

CHAPTER 185
FORMERLY
HOUSE BILL NO. 177
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 25 AND 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES AND THE DELAWARE UNIFORM COMMON INTEREST OWNERSHIP ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §81-306(b), Title 25 of the Delaware Code as follows:

(b)(1) Subject to the provisions of the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate unless the declaration or this chapter requires that those provisions appear in the declaration.

(2) The bylaws of any condominium or cooperative common interest community may expressly require that all unit owners designate the unit owners' association for such community as a third party to receive notification of a termination of utility service under any third party notification program maintained by a gas or electricity utility pursuant to §117(b), Title 26 of the Delaware Code.

Section 2. Amend §117(b), Title 26 of the Delaware Code as follows:

(b)(1) No person who engages in the distribution and sale of gas, water, wastewater, or electricity for use or consumption in any dwelling unit shall discontinue service or sale thereof due to nonpayment of past charges for such service or sale to the occupants of that dwelling unit and owed by the occupants thereof without at least 72 hours' notice to said occupants of intention to so terminate, except as otherwise provided by this section.

(2) Each gas or electricity utility shall maintain a voluntary third party notification program whereby a customer may designate, in writing, a third party to also receive the notice of termination of service required by paragraph (1) of this subsection. The third party so designated must indicate, in writing, willingness to receive such notice on behalf of the customer and shall not be held, in any way, liable to the utility by reason of acceptance of third party status.

Section 3. The Common Interest Community Ombudsman shall promulgate a form bylaw which may be used by declarants, common interest community associations and unit owners in common interest communities to designate the unit owners' association as a third party to receive notification of a termination of gas or electricity utility service pursuant §117(b) of Title 26. The Ombudsman shall make information regarding the bylaw so promulgated available on the Office's website and otherwise disseminate information regarding the rights and responsibilities of unit owners and unit owners' associations under utility third party notification programs in a manner consistent with §2544 of Title 29.

Section 4. The provisions of this Act shall take effect 60 days after enactment.

Approved September 03, 2015