

indicating that either all the rented units are empty or that all the tenants have agreed, in writing, to have the service shut-off. If this is not possible, then the must give the utility company the names and addresses of the tenants who will be affected; the utility company is required to then notify each tenant in writing of the landlord's request that service be shut-off.

The utility is also required to post a similar notice in a common area of the building or mobile home park, if the property is a mobile home park.

The tenants have the right to apply to have the services continued. The utility company must reconnect the service or stop a shut-off if the tenants pay an amount equal to the last 30-day usage. The tenants will then be billed for each additional 30 days of service.

Any tenants paying for the utility's service this way are entitled to withhold the amount paid from the rent owed to the landlord.

TO APPLY FOR LEGAL HELP:

1-800-326-9177
or
apply.midpenn.org

For more information about MidPenn Legal Services go to:

www.midpenn.org



This pamphlet contains general legal information and not specific legal advice. Although the information is believed to accurate at the time of preparation, individual situations may require individual analysis, such that it may be advisable to consult with a lawyer. June 2011



Mid Penn
LEGAL SERVICES

Landlord's Interference With A Tenant's Right To Utility Service



ABOUT US

MidPenn Legal Services is a non-profit, public interest law firm that provides high quality free civil legal services to low-income residents and survivors of domestic violence and sexual assault in 18 counties in Central Pennsylvania: Adams, Bedford, Berks, Blair, Centre, Clearfield, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Perry, Mifflin, Schuylkill & York counties.

Utility Service and the Landlord/Tenant Relationship

A lease agreement can be verbal or written and like any other lease term, it is important for a tenant to know the terms of their lease that relate to utility service.

Who is responsible for paying the gas, electric, and/or water and sewer bills?

What is included in the rent and what is not? Do I need to put the service in my name or will the landlord put it in his name?

The answer to these questions depends on what you and your landlord agree upon or more likely, what the written lease that you signed provides.

Can the utility company shut off my utilities if the bill is in my name and I'm behind in my payments?

Yes, if they follow the proper procedures which include notifying you in advance and giving you an opportunity to pay what you owe or enter into a payment agreement.

For details on avoiding termination of your utility service by a utility company, see the MidPenn Fact Sheet entitled Utility Termination Issues.

Can a landlord shut off my utilities if I'm behind in rent?

If you are responsible for some or all of your utilities, then you have your own "contract" for service with the gas company or electric company or the water/sewer service provider and

your landlord may not legally interfere with your utility service, even if you are behind in your rent. Even when the water and sewer, gas or electric is included in your rent payments, a landlord can not legally shut off your utility service. This may be considered an illegal attempt to evict you without going through the proper legal procedures and if this happens or is threatened you should consult a lawyer.

What can I do if the utility company threatens to cut off my service at my landlord's request or because my landlord hasn't paid the bill which is his responsibility under my lease?

The Utility Service Tenants' Rights and the Discontinuance of Services to Leased Premises Acts are intended to prevent loss of utility services and undue hardship to tenants when the service is stopped by request of a landlord or because a landlord has not paid utility bills. They apply where the landlord is the one responsible for the payment of the utility bills.

Municipally owned, rural electric and regulated public utilities are each covered by one of these laws. The utility company is required to notify the tenants and the landlord in advance of a shut-off resulting because the landlord has not paid the bill.

The tenants are to be provided at least 30 days written notice of the planned shut-off. The utility must also notify any local agencies that might help the tenants if there is a shut-off.

If a landlord asks a utility company to shut-off service to rental housing, he or she must give a written statement to the utility