

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 25-1234

BY REPRESENTATIVE(S) Ricks and Joseph, Bacon, Bird, Boesenecker, English, Jackson, Lindsay, Rutinel, Story, Clifford, Froelich, Titone; also SENATOR(S) Winter F. and Wallace, Cutter, Danielson, Jodeh, Kipp, Kolker, Michaelson Jenet, Weissman.

CONCERNING CONSUMER PROTECTION FOR UTILITY CUSTOMERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Ensuring access to affordable energy assistance is vital for the well-being of Colorado households with low income. Many residents, especially those facing financial hardship, rely on assistance programs like the Low-income Energy Assistance Program (LEAP) to help cover essential utility costs. It is crucial that these programs are accessible to all eligible individuals to promote fairness and equity.

(b) Protecting the privacy of individuals applying for or receiving energy assistance is essential. The disclosure of personal information, including citizenship or immigration status, to federal law enforcement

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

agencies can deter vulnerable populations from seeking assistance. Safeguarding personal information is necessary to ensure that individuals feel secure in applying for energy assistance without fear of discrimination or unintended consequences.

(c) In order to ensure that applicants are not unduly harmed by delays or denials of assistance, it is important to provide sufficient time for individuals to address any application deficiencies. Setting clear deadlines for submitting required documentation and fixing any application deficiencies will help applicants navigate the process of applying for assistance without unnecessary barriers.

(d) Furthermore, utility service disconnections should be paused during the application process for energy assistance while an individual's application is pending or in review. This measure is crucial to prevent utility shutoffs for applicants who may be eligible for assistance but are awaiting a final determination on their application.

(2) Therefore, the general assembly finds and declares that protecting the rights and privacy of applicants for low-income energy assistance, promoting equitable access to that assistance, and ensuring protections against utility disconnections during the application process are fundamental to the well-being of all Coloradans.

SECTION 2. In Colorado Revised Statutes, 26-1-109, **add** (10) as follows:

26-1-109. Cooperation with federal government - grants-in-aid - low-income home energy assistance program - applications.

(10) Low-income home energy assistance program. (a) THE STATE DEPARTMENT SHALL NOT REQUIRE AN APPLICANT TO PROVIDE THEIR CITIZENSHIP OR IMMIGRATION STATUS ON ANY APPLICATION FOR ASSISTANCE PAYMENTS, UNLESS THE INFORMATION IS REQUIRED AS A CONDITION OF ELIGIBILITY FOR THE ASSISTANCE PAYMENTS.

(b) THE STATE DEPARTMENT SHALL NOT SHARE INFORMATION RELATED TO THE CITIZENSHIP OR IMMIGRATION STATUS OF AN APPLICANT FOR OR RECIPIENT OF ASSISTANCE PAYMENTS WITH ANY FEDERAL LAW ENFORCEMENT AGENCY, UNLESS DISCLOSURE OF THE INFORMATION IS REQUIRED BY LAW OR COURT ORDER.

(c) IF THE STATE DEPARTMENT DENIES AN INDIVIDUAL'S APPLICATION FOR ASSISTANCE PAYMENTS DUE TO INSUFFICIENT OR INCOMPLETE DOCUMENTATION, THE STATE DEPARTMENT SHALL:

(I) PROVIDE NOTICE TO THE APPLICANT WITHIN SEVEN CALENDAR DAYS THAT THEIR APPLICATION HAS BEEN DENIED DUE TO INSUFFICIENT OR INCOMPLETE DOCUMENTATION; AND

(II) INCLUDE, AS PART OF THE NOTICE PROVIDED PURSUANT TO SUBSECTION (10)(c)(I) OF THIS SECTION, A DEADLINE BY WHICH THE APPLICANT MAY CORRECT OR COMPLETE THEIR APPLICATION, WHICH DEADLINE MUST BE NO LESS THAN SIXTY DAYS AFTER THE DATE THE APPLICANT WAS SENT THE NOTICE, BUT NO LATER THAN JUNE 15 OF THE CALENDAR YEAR IN WHICH THE INDIVIDUAL SUBMITTED THEIR APPLICATION TO THE STATE DEPARTMENT.

(d) (I) WHEN THE STATE DEPARTMENT DENIES AN INDIVIDUAL'S APPLICATION FOR ASSISTANCE PAYMENTS DUE TO INSUFFICIENT OR INCOMPLETE DOCUMENTATION, THE STATE DEPARTMENT SHALL NOTIFY THE INVESTOR-OWNED PUBLIC UTILITY OF WHICH THE INDIVIDUAL IS A CUSTOMER THAT THE INDIVIDUAL'S APPLICATION IS PENDING REVIEW.

(II) WHEN AN INVESTOR-OWNED PUBLIC UTILITY RECEIVES THE NOTICE FROM THE STATE DEPARTMENT PURSUANT TO SUBSECTION (10)(d)(I) OF THIS SECTION, THE INVESTOR-OWNED PUBLIC UTILITY SHALL PLACE A DISCONNECTION HOLD ON THE UTILITY SERVICE PROVIDED TO THE CUSTOMER, WHICH DISCONNECTION HOLD MUST BE IN EFFECT FOR NO MORE THAN SIXTY DAYS OR FOR LESS THAN SIXTY DAYS IF THE INVESTOR-OWNED PUBLIC UTILITY RECEIVES NOTICE DURING THE SIXTY-DAY HOLD THAT THE CUSTOMER'S APPLICATION FOR ASSISTANCE HAS BEEN APPROVED OR DENIED.

(e) AS USED IN THIS SECTION, UNLESS CONTEXT OTHERWISE REQUIRES, "INVESTOR-OWNED PUBLIC UTILITY" MEANS A RETAIL ELECTRIC UTILITY OR RETAIL GAS UTILITY OPERATING IN THE STATE AND REGULATED BY THE PUBLIC UTILITIES COMMISSION, CREATED IN SECTION 40-2-101, AND DOES NOT INCLUDE A COOPERATIVE ELECTRIC ASSOCIATION OR MUNICIPALLY OWNED UTILITY.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO