



NEW YORK
STATE OF
OPPORTUNITY.

**Low-Income
Forum on Energy**

**Welcome to the LIFE Webinar Series.
We will be starting soon.**



Low-Income Forum on Energy

The Low-Income Forum on Energy Presents:

Addressing the Unique Utility Needs of Victims of Domestic Violence

Elizabeth Marx, Pennsylvania Utility Law Project (PULP)

March 20, 2019
1:30 p.m. – 2:30 p.m. ET



Low-Income Forum on Energy

Working to help low-income New Yorkers address energy issues.

LIFE, the Low-Income Forum on Energy, is a unique statewide dialogue that brings together organizations and individuals committed to addressing the challenges and opportunities facing low-income New Yorkers as they seek safe, affordable and reliable energy.

Supported by the New York State Public Service Commission and the New York State Energy Research and Development Authority (NYSERDA), the LIFE dialogue encourages an interactive exchange of information and collaboration among the programs and resources that assist low-income energy consumers.



Low-Income Forum on Energy

→ Monthly webinars

- **Community Energy Engagement Program – NYSERDA's Community Outreach Initiative**
Wednesday, June 19, 2019, 1:30 - 2:30 p.m. ET

→ Monthly email newsletter

Sign up at nyscrda.ny.gov/LIFE – “Join the email list.”

→ Social media

LinkedIn: Low-Income Forum on Energy

Twitter: @LIFEnys



Low-Income Forum on Energy

LIFE 2019 Regional Meetings

May 9 – Hudson Valley – Poughkeepsie

May 14 – North Country – Lake Placid

May 16 – Capital Region – Malta

May 22 – Western NY – Rochester

May 23 – Southern Tier – Corning

June 13 – Long Island – Woodbury

June 14 – New York City – Manhattan

<http://events.lifenys.org>



Low-Income Forum on Energy

Find more information on the website

nyserderda.ny.gov/LIFE

Join the mailing list

nyserderda.ny.gov/LIFE – “Join the email list.”

Newsletter suggestions, webinar ideas, event announcements

LIFE@nyserderda.ny.gov

Contact LIFE

Phone: 866-697-3732 – Request “Low-Income Forum on Energy”

Email: LIFE@nyserderda.ny.gov

Asking Questions During Today's Webinar

The screenshot displays a Cisco Webex Events window. The main content area shows a slide with the following text:

NEW YORK STATE OF OPPORTUNITY. | **Low-Income Forum on Energy**

Welcome to the LIFE Webinar Series.
We will be starting soon.

An orange arrow points from the slide to the Q&A sidebar on the right. The sidebar is titled "Participants (1)" and lists "Panelist: 1" and "Attendee: 0 (0 displayed)". Below this, there is a "Q&A" section with a small downward arrow to its left, which is circled in red. Below the Q&A section, there is a text input field with the placeholder text "Select a question, and then type your answer here. There is a 256-character limit." and two buttons: "Send" and "Send Privately...".

Click on the small arrow to the left of “Q&A” to open the text field. Type your question into the text field and click “send.”

Technical Difficulties or Contacting the Host

The screenshot displays the Cisco Webex Events interface. At the top, there is a menu with options: File, Edit, Share, View, Communicate, Participant, Event, and Help. The main content area features the logo for 'NEW YORK STATE OF OPPORTUNITY.' and the title 'Low-Income Forum on Energy'. Below the logo, it says 'Welcome to the LIFE Webinar Series. We will be starting soon.' The bottom control bar contains several icons: a microphone, a video camera, a screen share icon, a refresh icon, a chat icon (circled in red with a red arrow labeled '1'), a more options icon, and a close icon. On the right side, a 'Participants (1)' panel is visible, showing 'Panelist: 1' and 'Attendee: 0 (0 displayed)'. Below this, a 'Chat' panel is also visible, circled in red with a red arrow labeled '2'. The chat panel includes a text input field and 'Send' and 'Send Privately...' buttons.

1. Click on the “Chat” icon on the bottom menu to activate the chat function.
2. The chat function will appear in the middle right portion of your screen.

Addressing the Unique Utility Needs of Victims of Domestic Violence

LIFE Webinar Series

Wednesday, March 20, 2019 – 1:30 - 2:30 pm

Elizabeth Marx, Supervising Attorney, PULP





Mission:

To assist Pennsylvania's low income residential utility and energy consumers connect to and maintain affordable utility and energy services in their home.

- Representation
- Education / Training
- Technical Assistance
- Advocacy

***Not affiliated with the New York Public Utility Law Project**

Agenda

- **Domestic Violence 101**
- **PULP Domestic Violence Utility Initiative**
- **Pennsylvania: A Case Study**
- **Recommendations for New York**

On a piece of
paper, answer
these
questions...

- Who are the three most important people in your life?
 - **not your children or significant other
- How do you earn a living?
- Where do you get your source of news/information?
- What accomplishment are you most proud of?
- What is your religion/spirituality?
- What is your favorite pastime?
- Do you have kids or pets? What are their names?



Domestic Violence 101

Intimate partner violence affects more than **12 million people** in the United States each year.

The National Domestic Violence Hotline, <https://www.thehotline.org/resources/statistics/>

1 in 4 women (24.3%) and 1 in 7 men (13.8%) in the United States have been the victim of severe physical violence by an intimate partner in their lifetime.

CDC, National Intimate Partner and Sexual Violence Survey,
<https://www.cdc.gov/violenceprevention/communicationresources/infographics/infographic.html>.

**In 2017 in New York, 26,161 reported assaults
were committed by an intimate partner.
Women were the victim in 80% of those assaults.**

NYS, Office for the Prevention of Domestic Violence, New York State Domestic Violence Dashboard 2017,
<https://www.opdv.ny.gov/statistics/nydata/2017/2017-dv-dashboard.pdf> .

**NY State 24-HOUR DOMESTIC VIOLENCE HOTLINE:
800-942-6906 / 711 for people who are deaf or hard of hearing**

**NY City 24-HOUR DOMESTIC VIOLENCE HOTLINE:
800-621-HOPE (4673) / 311 / TDD 800-810-7444**

What is Domestic Violence?

Department of Justice

Office of Violence Against Women:

A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain **power and control** over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.

Power and Control

Domestic Violence
Intervention Project,
<http://www.theduluthmodel.org/training/wheels.html>



Economic Abuse

- **Finances / Credit**
 - Opening / Abusing Credit
 - Bouncing Checks
 - Forging Checks / Financial Documents
 - Denying Access to Finances / Credit
 - Accumulating Debt / Filing Bankruptcy
- **Employment & Workplace**
 - Stalking / Abuse at Workplace
 - Sabotaging Performance / Reputation
 - Causing Tardiness / Repeated Absences / Leave Early
- **Child Support**
 - Refusing to Pay Support / Work Reduced Hours / Not Reporting Income
 - Denying Paternity
 - Not Providing Available Insurance / Health Care
- **Housing**
 - Repeated Police Visits / Eviction
 - Interference with Lease / Public Housing Agreements
- **Public Assistance**
 - Causing Infractions / Threatening to Report
 - Stealing Checks
 - Causing Sanctions
- **Legal Issues**
 - Abuse of Process

- Who are the three most important people in your life?
 - **not your children or significant other
- How do you earn a living?
- Where do you get your source of news/information?
- What accomplishment are you most proud of?
- What is your religion/spirituality?
- What is your favorite pastime?
- Do you have kids or pets? What are their names?

Why do they stay?

The risk of lethality or serious physical injury **increases** when a victim tries to leave.

National Resource Center on Domestic Violence, Intimate Partner Homicide Prevention,
<https://vawnet.org/sc/intimate-partner-homicide-prevention>

What does it take to establish safety?

What utility-related barriers does a victim face when separating from an abuser?



PULP's Domestic Violence Utility Initiative

PULP Domestic Violence Utility Initiative

Project Goal:

Partner with local domestic violence service providers to help survivors of domestic violence secure affordable, reliable utility service.

- **Objective 1:** Direct Service for Survivors in Transition
- **Objective 2:** Capacity Building at Local Domestic Violence Programs
- **Objective 3:** Survivor Training
- **Objective 4:** Improved Implementation of Legal Protections

PULP Domestic Violence Utility Initiative

Project Outcomes:

- Assisted over **950** individuals across 10 counties.
- Helped over **180** households to prevent termination or to reconnect after a termination.
- Generated over **\$150,000** in direct financial benefits for survivors.
 - Helped secure grant assistance
 - Secured fee waiver (security deposits / reconnection fees / late fees)
 - Connected survivors with available assistance programs
 - Leveraged utility regulations to remove debts from survivors' bills
- Reformed internal policies and business practices at local utilities through rate case litigation, including:
 - Adopted explicit domestic violence policies / regular internal CSR training
 - Increased funding for low income assistance programming by over \$500,000
 - Removed low income assistance program eligibility barriers
 - Implemented competitive market protections for those enrolled in assistance programs



DV Utility Protections in PA

A Case Study



Legal Authority - Pennsylvania

- **Pennsylvania Statutes, Title 66, Chapter 14**
 - Responsible Utility Customer Protection Act
 - 66 Pa. C.S. §§ 1401-1419
 - 66 Pa. C.S. § 1417:
 - “This chapter shall not apply to victims under a protection from abuse order ... or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence against the applicant or customer.”
- **Pennsylvania Code, Title 52, Chapter 56**
 - Subchapters A-K: General Regulations
 - *Amended to include regulated water / wastewater*
 - Subchapters L-V: Victims of DV with PFA
 - *Amended to include court order with clear evidence of domestic violence.*
- **PUC Order Amending Current Regulations:**
 - PUC Final Implementation Order, [Docket No. M-2014-2448824](#)
- **Pending Rulemaking**

Key Utility Protections in Pennsylvania

- **Security Deposit Waiver**
 - See 52 Pa. Code 56.282(3), 66 Pa. C.S. 1404(a.1)
- **No Liability for Debt Accrued in Someone Else's Name**
 - See 52 Pa. Code 56.285
- **Additional / More Flexible Payment Arrangements**
 - See 52 Pa. Code 56.285
- **Third-Party Notification**
- **Password Protection**
- **Relief Through Protection From Abuse Order (Restraining Order)**
 - Out of Pocket Losses
 - "Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including ... relocation and moving expenses, ... loss of earnings or support, ... and other out-of-pocket losses for injuries sustained." 23 Pa. C.S. 6108(8)
 - Other Relief
 - "Granting any other appropriate relief sought by the plaintiff." 23 Pa. C.S. 6108(10)

Challenges with Pennsylvania's DV Utility Provisions

Legal Insufficiencies:

- Narrow Definition of Domestic Violence
- Little Protection for Survivors Without Current Service

Practical Issues:

- Implementation
- Access
- Knowledge



Recommendations for NY Advocates

Recommendations

- **Leverage Current Utility Rules / Regulations**
 - **Carefully Examine Liability for Current/Prior Arrears**
 - **Was the victim named as a customer on the account in arrears?**
 - See 16 NYCCR 11.3(a)(2)– Applications for Residential Service
 - **How old are the arrearages?**
 - Statute of Limitations May Limit Ability to Collect Old Debts
 - **How long has it been since the missed payments?**
 - 16 NYCCR 11.4 – Termination or Disconnection of Residential Service
 - **Seek Affordable Payment Arrangement if Victim is Liable for Arrears**
 - **Is the payment arrangement truly affordable?**
 - 16 NYCCR 11.10(a)(1)(i) – arrangements must be “fair and equitable considering the customer’s financial circumstances.”
 - 16 NYCCR 11.10(a)(1)(iii) – arrangements must be for “as low as \$10 per month and no down payment.”
 - **Has the victim had a prior payment arrangement?**
 - 16 NYCCR 11.10(a)(5) – “A utility must renegotiate and amend a payment agreement if the customer or applicant demonstrates that his or her financial circumstances have changed significantly because of conditions beyond his or her control.”
- **Ask Utility to Waive Fees / Security Deposits**
- **Encourage Survivors to Apply Password to Account**
- **Connect Survivors with All Available Assistance Programs**

Recommendations

- **Partner with Domestic Violence Programs**
 - Offer Cross-Training / Cross-Referrals
 - Develop Targeted Utility Resources for Survivors and Advocates
 - Promote Assistance Programs
 - Invite to Join Advisory Committees
 - Create a Round-Table / Task Force
 - Identify Whether Protection Order May Include Utility Relief
 - Establish a DV-Specific Fuel Fund
- **Establish a “Point of Contact” at Utility to Help Resolve Issues**

Recommendations

- **Adopt Domestic Violence Exclusion**
 - Consider self-certification or certification by professionals (such as counselors/advocates/police/judges/etc) to prevent exclusion of high-risk cases
 - Possible Applications:
 - Relief from Occupant / Joint Liability
 - Flexible / Additional Payment Arrangements
 - Categorical Enrollment for Customer Assistance Programs
 - Reform Policies for Customer Assistance Programs
 - Exclude child support income
 - Waive requirement to provide documentation of abuser's income
 - Accept applicants for service in addition to current customers
 - Waive any recent payment requirements
 - Adopt arrearage forgiveness component
 - Prioritize victims for any limited grant assistance programs
 - Accept applicants with "zero income"
 - Reconnection / Late Fee Waivers
 - Reduce / Eliminate Up-Front Payment to Establish Service
- **Require Utilities to Participate in Address Confidentiality Program**
- **Implement Password Protections**
- **Adopt a Third Party Notification Option**

New York Resources

NY State 24-Hour Domestic Violence Hotline

- **1-800-942-6906** (multi-language accessibility)
- **711** for people who are deaf or hard of hearing

NY City 24-Hour Domestic Violence Hotline

- **1-800-621-HOPE** (4673)
- **311** for people who are deaf or hard of hearing
- TDD: **1-800-810-7444**

NYS Coalition Against Domestic Violence

- www.nyscadv.org

NYS Office for the Prevention of DV

- <https://www.opdv.ny.gov/>

New York Public Utility Law Project

- <http://utilityproject.org/>

NYC Office to Combat Domestic & Gender-Based Violence

- <https://www1.nyc.gov/site/ocdv/index.page>

NYS Office of Children and Family Services

- <https://ocfs.ny.gov/main/dv/>



Questions?

Thank you!!

Contact Information –
emarxpulp@palegalaid.net
717-710-3825 (direct)



Low-Income Forum on Energy

LIFE 2017 Regional Meetings

May 1 - New York City - Long Island City, Queens NY

May 2 - Long Island - Melville NY

May 10 - Western New York - Buffalo NY

May 11 - Southern Tier - Corning NY

May 16 - North Country - Watertown NY

May 17 - Hudson Valley - Poughkeepsie NY

May 23 - Capital District - Saratoga Springs NY

<http://events.lifenys.org>



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