

As Introduced

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

H. B. No. 545

Representative Gonzales

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To enact sections 4781.401, 4934.01, 4934.02, 1
4934.03, 4934.05, 4934.06, 4934.07, 4934.09, 2
4934.11, 4934.13, 4934.15, 4934.17, 5311.082, and 3
5321.061 of the Revised Code regarding master 4
metering and submetering for public utility 5
service to premises administered by a landlord, 6
condominium unit owners association, or 7
manufactured home park operator. 8

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

Section 1. That sections 4781.401, 4934.01, 4934.02, 4934.03, 9
4934.05, 4934.06, 4934.07, 4934.09, 4934.11, 4934.13, 4934.15, 10
4934.17, 5311.082, and 5321.061 of the Revised Code be enacted to 11
read as follows: 12

Sec. 4781.401. A park operator shall comply with Chapter 13
4934. of the Revised Code. 14

Sec. 4934.01. As used in this chapter: 15

(A) "Competitive retail electric service" has the same 16
meaning as in section 4928.01 of the Revised Code. 17

(B) "Competitive retail natural gas service" has the same 18
meaning as in section 4929.01 of the Revised Code. 19

(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. 20
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(D) "Dwelling unit," "landlord," and "tenant" have the same meanings as in section 5321.01 of the Revised Code. 24
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(E) "Electric light company," "gas company," and "natural gas company" have the same meanings as in section 4905.03 of the Revised Code. 26
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(F) "Electric distribution utility" has the same meaning as in section 4928.01 of the Revised Code. 29
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(G) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code. 31
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(H) "Master meter" means a device that collectively measures the public utility service provided to multiple residents, unit owners, or tenants by a public utility and includes a master-meter system as defined in section 4905.90 of the Revised Code, but excludes a submeter. 33
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(I) "Mobile home" has the same meaning as in section 4501.01 of the Revised Code. 38
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(J) "Park operator" and "resident" have the same meanings as in section 4781.01 of the Revised Code. 40
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(K) "Premises" means a dwelling unit, manufactured home, mobile home, or unit. 42
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(L) "Public utility" has the same meaning as in section 4905.02 of the Revised Code. 44
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(M) "Public utility service" includes service provided by an electric light company, gas company, and natural gas company, but excludes a municipal corporation and cooperative. 46
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(N) "Submeter" means a device that measures only the amount 49

of public utility service provided to the premises of a resident, 50
unit owner, or tenant, but does not include a master meter or a 51
meter used for a resident, unit owner, or tenant who is a customer 52
of the public utility providing the service. 53

(O) "Unit," "unit owner," and "unit owners association" have 54
the same meanings as in section 5311.01 of the Revised Code. 55

Sec. 4934.02. Except as provided in section 4934.03 of the 56
Revised Code, all premises served by a public utility and 57
administered by a park operator, unit owners association, or 58
landlord, on and after the effective date of ...B... of the 130th 59
general assembly, including property converted to a condominium 60
property after that date, shall measure public utility service 61
provided to the premises through a public utility owned meter or 62
through a public utility owned master meter in conjunction with a 63
submeter. 64

Sec. 4934.03. For premises constructed before the effective 65
date of ...B... of the 130th general assembly, a park operator, 66
unit owners association, or landlord may measure, at their 67
election, public utility service provided to the premises of a 68
resident, unit owner, or tenant through a public utility owned 69
master meter in conjunction with a submeter. 70

Sec. 4934.05. A park operator, unit owners association, or 71
landlord that separately charges a resident, unit owner, or tenant 72
for public utility service through the use of a submeter shall not 73
charge the resident, unit owner, or tenant more than the 74
following: 75

(A) For electric service provided on a kilowatt-hour basis, 76
the standard service offer amount per kilowatt hour, including all 77
riders, customer fees, and other utility assessments, that 78
residential customers are charged on an annualized basis by the 79

electric distribution utility serving the area; 80

(B) For natural gas service provided on a cubic feet basis, 81
the amount per hundred cubic feet, including all riders, customer 82
fees, and other utility assessments, that residential customers 83
are charged on an annualized basis by the natural gas company 84
serving the area. 85

Sec. 4934.06. Instead of measuring public utility service as 86
described in section 4934.05 of the Revised Code, a park operator, 87
unit owners association, or landlord operating a system that uses 88
distributed generation, renewable energy resources, or alternative 89
generation to provide electric service to a resident, unit owner, 90
or tenant may establish, in a lease, rental agreement, or 91
association agreement and for the term of such lease or agreement, 92
a fixed price per kilowatt hour for electricity provided. Such 93
lease, rental agreement, or association agreement shall do the 94
following: 95

(A) Clearly state the fixed price that will be charged for 96
the public utility service; 97

(B) Charge no more per kilowatt hour of electricity than the 98
fixed price for the electric service. 99

Sec. 4934.07. (A) A park operator, unit owners association, 100
or landlord shall maintain adequate records detailing all submeter 101
measurements for separately charged public utility services 102
provided to the premises and the charges for the services. 103

(B) Upon reasonable prior request, a park operator, unit 104
owners association, or landlord shall make all records created 105
under this section available for inspection by the resident, unit 106
owner, or tenant during normal business hours and shall keep the 107
records for a minimum of three years after the termination of the 108
lease, rental agreement, or association agreement. 109

Sec. 4934.09. A park operator, unit owners association, and landlord may prorate or allocate the costs for public utility service that is provided to all common areas and for commonly used equipment available for use by a resident, unit owner, or tenant. If such costs are prorated or allocated among residents, unit owners, or tenants, the park operator, unit owners association, or landlord shall identify the amount of charges attributable to the common areas and commonly used equipment as a separate line item on the periodic statement or invoice for the public utility services provided to residents, owners, or tenants. A written description of the method used to prorate or calculate the allocation of the cost shall be included in each lease, rental agreement, or association agreement entered into with a tenant, resident, or unit owner.

Sec. 4934.11. If a public utility service is provided and separately billed to residents, unit owners, or tenants using either method for pricing or charging for public utility service under section 4934.05 or 4934.06 of the Revised Code, the park operator, unit owners association, or landlord shall include the following, as applicable, in each lease, rental agreement or association agreement entered into with a resident, unit owner, or tenant:

(A) A written statement detailing the full, annualized standard service offer price of electric service supplied to customers of the electric distribution utility serving the area at the time the park operator, unit owners association, or landlord entered into the lease, rental agreement, or association agreement;

(B) A written statement detailing the full, annualized price of natural gas service supplied to residential customers of the natural gas company serving the area at the time the park

operator, unit owners association, or landlord entered into the 141
lease, rental agreement, or association agreement. 142

Sec. 4934.13. All submeters and master meters operating under 143
Chapter 4934. of the Revised Code shall meet the same standards 144
for meters established by the public utilities commission under 145
section 4905.28 of the Revised Code. 146

Sec. 4934.15. (A)(1) A park operator, unit owners 147
association, or landlord may terminate the service of 148
facilitating, through a submeter or otherwise, public utility 149
service for nonpayment of public utility service that is provided 150
under any of the pricing or charging methods in section 4934.05 or 151
4935.06 of the Revised Code. Such termination shall be done in 152
accordance with all rules for terminating public utility service 153
for nonpayment established by the public utilities commission of 154
Ohio as such rules are applied to electric light companies or 155
natural gas companies. 156

(2) A unit owners association may terminate the service of 157
facilitating, through a submeter or otherwise, public utility 158
service in accordance with this section regardless of whether such 159
authority is specifically set forth in documents required by 160
section 5311.05 or 5311.26 of the Revised Code. 161

(B) Termination of the service of facilitating, through a 162
submeter or otherwise, public utility service pursuant to this 163
section is not constructive eviction in violation of Chapter 1923. 164
or 5321. of the Revised Code. 165

Sec. 4934.17. (A) A park operator or landlord that elects to 166
terminate the service of facilitating, through a submeter or 167
otherwise, public utility service for a resident or tenant 168
pursuant to section 4934.15 of the Revised Code waives the right 169
to evict the tenant or resident for failure to make timely payment 170

for public utility service pursuant to Chapter 1923. of the 171
Revised Code. 172

(B) A park operator or landlord that elects to terminate the 173
service of facilitating, through a submeter or otherwise, public 174
utility service for a resident or tenant pursuant to section 175
4934.15 of the Revised Code does not waive or diminish the park 176
operator's or landlord's right to seek eviction for violations of 177
any other provision of a lease or rental agreement. 178

Sec. 5311.082. A unit owners association shall comply with 179
Chapter 4934. of the Revised Code. 180

Sec. 5321.061. A landlord shall comply with Chapter 4934. of 181
the Revised Code. 182