

Protection Against Utility, Phone Shut-Offs

Q: Do the elderly or ill have protections against utility shut-offs?

A: Yes. Households in Massachusetts in which all adult members are age 65 or older---whether there is a financial hardship or not---are protected against utility and phone shut-offs. "Utility" means your gas or electric service to your home, or your landline telephone. Cell phones are not protected from shut off, and heating oil is not covered by utility law. Most oil companies require you pay at delivery. Be sure to ask all these fuel companies if they offer a "senior citizen discount"

Every year from November 15 to March 15, gas and electric companies cannot shut off your service because you are unable to pay. This moratorium does not apply if service was shut off for non-payment before November 15.

When all adult members of the household are age 65 or older, your utility company cannot terminate service without first applying for written authorization from the Department of Public Utilities (DPU) and giving written notice to the Executive Office of Elder Affairs, and to everyone in your household. Make sure that everyone 65 or older in your household has given your utility companies written information about their age. The law also protects grandparent-headed households: as long as the only people under age-65 living in the household are minors (under age-18).

The DPU is unlikely to approve a shut-off, especially if you are trying to make a good faith repayment effort. But if you own your home, a utility might try to put a "lien" or "attachment" on your home, to collect what is owed when you home is sold. Interest on the bills will be charged.

If all the members of your household are not 65 or older, you have another option: to submit that someone in the household has been diagnosed as having a "serious" or "chronic" condition. Your illness or condition has to be verified by the diagnosis of a medical doctor, nurse practitioner, or physician's assistant. The words "serious" and "chronic" are not defined in state law, so utility companies will usually go along with a doctor's diagnosis. Attention Deficit Disorder, PTSD, asthma, anxiety or depression

are examples of a serious illness or condition. All your doctor has to say is "you have a serious illness or chronic condition." Your serious or chronic illness does not have to require uninterrupted utility service. If a shut-off threat is on very short notice, your utility company has to accept a phone call from a doctor---but a follow up written letter will be needed within 7 days of the call. The utility has to keep service on for 3 months once learn that a customer is "seriously ill." If your illness is "chronic," you can get six months protection. Ask your doctor's office to fax their letter directly to the utility company, and to give you a receipt, because you may need proof to show your utility months later.

For phone land lines, the same "over 65" protections apply, as well as the "serious" illness protections. For phone service, only a doctor or clinician in a doctor's office can certify illnesses. The same phone call from a doctor rule applies if a shut-off is imminent, with a follow up written illness letter within 7 days. A doctor's letter can be renewed two times, totaling 90-days protection.

The phone company won't shut-off service if the customer asks for "personal emergency protection," demonstrates that he or she cannot pay the bill, and that phone service is necessary to protect the health or safety of a member of the household. An elder with an emergency alert button around his or her neck, for example, could ask for personal emergency protection. If the phone company denies the protection, the customer can appeal to the Department of Telecommunications and Energy (DTE). Ask your gas, electric or phone company to send you an elderly household protection form, or a serious illness/chronic condition, or personal emergency protection form.

Even with these shut-off protections, you are still responsible for paying off your bill, and you will be charged interest for late payments.

If you are facing a utility shut-off, contact the Attorney General's Consumer Hotline at (617) 727-8400. To read more on your shut off rights, go to: <http://www.masslegalhelp.org/special-protections-against-shut-offs>

