

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35432-NSa-3

Short Title: Extreme Heat/Ban Utility Disconnections. (Public)

Sponsors: Senators Salvador, Murdock, and Waddell (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE UTILITY SHUT-OFF PROTECTIONS DURING PERIODS OF
3 EXTREME HEAT, EXTREME COLD, AND POOR AIR QUALITY; TO PROTECT
4 RESIDENTIAL TENANTS FROM PERIODS OF EXTREME HEAT AND POOR AIR
5 QUALITY BY AUTHORIZING THE INSTALLATION OF PORTABLE COOLING AND
6 AIR FILTRATION DEVICES; AND TO MAKE VARIOUS TECHNICAL CHANGES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 62-159.1 reads as rewritten:

9 "§ 62-159.1. Debt collection practices.

10 ...

11 (c) No public utility or electric membership corporation shall suspend or disconnect
12 service to a residential retail customer during a period of extreme heat or a period of poor air
13 quality as defined in G.S. 42-40 or extreme cold with a high temperature under 32 degrees
14 Fahrenheit. A public utility and electric membership corporation shall offer customers with
15 delinquent accounts, who have been adversely affected by the extreme weather event, with the
16 option of settling any unpaid balance through participation in a deferred payment plan."

17 SECTION 2. G.S. 42-40 reads as rewritten:

18 "§ 42-40. Definitions.

19 For the purpose of this Article, the following definitions shall apply:

20 (1) ~~"Action" includes recoupment.~~ Action. – Recoupment, counterclaim, defense,
21 setoff, and any other proceeding including an action for possession.

22 (1a) Air quality alert. – An alert that includes a warning regarding unhealthy or
23 very unhealthy air quality (Air Quality Index of 151 or higher) or similar alert
24 for the area in which the tenant's address is located.

25 (1b) Heat-related alert. – An alert that includes an excessive heat warning,
26 excessive heat watch, extreme heat index advisory, heat advisory, or similar
27 alert for the area in which the tenant's address is located.

28 (1c) Landlord. – Any owner and any rental management company, rental agency,
29 or any other person having the actual or apparent authority of an agent to
30 perform the duties imposed by this Article.

31 (1d) Period of extreme heat. – A period beginning 24 hours before the effective
32 time of any heat-related alert issued or announced by the National Weather
33 Service, or beginning at the effective time of any heat-related alert issued
34 without advance announcement, and ending 48 hours after the expiration or
35 cancellation of the heat-related alert. If multiple heat-related alerts overlap or
36 are sequential, the period of extreme heat includes all overlapping or



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1 sequential alerts and continues uninterrupted until 48 hours after the last
 2 heat-related alert expires or is canceled.

3 (1e) Period of poor air quality. – A period beginning 24 hours before the effective
 4 time of any air quality alert issued or announced by the Environmental
 5 Protection Agency or the North Carolina Department of Environmental
 6 Quality, or beginning at the effective time of any air quality alert issued
 7 without advance announcement, and ending 48 hours after the expiration or
 8 cancellation of the air quality alert. If multiple air quality alerts overlap or are
 9 sequential, the period of poor air quality includes all overlapping or sequential
 10 alerts and continues uninterrupted until 48 hours after the last air quality alert
 11 expires or is canceled.

12 (1f) Portable air filtration device. – An air purifier or similar device designed to
 13 improve indoor air quality but not including a device whose installation or use
 14 requires alteration to the premises.

15 (1g) Portable cooling device. – An air conditioner, or evaporative cooler, including
 16 a device mounted in a window or designed to sit on the floor, but not including
 17 a device whose installation or use requires alteration to the premises.

18 (2) ~~"Premises" means a Premises.~~ – A dwelling unit, including mobile homes or
 19 mobile home spaces, and the structure of which it is a part and facilities and
 20 appurtenances therein and grounds, areas, and facilities normally held out for
 21 the use of residential tenants.

22 (3) ~~"Landlord" means any owner and any rental management company, rental~~
 23 ~~agency, or any other person having the actual or apparent authority of an agent~~
 24 ~~to perform the duties imposed by this Article.~~

25 (4) ~~"Protected tenant" means a Protected tenant.~~ – A tenant or household member
 26 who is a victim of domestic violence under Chapter 50B of the General
 27 Statutes or sexual assault or stalking under Chapter 14 of the General
 28 Statutes."

29 **SECTION 3.** Article 5 of Chapter 42 of the General Statutes is amended by adding
 30 a new section to read:

31 **"§ 42-42.4. Tenant right to install portable cooling and air filtration devices.**

32 (a) A landlord may not prohibit or restrict a tenant from installing or using a portable
 33 cooling device or portable air filtration device of the tenant's choosing, unless any of the
 34 following apply:

35 (1) The installation or use of the device would do any of the following:

36 a. Violate building codes or State or federal law.

37 b. Violate the device manufacturer's written safety guidelines.

38 c. Cause unreasonable damage to the premises or render the premises
 39 uninhabitable.

40 d. Require amperage to power the device that cannot be accommodated
 41 by the power service to the premises. A landlord who limits the use of
 42 devices for this reason must prioritize allowing the use of devices for
 43 tenants who require them to accommodate a disability as defined by
 44 State or federal law. A landlord is not responsible for any interruption
 45 in electrical service that is not caused by the landlord, including
 46 interruptions caused by an electrical supply's inability to accommodate
 47 use of the device.

48 (2) The device would be installed in a window and any one of the following is
 49 true:

50 a. The window is a necessary egress from the premises.

1 b. The device requires excessive use of brackets or other hardware that
2 would damage or void the warranty of the window or frame, puncture
3 the exterior wall of the premises, or otherwise cause significant
4 damages.

5 c. The installation would not allow for adequate drainage to prevent
6 damage to the premises.

7 d. The device cannot be secured in a way that prevents it from falling out
8 of the window.

9 (3) The premises already have a permanently installed and fully operational heat
10 pump or other cooling system that is capable of cooling the premises.

11 (b) A landlord shall not enforce a restriction on portable cooling or air filtration devices
12 against a tenant unless the restriction is allowed under this section and is delivered to the tenant
13 in writing within 48 hours of notice of the default above. The tenant shall then remove the
14 offending device within 48 hours of the written notice if already installed.

15 (c) A landlord is immune from liability for any claim for damages, injury, or death caused
16 by a portable cooling or air filtration device installed or used by the tenant.

17 (d) A landlord must include written information in a written rental agreement or lease
18 notifying a tenant of the tenant's rights, responsibilities, and restrictions related to the installation
19 and operation of portable cooling and air filtration devices."

20 **SECTION 4.** Article 5 of Chapter 42 of the General Statutes is amended by adding
21 a new section to read:

22 "§ 42-42.5. Restrictions on termination of utility service during periods of extreme heat or
23 poor air quality.

24 (a) Notwithstanding any other provision of law, during a period of extreme heat or a
25 period of poor air quality for the area in which the premises are located, a landlord may not effect
26 an involuntary termination of electric utility or water service for the premises due to lack of
27 payment by the tenant, except as provided in this section.

28 (b) A tenant whose electric or water utility service has been disconnected for lack of
29 payment may request that the landlord reconnect service during a period of extreme heat or poor
30 air quality. The landlord shall inform all tenants in any notice of disconnection of the ability to
31 seek reconnection and provide clear and specific information on how to make that request,
32 including how to contact the landlord. Upon receipt of such a request, the landlord shall promptly
33 make a reasonable attempt to reconnect the service to the premises. The landlord, in connection
34 with such a request, may require the tenant to enter into a payment plan prior to reconnecting
35 service. If the landlord requires the tenant to enter into a repayment plan, the repayment plan
36 must comply with this Chapter, and be designed both to pay the past due bill by the following
37 May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are
38 no greater than six percent (6%) of the tenant's net monthly income, and to pay for continued
39 utility service. The plan may not require monthly payments in excess of six percent (6%) of the
40 tenant's net monthly income. A tenant may agree to pay a higher percentage during this period
41 but will not be in default unless payment during this period is less than six percent (6%) of the
42 tenant's net monthly income. If assistance payments are received by the tenant subsequent to the
43 implementation of the plan, the tenant shall contact the landlord to reformulate the plan."

44 **SECTION 5.** There is appropriated from the General Fund to the North Carolina
45 Utilities Commission the sum of one hundred thousand dollars (\$100,000) in recurring funds
46 beginning with the 2026-2027 fiscal year to assemble and disseminate a report of disconnections
47 on an annual basis.

48 **SECTION 6.** This act becomes effective July 1, 2026, and applies to rental
49 agreements or leases entered into or renewed on or after that date.