



Helping Older Persons With
Legal & Long-Term Care
Problems

Utility Disconnection And Payment Assistance

1. When May My Utilities Be Disconnected?

Utilities may be disconnected if

- (a) your bill is not paid; [\[1\]](#)
- (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; [\[2\]](#)
- (c) you steal equipment from the gas or utility company; [\[3\]](#)
- (d) there is a government order, dangerous condition or a need for repair requires shut-off, [\[4\]](#) or
- (e) you move or ask the company to disconnect the utilities. [\[5\]](#)

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](#)); [\[6\]](#)
- (b) for 30 days, if it would be dangerous to health as certified by a physician (3 such 30-day periods are allowed per 12-month period); and
- (c) if it would make operation of necessary medical or life-supporting equipment impossible or impractical; [\[7\]](#)
- (d) between November 15th and April 15th, unless the company, at the time it sends or delivers the notices of termination, informs the occupant where to obtain state and federal aid for payment of utility bills and for home

weatherization and information on local government aid for payment of utility bills and for home weatherization; [\[8\]](#) [\[9\]](#)

(e) if the resident is deployed on active duty; and [\[10\]](#) [\[11\]](#)

(f) if the customer agrees to make payments in an extended payment plan. [\[12\]](#)

3. What Are My Legal Rights Concerning Utility Shut-Offs

If your utilities are to be disconnected because of nonpayment, it must happen during normal business hours, it cannot occur after 12:30 p.m. on any day preceding a day on which all services necessary for the customer to arrange and the company to perform reconnection are not regularly performed. [\[13\]](#) You also have a right to receive notice at least 14 days before the shut-off date. [\[14\]](#) The notice must tell you

(a) the account number

(b) the amount due;

(c) the earliest shut-off date;

(d) the different methods of payment available;

(e) the reason(s) for shut-off;

(f) the name, address and telephone number of a person at the utility company to talk to about the shut-off;

(g) about your right to an appeal the reason for termination to the Public Utility Commission of Ohio. (See [Question 4](#));

(h) that a medical certification program and forms are available from the company; and

(i) that non-payment may result in a security deposit and charge for reconnection. [\[15\]](#)

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 4 hours. [\[16\]](#)

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. [\[17\]](#) PUCO'S Public Interest Center also helps resolve disputes between consumers and regulated utility companies. Call them at 1-800-686-7826. [\[18\]](#)

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. [\[19\]](#)
- (b) Applying for the Winter or Summer Crisis Program through the Ohio Development Services Agency. (See [Question 9](#)).
- (c) If you or your deceased spouse is 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 Salvation Army's Heatshare Program that run during the winter months. Contact your local Salvation Army to learn about details of this program. (www.salvationarmy.org)
- (f) You may also contact your utility company and make arrangements to pay your bill in full or ask about an extended payment plan. (See [Question 6](#)).

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, [\[20\]](#) or
- (b) a plan in which you pay 1/3 of the total bill each month (arrearages plus current bill). [\[21\]](#)

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 Plus (PIPP Plus). (See [Question 9](#)).

7. If Shut-Off Is Unavoidable, What Are My Rights?

The company may not shut-off after 12:30 p.m. on any day before a day that the company will not be able to reconnect you (such as a Sunday or holiday). [\[22\]](#) The company must give you notice personally or attach a notice to your residence on the day of shut-off. [\[23\]](#) The person who comes out to do the shut-off must also first give you a chance to pay the amount you owe. [\[24\]](#)

8. What Are My Rights As A Tenant If My Landlord Is Responsible For Paying Utilities And Has Received Notice Of Shut-Off?

If your 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. [25] In addition, a written notice must be displayed in a multi-unit building where everyone will see it. [26] 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; [27]
- (b) inform the utility company 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; [28] 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. [29]

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% to 200% of the federal poverty level annual income. [30] The plans include:

(A) PERCENTAGE OF INCOME PAYMENT PLAN PLUS (PIPP PLUS), which 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, you will pay between 6%-10% of your monthly household income to maintain your natural gas and/or electric service. [31]

(B) HOME ENERGY ASSISTANCE PROGRAM (HEAP) AND WINTER/SUMMER CRISIS PROGRAM (WCP/SCP). HEAP gives eligible customers a credit on their utility bills for the winter heating season. WCP/SCP helps customers who need financial assistance because they have been disconnected from their energy sources, have gotten a disconnect notice, or have 25% or less supply of fuel. WCP/SCP may also pay for heating system repairs or the purchase of air conditioners or fans. [32]

(C) OHIO ENERGY CREDITS (OEC), which 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. When processing an Energy Assistance Application, the Ohio Development Services Agency will screen all applications and determine whether the customer is eligible for the increased benefit amount. [33]

(D) HOME WEATHERIZATION ASSISTANCE PROGRAM (HWAP), which weatherizes your home to lower utility bills by upgrading insulation, caulking and installing storm windows or doors, and repairing or replacing heating systems. [34]

(E) ELECTRIC PARTNERSHIP PLAN (EPP), which improves the electric efficiency of low-income households who participate in or are eligible for PIPP Plus. The program performs in-home audits and installs appropriate electric energy efficiency measures. EPP also provides customers with information on how they can reduce the amount of electricity they use and improve their home's efficiency. [35]

All of the energy assistance programs listed above have been consolidated into the Energy Assistance Programs, which is administered by the Ohio Development Services Agency (ODSA). Customers may apply for these programs by calling ODSA 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 an Energy Assistance Programs application. To locate a local community action agency or to be mailed an Energy Assistance Programs application contact the Ohio Consumers' Counsel (OCC) at 1-877-PICKOCC (1-877-742-5622). For more information, visit OCC's website at <http://www.occ.ohio.gov/> or ODSA's website at https://development.ohio.gov/is/is_energyassist.htm.

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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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Endnotes:

- [1] [O.A.C. §4901:1-18-03\(H\)](#) (reasons for disconnecting service-nonpayment)
- [2] [O.A.C. §4901:1-18-03\(A\) & \(D\)](#) (reasons for disconnecting service-harm or detrimental use)
- [3] [O.A.C. §4901:1-18-03\(E\)\(3\)](#) (reasons for disconnecting service)
- [4] [O.R.C. §4933.12\(C\)](#) (reasons for shutoff-stealing of equipment)
- [5] [O.A.C. §4901:1-18-03\(B\), \(D\), & \(F\)](#) (reasons for shutoff-dangerous, government order, or repair)
- [6] [O.A.C. § 4901:1-18-15](#) (general percentage of income payment plan provisions)
- [7] [O.A.C. §4901:1-18-06\(C\)](#) (medical certification)
- [8] [O.R.C. §4933:12\(D\)](#) (gas shutoff-exceptions)
- [9] [O.R.C. §4933:121\(C\)](#) (electric shutoff-exceptions)
- [10] [O.R.C. §4933:12\(F\)](#) (active duty exception-gas)
- [11] [O.R.C. §4993:121\(E\)](#) (active duty exception-electric)
- [12] [O.A.C. §4901:1-18-05](#) (extended payment plans and responsibilities)
- [13] [O.A.C. §4901:1-18-06\(A\)\(1\)](#) (disconnection procedure for electric/gas/natural gas utilities)
- [14] [O.A.C. §4901:1-18-06\(A\)](#) (disconnection procedure for electric/gas/natural gas utilities)
- [15] [O.A.C. §4901:1-18-06\(A\)\(5\)](#) (requirements for disconnection notice)
- [16] [O.A.C. §4901:1-18-03\(F\)](#) (reasons for disconnecting utility services; repairs more than four hours)
- [17] <http://www.occ.ohio.gov/> (Ohio Consumers' Counsel)

- [18] <http://www.puco.ohio.gov/puco/> (Public Utilities Commission of Ohio)
- [19] [O.A.C. §4901:1-18-06\(C\)](#) (medical certification)
- [20] [O.A.C. §4901:1-18-05\(B\)\(1\)-\(2\)](#) (extended payment plans and responsibilities-1/6 & 1/9 plan)
- [21] [O.A.C. §4901:1-18-05\(B\)\(3\)](#) (extended payment plans and responsibilities)
- [22] [O.A.C. §4901:1-18-06\(A\)\(1\)](#) (disconnection procedure for utilities-timing)
- [23] [O.A.C. §4901:1-18-06\(A\)\(2\)](#) (disconnection procedure for utilities-personal notice)
- [24] [O.A.C. §4901:1-18-06\(A\)\(4\)](#) (disconnection procedure for utilities-acceptance of payment)
- [25] [O.A.C. §4901:1-18-08\(A\)](#) (landlord-tenant provisions)
- [26] [O.A.C. §4901:1-18-08\(A\)](#) (landlord-tenant provisions)
- [27] [O.A.C. §4901:1-18-08\(E\)\(1\)](#) (landlord-tenant provisions; master-metered premises)
- [28] [O.A.C. §4901:1-18-08\(E\)\(2\)](#) (landlord-tenant provisions; master-metered premises)
- [29] [O.A.C. §4901:1-18-08\(E\)\(3\)](#) (landlord-tenant provisions; master-metered premises)
- [30] <http://liheap.ncat.org/profiles/povertytables/FY2016/popstate.htm> (Liheap poverty level guidelines)
- [31] [O.A.C. § 4901:1-18-12](#) through [4901:1-18-17](#) (PIPP Plus statutory guidelines)
https://development.ohio.gov/is/is_pipp.htm
- [32] [O.R.C. § 5117.01 et seq.](#) (Energy Credit Program)
https://development.ohio.gov/is/is_energyassist.htm
https://development.ohio.gov/is/is_heapwinter.htm
https://development.ohio.gov/is/is_heapsummer.htm
- [33] [O.R.C. § 5117.01 et seq.](#) (Energy Credit Program)
www.pickocc.org
<http://www.liheap.ncat.org/Utility/OH/duke.htm>
- [34] [O.R.C. §4928.55](#) (Energy Efficiency and Weatherization Program)
https://development.ohio.gov/is/is_hwap.htm
- [35] [O.R.C. §4928.55](#) (Energy Efficiency and Weatherization Program)
https://development.ohio.gov/is/is_epp.htm