

# SENATE BILL 770

C5

2lr1584  
CF 2lr3218

---

By: **Senator Ferguson**

Introduced and read first time: February 7, 2022

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Homeowner Utility Repair Fund – Establishment**

3 FOR the purpose of establishing the Homeowner Utility Repair Fund as a special,  
4 nonlapsing fund to offset the costs a low- to middle-income residential customer  
5 may incur for costs associated with a utility company's routine maintenance, repairs,  
6 or upgrades; requiring interest earnings of the Fund to be credited to the Fund; and  
7 generally relating to the Homeowner Utility Repair Fund.

8 BY adding to

9 Article – Public Utilities

10 Section 7–315

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – State Finance and Procurement

15 Section 6–226(a)(2)(i)

16 Annotated Code of Maryland

17 (2021 Replacement Volume)

18 BY repealing and reenacting, with amendments,

19 Article – State Finance and Procurement

20 Section 6–226(a)(2)(ii)144. and 145.

21 Annotated Code of Maryland

22 (2021 Replacement Volume)

23 BY adding to

24 Article – State Finance and Procurement

25 Section 6–226(a)(2)(ii)146.

26 Annotated Code of Maryland

27 (2021 Replacement Volume)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Public Utilities**

4 **7–315.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) “FUND” MEANS THE HOMEOWNER UTILITY REPAIR FUND.

8 (3) “UTILITY COMPANY” MEANS AN ELECTRIC COMPANY, A GAS  
9 COMPANY, OR A GAS AND ELECTRIC COMPANY.

10 (B) THERE IS A HOMEOWNER UTILITY REPAIR FUND.

11 (C) THE PURPOSE OF THE FUND IS TO OFFSET THE COSTS A LOW- TO  
12 MIDDLE-INCOME RESIDENTIAL CUSTOMER MAY INCUR FOR COSTS ASSOCIATED  
13 WITH A UTILITY COMPANY’S ROUTINE MAINTENANCE, REPAIRS, OR UPGRADES.

14 (D) (1) THE COMMISSION SHALL:

15 (I) ADMINISTER THE FUND; AND

16 (II) DETERMINE THE AMOUNT OF FUNDS TO BE TRANSFERRED  
17 ANNUALLY TO THE FUND FROM FEDERAL, STATE, AND LOCAL GOVERNMENT  
18 LOW-INCOME WEATHERIZATION AND ENERGY ASSISTANCE PROGRAMS THAT  
19 RETAIN UNUSED FUNDS AT THE END OF A STATE FISCAL YEAR, INCLUDING:

20 1. THE ELECTRIC UNIVERSAL SERVICE PROGRAM  
21 ESTABLISHED UNDER § 7–512.1 OF THIS TITLE;

22 2. THE ENERGY ASSISTANCE PROGRAM ESTABLISHED  
23 UNDER TITLE 5, SUBTITLE 5A OF THE HUMAN SERVICES ARTICLE;

24 3. THE WEATHERIZATION PROGRAM DEVELOPED BY THE  
25 COMMUNITY DEVELOPMENT ADMINISTRATION UNDER § 4–211 OF THE HOUSING  
26 AND COMMUNITY DEVELOPMENT ARTICLE;

27 4. THE U.S. DEPARTMENT OF ENERGY  
28 WEATHERIZATION ASSISTANCE PROGRAM; AND

1                   **5. ANY OTHER FEDERAL, STATE, OR LOCAL**  
2 **GOVERNMENT LOW-INCOME PROGRAM THAT PROVIDES WEATHERIZATION AND**  
3 **ENERGY ASSISTANCE TO LOW- TO MIDDLE-INCOME RESIDENTIAL CUSTOMERS.**

4                   **(2) THE COMMISSION MAY REQUEST A BUDGET AMENDMENT TO**  
5 **TRANSFER TO THE FUND UNSPENT UNENCUMBERED MONEY IN THE FUNDS LISTED**  
6 **IN PARAGRAPH (1)(II) OF THIS SUBSECTION AT THE END OF A GIVEN FISCAL YEAR.**

7                   **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
8 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

9                   **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**  
10 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

11                   **(F) THE FUND CONSISTS OF:**

12                   **(1) MONEY TRANSFERRED TO THE FUND UNDER SUBSECTION (D) OF**  
13 **THIS SECTION;**

14                   **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

15                   **(3) INTEREST EARNINGS; AND**

16                   **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
17 **THE BENEFIT OF THE FUND.**

18                   **(G) THE FUND MAY BE USED ONLY TO OFFSET THE COSTS A LOW- TO**  
19 **MIDDLE-INCOME RESIDENTIAL CUSTOMER INCURS FOR COSTS ASSOCIATED WITH A**  
20 **UTILITY COMPANY'S ROUTINE MAINTENANCE, REPAIRS, OR UPGRADES.**

21                   **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**  
22 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

23                   **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**  
24 **THE FUND.**

25                   **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**  
26 **WITH THE STATE BUDGET.**

27                   **(J) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT**  
28 **INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE**  
29 **APPROPRIATED TO THE FUND.**

1 **Article – State Finance and Procurement**

2 6–226.

3 (a) (2) (i) Notwithstanding any other provision of law, and unless  
4 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
5 terms of a gift or settlement agreement, net interest on all State money allocated by the  
6 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
7 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
8 Fund of the State.

9 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
10 to the following funds:

11 144. the Health Equity Resource Community Reserve Fund;  
12 [and]

13 145. the Access to Counsel in Evictions Special Fund; **AND**

14 **146. THE HOMEOWNER UTILITY REPAIR FUND.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2022.