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Tenants' rights guide: When a landlord doesn't pay utility bills

by [Nick Vadala](#), Posted: October 7, 2020



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 *This article is part of a series we're writing about tenants' rights in Philadelphia. Got a question? Ask us using the form at the bottom of this article.*

If you've been renting a home or apartment for any amount of time, you know that it's not uncommon for your landlord to have some utility bills in their name. But what happens if they aren't keeping up with payments?

Usually, that means a possible or impending shutoff. But right now, [Pennsylvania and Philadelphia](#) have [some moratoriums](#) against shutting off utilities due to nonpayment because of the coronavirus. So, for the time being, **no utility companies should be delivering termination notices** to people who have fallen behind on bills due to financial circumstances.

Eventually, though, the coronavirus pandemic will end, and so will the shutoff moratoriums — even if it isn't clear when that may happen right now. And if you're a tenant whose landlord hasn't been able to keep up with the bills in their name, that might be a little troubling.

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But remember, as a tenant, you do have some rights. Here is what you need to know:

What utilities is my landlord responsible for?

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As with other tenants rights issues, you should first **read your lease to determine what utilities your landlord is responsible for**. Most commonly, if your landlord is responsible for paying a utility bill, it's most likely going to be the water bill, says Robert Ballenger, codirector of [Community Legal Services of Philadelphia](#)'s energy unit.

One reason: Unlike other utilities, if the water bill doesn't get paid, the city can place a lien on the property, so landlords may prefer to keep the bill in their name in case the tenants don't pay.

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Sometimes the landlord keeps the water bill in their name, but the tenant is responsible for paying the cost. That can cause issues for some tenants — especially if you are low-income. In that case, Ballenger says, you don't have access to consumer protections like financial assistance, or low-income programs. And the ability to contest inaccurate water bills are off limits because “your landlord does not permit you to establish a customer relationship” with the water department.

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What if my landlord doesn't pay their utility bill?

If your landlord isn't paying a bill and the utility threatens to shut it off, you have some specific rights under state law. In Philadelphia, the [Utility Service Tenants Rights Act](#) applies to the water bill from the Philadelphia Water Department, while the [Discontinuance of Service to Leased Premises Act](#) applies to bills from Peco and Philadelphia Gas Works. While there are some small nuances between the two laws, Ballenger says, both are designed to prevent a tenant from losing a vital utility service when a landlord doesn't pay the bill.

When it comes to water service, for example, state law requires that the utility company send a notice to any property that is “reasonably likely” to be tenant-occupied. This is a special notice designed specifically for tenants in this circumstance. The notice should arrive 30 days before the proposed shutoff date, and it must contain a few specific pieces of information:



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- The proposed termination date
- How much the bill is for the most recent 30-day period
- How to pay that 30-day bill
- A rundown of your rights under state law

Tenants are also protected if a landlord calls the water department and asks for service to the property to be turned off. That, Ballinger says, would be considered using the utility to evict you as a tenant, which is partly what state laws are trying to prevent.

What if I get a shutoff notice?

Once you receive the 30-day shutoff notice, there are things you can do as a tenant to keep the service on.

First and foremost, you can take over monthly payments going forward, and **you do not need to assume the back bill of your landlord**. State law also says that you can deduct payments you make on the water bill from your rent. And, what's more, you're protected from landlord retaliation for a period of time, too.

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"That's a statutory right," Ballenger says. If your landlord makes any change to your rental agreement or tries to evict you within six months, it's considered retaliation.

You may also be able to apply to have future bills issued in your name. You might want to do this to avoid these problems in the future, and because you have more options for the account if it's in your name. But changing the name may be complicated, depending on the situation, and your landlord could fight the change, Ballenger says.

If you do need to contact the utility either to take over payments or to request that the account be put in your name, you will need to demonstrate that you are a tenant, Ballenger says. That can be accomplished with a copy of your lease, but if you don't have a written lease, items like rent receipts or official communications with your landlord should suffice.

What if I didn't receive a shutoff notice?

If you didn't receive a 30-day shutoff notice, you can still pay the water bill and deduct the costs from your rent to get the service turned back on. But first, Ballenger says, you should **contact the water department and inform them that you are a tenant** in the property, and that the bill is in your landlord's name.

"That should trigger the process of getting the tenant's service restored, and getting the tenant in a position to make those ongoing payments to maintain service," he says.

After you contact the utility, your service should be restored, and you should be sent the 30-day notice.

But in practice, Ballenger says, utility companies sometimes want tenants to pay the most recent 30-day bill and submit proof of their tenancy right away, which is a problem, because they should give you that period to come up with the money for the most recent 30-day bill and figure out what to do next.

"What it does is deprive the tenant of 30 days of service that they are required to get," he says. "The tenant needs to have that period of time to think through their options."

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If the utility won't give you notice, [PhillyTenant.org](https://www.phillytenant.org) suggests contacting the [Water Revenue Bureau](https://www.waterrevenuebureau.org) at 215-685-6300 and asking for an informal hearing request form (or, if it's Peco or PGW, you can file an informal complaint with the [Pennsylvania Public Utility Commission](https://www.puc.pa.gov) at 800-692-7380).

If you need legal advice in the event that your landlord isn't paying bills for which they are responsible, Ballenger suggests reaching out for help. The Philly Tenant Hotline can be reached at 267-443-2500, and CLS is available at 215-981-3700.



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Nick Vadala | [@njvadala](#) | nvadala@inquirer.com

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