to 100% of the residential customer's
14 monthly utility bill, but not to exceed \$100 per month
15 per utility, for each month the residential customer
16 seeks utility assistance under the program for a maximum
17 of six months. Payments shall be made no later than
18 November 30, 2020.

19 (ii) For a utility company that bills quarterly, an
20 amount equal to 100% of the residential customer's
21 quarterly bill, but not to exceed \$300 per quarter for
22 each quarter the residential customer seeks utility
23 assistance under the program, for a maximum of two
24 quarters.

25 (iii) Payments under subparagraphs (i) and (ii)
26 shall be made no later than November 30, 2020.

27 (5) The department shall only make payments under the
28 program on behalf of households with an annualized current
29 income of no more than the upper limit of "median income" as
30 defined in the guidelines published annually by the United

1 States Department of Housing and Urban Development.

2 (6) For a residential customer who is a tenant and who
3 has a lease agreement that includes payments to a utility
4 company by a landlord, the department shall work with the
5 Pennsylvania Housing Finance Agency to ensure that no payment
6 made from the program is provided to a landlord who
7 previously received funding to cover the costs of utility
8 payments as part of a payment from the Mortgage and Rental
9 Assistance Program established under section 191-C.

10 (g) Report.--By December 31, 2020, the department shall
11 issue a report to the chair and minority chair of the
12 Appropriations Committee of the Senate and the chair and
13 minority chair of the Appropriations Committee of the House of
14 Representatives and post the report on the department's publicly
15 accessible Internet website. The report shall include the
16 following information:

17 (1) The total number of utility companies who applied
18 for utility assistance under the program.

19 (2) The total amount of utility assistance that was
20 applied for under the program.

21 (3) The average amount of utility assistance that was
22 applied for under the program.

23 (4) The average amount of utility assistance that was
24 provided under the program.

25 (5) The total number of residential utility companies,
26 designated by county, who received utility assistance under
27 the program.

28 (6) The total allocation of utility assistance under the
29 program, designated by county.

30 Section 2. This act shall take effect immediately.