



Utility Shutoffs and Late Fees for Nonpayment COVID-19 Procedures – Summary for Cities and Towns

Summary of Directives

On March 30, 2020, Governor Bullock issued a Directive prohibiting utility service disconnections and charging late fees on any bills that became due after the date of the Directive. In the phased reopening Directive issued on April 22, 2020, the original Directive was modified as follows:

“The March 30 and April 13 Directives providing measures to limit foreclosures, evictions, and disconnections from service and all of their terms are extended through May 24, unless modified by subsequent Directive, except as follows:

- For individuals who are members of a vulnerable population and who, pursuant to this Directive, remain sheltered at home, the protections of the March 30 and April 13 Directives will expire 30 days after the individual ceases to shelter at home or at the end of the emergency, whichever is sooner.”

The Directive defined “vulnerable individuals” as “people over 65 years of age, people with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, or asthma, and people whose immune system is compromised such as by chemotherapy for cancer or other conditions requiring such therapy.”

On May 19, 2020, the Governor issued a Directive to move to Phase Two of the reopening beginning June 1. As part of the Phase Two Directive, the Governor clarified that the utility disconnect Directive would expire after May 24th with the exception noted above. However, Governor added that vulnerable individuals who remain sheltered at home must also have “suffered a significant financial hardship as a result of the outbreak” to benefit from the protection from utility shutoff and suspension of late fees, and that residents must have adequate notice of the opportunity to be protected from shutoff as set forth above.

Proceeding with Late Fees and Utility Shutoffs

For the typical resident and utility service customer, beginning May 25, the cities and towns may resume charging late fees and proceed to disconnect nonpaying customers from service following the normal procedures. Cities and towns must revise their utility disconnect notice to let vulnerable individuals know that they have the opportunity to seek protection from shutoff.

Cities and towns should create a simple form or online submission that customers can fill out if they wish to claim this exemption. Have the form provide confirmation that the customer: 1) is a “vulnerable individual,” providing the definition set forth by the Governor but not requiring them to disclose how they meet it; 2) has suffered a significant financial hardship as a result of the outbreak; 3) is sheltered in place during the COVID-19 emergency due to the Governor’s orders; and 4) understands they must and will inform the city if they are no longer sheltering at home. The form should inform customers that if and when the emergency is lifted, then the city will move forward with the normal disconnection process.

Once a customer submits the form, then the city or town can track those individuals that are protected from shutoff and late fees. The city or town may not begin to charge late fees and/or proceed to disconnect service to that person until 30 days after they cease to shelter at home or until the end of the emergency, whichever is sooner.