

---

# NEADA - Model Utility Shut Off Rules



National  
Consumer Law  
Center

*Fighting Together  
for Economic Justice*

Charlie Harak, Senior Attorney

[charak@nclc.org](mailto:charak@nclc.org)

September 17, 2024

# Overview of Presentation

- 1. L-I households struggle to pay bills
- 2. What types of protections against termination are there?
- 3. Focus on extreme weather protections
  - A. The planet is getting hotter
  - B. Low-income, elderly, minorities, outdoor workers at greater risk.
  - C. Some models for being pro-active.

# Energy (Un)Affordability Crisis: A Glance

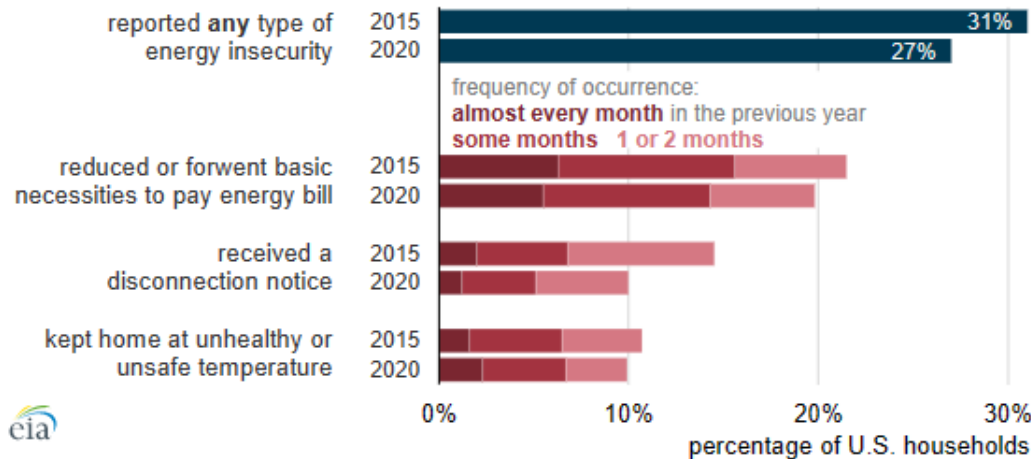
APRIL 11, 2022

In 2020, 27% of U.S. households had difficulty meeting their energy needs

**More than a quarter of households struggle to meet their energy needs.**

Source: [U.S. Energy Information Administration](#)

U.S. household energy insecurity measures (2015 and 2020)



Source: U.S. Energy Information Administration, *Residential Energy Consumption Survey (RECS)*

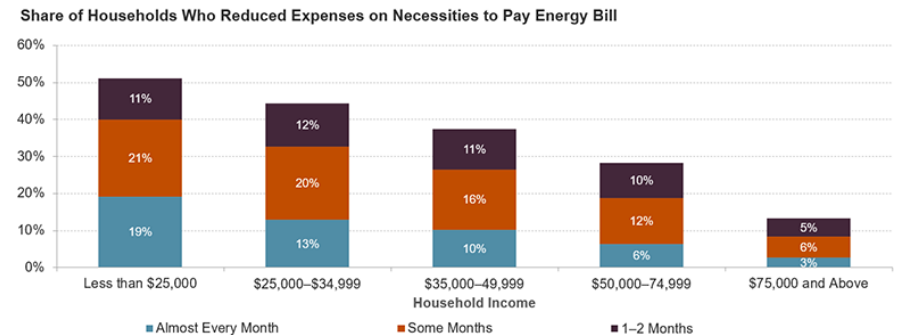
# Energy (Un)Affordability Crisis: A Glance

**The energy affordability crisis impacts low-income families disproportionately.**

The average low-income household spends around 14% of their annual income on energy bills, compared to 3% for higher income households.

Source: [Weatherization Assistance Program \(U.S. Department of Energy\)](#)

FIGURE 1. LOWER-INCOME HOUSEHOLDS STRUGGLED TO PAY ENERGY BILLS AT THE BEGINNING OF 2022



Note: Households reduced expenses on basic household necessities such as medicine or food to pay their energy bill at least once in the year prior to survey. Source: JCHS tabulations of US Census Bureau, Household Pulse Survey, Q1 2022.

Source: [Joint Center for Housing Studies of Harvard University](#)

# The most common protections

- Serious illness: Almost every state. BUT: time limited; must prove “life-threatening”; may have to make payments; proof barriers. May be hard to get in ADVANCE of heat emergency.
- Infant/young child.
- Elderly.
- Seasonal: winter more common (&calendar driven); high heat being considered in more states.

# Our Warming Planet

- 2023 hottest on record
- 2023: most acres burned since 2017
- Extreme heat harms more people than hurricanes, floods & tornadoes combined



# ....is getting warmer & wetter

- “At least 8 dead as heaviest rain in decades hits parts of Europe” [CNN 9/15]
- “Severe flooding across Africa has hit 4 million people, displacing at least 500,000 people and destroying 300,000 homes”

# Climate Change & Extreme Weather: A Glance

**Extreme weather conditions and events stemming from climate change disparately impact low-income communities, which are disproportionately people of color.**

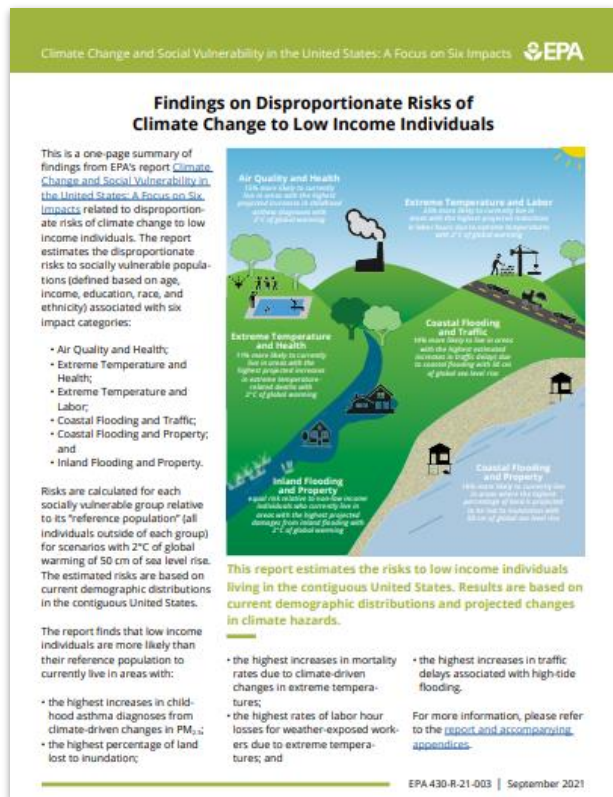
According [the EPA](#):

- Black individuals are projected to face higher impacts of climate change, compared to all other demographic groups.
- Hispanics and Latinos have high participation in weather-exposed industries, such as construction and agriculture.

These groups have fewer financial and material resources to handle the consequences of extreme weather events due to climate change.



# Climate Change & Extreme Weather: A Glance



The [EPA's report](#) examines six types of impacts, including those to health from changes in air quality and extreme temperature, disruptions to weather-exposed workers, and flooding threats to property.

Low-income families are disproportionately affected in all examined impact categories.

# Models to protect customers

- Arizona: regulated utilities must choose either to ban shut offs 6/1 to 10/15, or when forecast temp is 95 or higher.
- Maricopa Co. reported 645 heat related deaths (2023), up 52% from 2022.
- This year, ME passed a law requiring PUC to pass rules banning shut offs during “extreme weather or temperature conditions, including extreme heat or humidity.”

# Heat pumps as a solution

- Heat pumps help reduce GHG and often provide A/C where there was none before. IRA provides rebates; your state may also provide assistance. [E.g., MA = free].



# State housing code as solution

- Many states specify MINIMUM indoor temperature during winter
- States could set MAXIMUM indoor temp during warm months, perhaps applying 1<sup>st</sup> to new construction/substantial rehab
- Heat may cause more deaths than cold, but hard to track and under-reported

# NCLC's July Extreme Heat Report

- Create calendar-based utility shut-off moratoriums;
- Ensure affordable utility rates by implementing percentage of income payment programs and income-tiered discounts;
- Require utilities to file monthly data on utility disconnections and energy poverty;
- Increase funding for the Low Income Home Energy Assistance Program (LIHEAP) and weatherization programs.
- <https://www.nclc.org/resources/protecting-access-to-essential-utility-service/>

# The MAPC approach

- State-level “extreme heat action taskforce”
- Workplace protections
- Update sanitary code (max. temp. rule)
- School protections
- Increase muni planning capacity
- Cool roofs/shade trees
- Work with utilities



Since 1969, the nonprofit **National Consumer Law Center®** (**NCLC®**) has worked for consumer justice and economic security for low-income and other disadvantaged people in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. **[www.nclc.org](http://www.nclc.org)**