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Recent policy attention to high energy bills in low-income households highlights an issue that has long been marginalized in energy law. Energy burden affects millions of low-income households in the United States and contributes to home energy insecurity—experiencing or being at risk of utility disconnection. High energy burden disproportionately affects Black, Latino, and Native households.

Concern over energy burden may be new to many in policy circles, but energy insecurity in low-income households is neither a new issue nor a new policy quandary. Indeed, the longest-standing federal mechanism for preserving energy access, the Low-Income Home Energy Assistance Program (LIHEAP), recently marked its 40-year anniversary, a celebrated milestone for the critical program.

Yet home energy insecurity persists, with implications for health, education, economic stability, and safety in too many households. Only a few short years ago, the Trump White House proposed budgets eliminating LIHEAP—a sober reminder of the precarity of any program dependent on annual congressional appropriations in a polarized political environment. LIHEAP serves a vital purpose and must be ardently protected. At the same time, the persistence of energy insecurity demands broader structural accountability within energy law.

A closer look at the relationship between energy law and the low-income household helps to explain the persistence of home energy insecurity. Considering this relationship historically shows that energy insecurity has been sidelined within energy law regimes by a theoretical and practical framing of low-income energy policy as poverty law, rather than as a core concern for energy law. However understandable administratively, this alignment has isolated energy insecurity as a consideration in energy law reform.

This intertwined history presents compelling reasons to reconceive of low-income energy policy as energy law, not to displace the critical assistance provided by anti-poverty programs, but rather to reinforce it. This conceptual reorientation matters in the energy sector's current transitional moment for two key reasons. First, it opens a pathway for ensuring that substantive reforms underway at the federal and state levels structurally incorporate the needs of low-