Suggested Provisions of a Waiver of Executive Order Nos. 124 and 142

Section 1 - Utility Shutoff Requirements

a) Shutoffs - 21 days prior to shutting off utility service to any customer for nonpayment for any arrearage or nonpayment of service, notice must be provided, in writing and delivered by first class mail to the customer, that failure to make the account current within 21 days shall result in termination of service. The notice must be written in English and in Spanish and identify a date certain following the 21st day that utility service will be discontinued. The notice must include the amount of any arrearage including applicable and legally permissible late fees. The notice must also include the circumstances under which a customer may claim an exemption from termination as provided in Section 2 below, and a self-addressed and stamped card upon which a customer may indicate under oath any exemption qualification for which the customer is qualified under Section 2.

b) Absent meeting one of the exemption requirements listed below in Section 2 the utility provider may discontinue service following the 21st day as notified, in compliance with the repayment and other terms of any applicable Executive Order.

c) Exemption Notification - A customer may provide a self-verified notice under oath notice to the utility of qualifying for an exemption from termination by 1) completing and mailing the card referenced in Section 1a) above, 2) by communicating by telephone or email that the customer meets one or more exemption criteria 3) by visiting the utility office in person and giving verbal or written notice of the exemption.

Section 2 - Utility Shutoff Exemptions

A customer that claims one or more of the following exemptions may not be disconnected for a period of 90 days from the date of the claimed exemption and may not be charged any late fees for any period of any applicable Executive Order or for any period that a shutoff exemption applies. Following the 90th day the utility may again give notice of termination and follow the termination procedure as provided in Section 1 provided that any customer no longer eligible for a Utility Shutoff Exemption must be given the repayment plan as described in Section 3.

a) The customer, or a family member living with the customer has a health condition (including a COVID-19 diagnosis) or disability that will be adversely impacted by a loss of utility service.

b) The customer’s earnings in any month following March 1, 2020 including any unemployment benefits are 200% FPL or less or 80% AMI or less and/or the customer is not employed and unable to receive unemployment benefits.

c) The customer receives, one or more of the following qualifying federal programs including: Supplemental Security Income (SSI); Low-Income Home Energy Assistance Program (LIHEAP); Crisis Intervention Program (CIP); Food and Nutrition Services (FNS); Medicaid; Federal public housing assistance (Section 8); Supplemental Nutrition Assistance...
Program (SNAP); Temporary Assistance for Needy Families (TANF); Certain needs-tested Veterans benefits (https://www.disasterassistance.gov/get-assistance/forms-of-assistance/4468); Veterans Pension and Survivors Benefit. (https://www.ncdhhs.gov/divisions/social-services/other-programs/lifeline-and-link-programs); Pell Grant Recipients, and any student qualifying for federal work study, the Bureau of Indian Affairs (BIA) Financial Assistance and Social Services (FASS).

**Section 3 – End of the Governor’s Emergency Order Concerning Covid-19 and Repayment Plans**

a) Upon the end of the Governor’s Emergency Order 116 concerning COVID-19 and/or any other emergency order related to Covid-19, any person with a then existing Utility Shutoff Exemption shall be given a mandatory arrearage repayment plan with only the following terms:

1) The utility will establish the entire amount of the customers arrearage.
2) Every month the utility may add an amount no greater than 20 percent of the current bill to charge and apply to the customer’s arrearage until such time as the arrearage is satisfied.
3) Late fees and any other charge, fee, penalty or interest charge or down payment or deposit are waived for any customer qualifying for the repayment plan.
4) During the arrearage repayment period a customer may miss or be late on up to one payment in any 6-month period payments without being disconnected for nonpayment.
5) A customer that complies with the terms of the repayment plan shall be reported to credit agencies as paying as agreed on his or her account.
6) A utility may not sell or otherwise convey an interest in a customer’s account to any third party including a debt buyer as defined under NC law.
7) A utility may not encourage or solicit to a customer a credit card or other form of finance or extension of credit to pay an account other than the repayment plan specified herein.

**Section 4 – Exercising Reasonable Discretion**

Nothing in this rule shall preclude a utility from exercising reasonable discretion in waiving or extending the terms and provisions or times provided herein pertaining to termination of service, particularly when such waiver or extension would result in the prevention of undue hardship in those cases where termination of service would be especially dangerous to health or where the customer or a member of the customer’s household is elderly or handicapped.

**Section 5 - Limitation on General Fund Transfers**

Utilities shall make no transfers from the city’s utility fund into the city’s general fund.

**Section 6 - Reporting Requirements**

No waiver from reporting requirements required under any Executive Order.