

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 422**

**Representatives Foley, Blair**

**Cosponsors: Representatives Stinziano, Rogers, Perales, Grossman,  
Gerberry, Sheehy, Bishoff, Barborak, Dovilla, Antonio, Hagan, R., Letson,  
Phillips**

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**A B I L L**

To enact sections 4781.56, 4975.01, 4975.02, 4975.03, 1  
4975.04, 4975.05, and 5321.041 of the Revised Code 2  
to create requirements regarding the measurement 3  
and billing of tenant and manufactured home park 4  
resident public utility service. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4781.56, 4975.01, 4975.02, 4975.03, 6  
4975.04, 4975.05, and 5321.041 of the Revised Code be enacted to 7  
read as follows: 8

**Sec. 4781.56.** Each park operator shall comply with the 9  
requirements of sections 4975.01 to 4975.04 of the Revised Code. 10

**Sec. 4975.01.** As used in sections 4975.01 to 4975.05 of the 11  
Revised Code: 12

(A) "Competitive retail electric service" has the same 13  
meaning as in section 4928.01 of the Revised Code. 14

(B) "Competitive retail natural gas service" has the same 15  
meaning as in section 4929.01 of the Revised Code. 16

(C) "Cooperative" means an entity that is owned and operated exclusively by and solely for its customers to provide electric, gas, water, or sewage disposal service and includes an electric cooperative as defined in section 4928.01 of the Revised Code. 17  
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(D) "Customer" means an individual who has a contract with a public utility to receive electric, gas, water, sewage disposal, heating, or cooling service at residential premises. 21  
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(E) "Electric light company," "gas company," "natural gas company," "water-works company," "heating or cooling company," and "sewage disposal system company" have the same meanings as in section 4905.03 of the Revised Code. 24  
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(F) "Landlord" has the same meaning as in section 5321.01 of the Revised Code. 28  
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(G) "Manufactured home park operator" or "park operator" has the same meaning as in section 4781.01 of the Revised Code. 30  
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(H) "Public utility" means any retail supplier of electric, gas, water, sewage disposal, heating, or cooling service, including an electric light company, gas company, natural gas company, water-works company, heating or cooling company, sewage disposal system company, municipal corporation, cooperative, provider of competitive retail electric service, or provider of competitive retail natural gas service. 32  
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(I) "Rental agreement" and "residential premises," with respect to a manufactured home park operator and resident relationship, have the same meanings as in section 4781.01 of the Revised Code. "Rental agreement" and "residential premises," with respect to a landlord and tenant relationship, have the same meanings as in section 5321.01 of the Revised Code. 39  
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(J) "Resident" has the same meaning as in section 4781.01 of the Revised Code. 45  
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(K) "Submeter" means a device that measures the amount of utility service provided to residential premises where the resident or tenant of the residential premises is not a customer of the public utility providing the measured service. 47  
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(L) "Tenant" has the same meaning as in section 5321.01 of the Revised Code. 51  
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**Sec. 4975.02.** A landlord or a manufactured home park operator who is a party to a rental agreement may require a tenant or resident, under the rental agreement, to do one of the following regarding payment for the electric, gas, water, sewage disposal, heating, or cooling service supplied to the residential premises covered by the rental agreement: 53  
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(A) Pay the public utility as a customer of the public utility; 59  
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(B) Pay the landlord or park operator, or an entity other than a public utility; 61  
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(C) Pay the landlord or park operator a fixed amount that is included in the rental cost. 63  
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**Sec. 4975.03.** If a landlord, park operator, or an entity other than a public utility requires a tenant or resident to pay for the electric, gas, water, sewage disposal, heating, or cooling service in the manner allowed by division (B) of section 4975.02 of the Revised Code, the landlord, park operator, or entity shall do all of the following with respect to the applicable service: 65  
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(A) Ensure that during the term of the rental agreement, a submeter accurately measures only the applicable service supplied to the residential premises. 71  
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(B) Charge the tenant or resident not more than the actual cost of the tenant's or resident's utility service for which a 74  
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<u>public utility has charged:</u>	76
<u>(1) The landlord;</u>	77
<u>(2) The park operator;</u>	78
<u>(3) The entity other than a public utility; or</u>	79
<u>(4) A company owned in whole or in part by the landlord, park operator, or entity.</u>	80 81
<u>(C) Include in any bill to the tenant or resident for charges authorized under division (B) of section 4975.02 of the Revised Code all of the following:</u>	82 83 84
<u>(1) The beginning and ending submeter reading;</u>	85
<u>(2) The dates the submeter was read;</u>	86
<u>(3) The rate charged for service to the tenant or resident.</u>	87
<u>(D) Grant the tenant or resident reasonable access to the tenant's or resident's submeter for the purpose of reading the submeter.</u>	88 89 90
<u><b>Sec. 4975.04.</b> Except for the charges permitted under division (B) of section 4975.03 of the Revised Code, no landlord, park operator, or entity other than a public utility shall charge a tenant or resident an administrative fee, late fee, or any other fee relating to the provision of, or payment for, the electric, gas, water, sewage disposal, heating, or cooling service supplied to the tenant's or resident's residential premises.</u>	91 92 93 94 95 96 97
<u><b>Sec. 4975.05.</b> If a landlord, park operator, or an entity other than a public utility violates any provision of sections 4975.01 to 4975.04 of the Revised Code, the affected tenant may bring an action to recover double the amount of damages resulting from the violation, obtain injunctive relief to prevent the recurrence of the conduct, and obtain a judgment for reasonable</u>	98 99 100 101 102 103

attorney's fees. 104

For purposes of this section, "damages" means either or both 105  
of the following, as applicable to the facts based upon which an 106  
action is brought under this division: 107

(A) The total amount charged to the resident for electric, 108  
gas, water, sewage disposal, heating, or cooling service for the 109  
period during which a violation of section 4975.02 of the Revised 110  
Code occurred; 111

(B) The total amount of administrative, late, or other fees 112  
charged to the resident in violation of section 4975.04 of the 113  
Revised Code. 114

**Sec. 5321.041.** Each landlord shall comply with the 115  
requirements of sections 4975.01 to 4975.04 of the Revised Code. 116