

# TENANTS RIGHTS & PROTECTIONS AGAINST UTILITY SHUTOFFS



Tenants in PA are protected by the Utility Service Tenants Rights Act (USTRA) and Discontinuance of Services to Leased Premises Act. This information is current as of March 23rd, 2021.

[This information is not intended as legal advice.](#)

For help with your case, contact your local legal services program or call PULP's Utility Hotline at 844-645-2500.

## LANDLORDS MAY NOT RETALIATE AGAINST TENANTS WHO EXERCISE UTILITY RIGHTS

Tenants whose landlords have failed to pay the utility bill have the right to deduct the amount paid to the utility company from their future rent payments.

If the landlord retaliates by filing for eviction, you have the right to file a countersuit for two months' rent payments or the actual damages sustained (whichever is greater), the costs of suit, and reasonable attorney's fees.

Additionally, the landlord cannot begin an eviction action or raise the rent if the tenant reports a foreign load\*. Foreign load is when you are being charged for any utility costs of other tenants or common areas. Foreign load only applies to Public Utility Commission-regulated utilities.

## DOES YOUR LANDLORD PAY FOR YOUR UTILITIES?

If your landlord is responsible for the gas, electric, or water bill but stopped paying the utility company, the utility company is required to give you a chance to stop service from being turned off.

If your utility bill is in your landlord's name, you may not be terminated for the landlord's failure to pay without sufficient notice – even if you fail to pay rent.

Self-help eviction is illegal! A landlord generally may not ask a utility to turn off service to a tenant's home. If they do ask, the utility must provide the tenant with the right to keep service on.

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## TENANTS HAVE THE RIGHT TO DEDUCT UTILITY PAYMENTS FROM RENT

If a landlord stops paying the utility bill, the company must:

- Notify the landlord at least 37 days before turning off service.
- Notify tenants at least 30 days before turning off service and of their right to receive continued service if the tenant pays an amount equal to the most recent 30-day bill to prevent shut off of utility service.

And, the landlord must give the names and addresses of any affected tenants.

Tenants are not required to pay the past due balance. If the tenant pays the amount equal to the most recent 30-day bill after the termination notice, the utility company must restore service. The tenant may continue to pay the monthly bill and deduct that amount from the rent.

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## WHAT IF MY METER IS GOING TO MY NEIGHBOR'S RESIDENCE OR A COMMON AREA IN MY BUILDING?

*If you suspect the utility meter to your apartment is also powering another residence or unit, or a common space in the building, this is called a "foreign load."\* You have the right to ask the utility company to investigate. If there is a foreign load, the utility will put the bill in the landlord's name until the wiring or plumbing has been corrected.*

\*For example, in a three unit building, there must be meters for each of the apartments and for the common area. The common area is the landlord's responsibility. If the units are not separately metered, the landlord must pay the utility bill and include it as part of the rental price.