



**New Jersey Department of Community Affairs
Division of Codes and Standards
Landlord-Tenant Information Service**



PUBLIC UTILITIES DISCONTINUANCE OF SERVICES
BULLETIN

Updated May 2010

This bulletin provides basic information about a tenant's rights to public utility services during the heating season and how to maintain those services when a landlord is responsible for paying for the services and fails to do so. This bulletin is for informational purposes only and should not be used for legal interpretations or legal advice. Please consult an attorney for legal services and advice when necessary.

DISCONTINUANCE OF SERVICE TO RESIDENTIAL TENANTS

Pursuant to State regulations, N.J.A.C. 14:3-3A.6, electric, gas, water and wastewater public utilities shall make every reasonable attempt to determine when a landlord-tenant relationship exists at premises being serviced. If a landlord-tenant relationship is known to exist, the utility company must give a 15-day written notice to the owner of the premises or to the last person the utility bill was delivered, before discontinuing service. In addition, the utility must provide the tenant with a 15-day written notice, which shall be hand delivered, mailed, or posted in a conspicuous area of the premises and in the common areas of multiple family premises. Each utility must offer the tenant continued service to be billed to the tenant unless such billing is not possible. The continuation of service to a tenant shall not be conditioned on payment by the tenant of any outstanding bills due on the account of any other person.

When a landlord-tenant relationship is known to exist, an electric and/or gas utility, at the landlord's request, shall send written notice to the landlord when a tenant's electric or gas service is being voluntarily or involuntarily discontinued. If the tenant's electric and/or gas service is being voluntarily or involuntarily discontinued the electric and/or gas utility shall place the utility service in the landlord's name, upon request by the landlord. The landlord must complete a form provided by the utility, requesting to be notified of changes in a tenant's electric and/or gas service or to have the utility service placed in the landlord's name.

WINTER TERMINATION PROGRAM FOR ELECTRIC AND GAS

Pursuant to N.J.A.C. 14:3-3A.5, residential customers who can demonstrate a financial hardship or are recipients of one of the public assistance programs listed below may not have their electric or gas services discontinued during the heating season, which runs from November 15 through March 15.

1. Lifeline Credit Program
2. Federal Home Energy Assistance Program (HEAP) (or is eligible for this program)
3. Temporary Assistance for Needy Families (TANF)
4. Federal Supplemental Security Income (SSI)
5. Pharmaceutical Assistance to the Aged and Disabled (PAAD)
6. General Assistance (GA)

7. Recipients of the Universal Service Fund (USF)
8. Persons unable to pay their utility bills because of circumstances beyond their control, such as, unemployment, illness, medically related expenses, recent death of an immediate family member, and any other circumstances, which might cause financial hardship.

Under this program a tenant whose electric and/or gas service has been discontinued for non-payment and that service has not been reconnected as of November 15, may make a down payment, with the utility, not to exceed 25 percent of the outstanding balance, and enroll in a budget payment plan to have the utility service(s) restored.

FILING A COMPLAINT IF A UTILITY DOES NOT GIVE TENANT PROPER NOTICE

The New Jersey Board of Public Utilities (BPU) enforces regulations pertaining to utility companies, including enforcement of the Winter Termination Program. If you would like to file a complaint regarding the discontinuance of utilities to your residents, you should contact the BPU at 2 Gateway Center, Newark, NJ 07102, phone number (201) 648-2350 or 44 South Clinton Avenue, P.O. Box 350, Trenton, N.J. 08625, phone number (609) 777-3300 or call 1 (800) 624-0241.

THE LANDLORD IS RESPONSIBLE FOR PAYING UTILITIES & FAILS TO DO SO

Under the New Jersey Eviction Law, a tenant may **not** be evicted for nonpayment of rent, if the tenant used the unpaid portion of rent to continue utility services to the rental premises after receiving notice that the services were in danger of being discontinued, and if the landlord was responsible for the payment of those utility services and did not make the payments required to retain the use of those services. These utilities include: electric, gas, water and sewer.

If the landlord files an eviction suit for unpaid rent, the tenant should be sure to have all applicable records in court to defend against the landlord's eviction complaint. If the tenant used the unpaid portion of rent to retain utility services, which was the responsibility of the landlord, the money used to pay for the continuance of utility services shall be considered part of the rent payment.