

**As Introduced**

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

**H. B. No. 662**

**Representatives Duffey, McGregor**

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**A BILL**

To enact sections 4781.401, 4934.01, 4934.02, 1  
4934.03, 4934.04, 4934.05, 4934.06, 4934.07, 2  
4934.08, 4934.09, 4934.10, 4934.11, 4934.12, 3  
4934.13, 4934.14, 4934.15, 4934.16, 4934.17, 4  
4934.18, 4934.20, 4934.21, 4934.22, 4934.24, 5  
5311.082, and 5321.061 of the Revised Code 6  
regarding measurement of public utility service to 7  
premises administered by a landlord, condominium 8  
unit owners association, or manufactured home park 9  
operator. 10

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

**Section 1.** That sections 4781.401, 4934.01, 4934.02, 4934.03, 11  
4934.04, 4934.05, 4934.06, 4934.07, 4934.08, 4934.09, 4934.10, 12  
4934.11, 4934.12, 4934.13, 4934.14, 4934.15, 4934.16, 4934.17, 13  
4934.18, 4934.20, 4934.21, 4934.22, 4934.24, 5311.082, and 14  
5321.061 of the Revised Code be enacted to read as follows: 15

**Sec. 4781.401.** A park operator shall comply with Chapter 16  
4934. of the Revised Code. 17

**Sec. 4934.01.** As used in this chapter: 18

(A) "Competitive retail electric service" has the same 19  
meaning as in section 4928.01 of the Revised Code. 20

(B) "Competitive retail natural gas service" has the same meaning as in section 4929.01 of the Revised Code. 21  
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(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. 23  
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(D) "Dwelling unit," "landlord," and "tenant" have the same meanings as in section 5321.01 of the Revised Code. 27  
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(E) "Electric light company," "gas company," "heating or cooling company," "natural gas company," "sewage disposal system company," and "water-works company" have the same meanings as in section 4905.03 of the Revised Code. 29  
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(F) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code. 33  
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(G) "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. 35  
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(H) "Mobile home" has the same meaning as in section 4501.01 of the Revised Code. 40  
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(I) "Park operator" and "resident" have the same meanings as in section 4781.01 of the Revised Code. 42  
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(J) "Premises" means a dwelling unit, manufactured home, mobile home, or unit. 44  
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(K) "Public utility" has the same meaning as in section 4905.02 of the Revised Code. 46  
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(L) "Public utility service" includes service provided by an electric light company, gas company, heating or cooling company, natural gas company, sewage disposal system company, and 48  
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water-works company, but excludes a municipal corporation and 51  
cooperative. 52

(M) "Submeter" means a device that measures only the amount 53  
of public utility service provided to the premises of a resident, 54  
unit owner, or tenant, but does not include a meter of a resident, 55  
unit owner, or tenant who is a customer of the public utility 56  
providing the service. 57

(N) "Third-party reseller" means any person, corporation, or 58  
other entity that purchases electricity, natural gas, or water 59  
from a public utility, a supplier of competitive retail electric 60  
service, a supplier of competitive retail natural gas service, 61  
municipal corporation, municipal authority, or regional water and 62  
sewer district for resale to consumers. "Third-party reseller" 63  
does not include a public utility, cooperative, municipal 64  
corporation, or municipal authority. 65

(O) "Unit," "unit owner," and "unit owners association" have 66  
the same meanings as in section 5311.01 of the Revised Code. 67

**Sec. 4934.02.** For all premises receiving public utility 68  
service and that are administered by a park operator, unit owners 69  
association, or landlord, on and after the effective date of this 70  
section, including property converted to a condominium property or 71  
apartment units after that date, each operator, association, and 72  
landlord shall measure public utility service provided to the 73  
premises through a master meter, through a master meter in 74  
conjunction with a submeter, or through a public-utility-owned 75  
meter. 76

**Sec. 4934.03.** All submeters and master meters operating under 77  
Chapter 4934. of the Revised Code shall meet the same standards 78  
for meters established by the public utilities commission under 79  
section 4905.28 of the Revised Code. 80

Sec. 4934.04. If a park operator, unit owners association, or 81  
landlord, after the effective date of this section, installs a 82  
submeter to measure public utility service provided to the 83  
premises of a resident, unit owner, or tenant, the operator, 84  
association, or landlord shall notify the public utilities 85  
commission of the installation within thirty days of the 86  
installation. Such notification shall include the address and 87  
county of each of the specific premises for which a submeter was 88  
installed, the square footage of the premises, and the type of 89  
public utility service to be measured by the submeter. 90

Sec. 4934.05. A park operator, unit owners association, or 91  
landlord may enter into a contract with a third-party reseller 92  
that requires the reseller to provide public utility service in 93  
accordance with this chapter to residents, unit owners, and 94  
tenants, as applicable. 95

Sec. 4934.06. (A) A park operator, unit owners association, 96  
or landlord, or a third-party reseller under contract pursuant to 97  
section 4934.05 of the Revised Code, shall submit, at least once 98  
per calendar year, the following information to the public 99  
utilities commission: 100

(1) The address of each of the premises to which the 101  
operator, association, landlord, or reseller provides public 102  
utility service; 103

(2) The type of public utility service provided to each of 104  
the premises identified in division (A)(1) of this section; 105

(3) The rate at which the operator, association, landlord, or 106  
reseller charges the resident, unit owner, or tenant for the 107  
service, measured on the appropriate unit basis, as follows: 108

(a) For electricity, in kilowatt hours (Kwh); 109

(b) For natural gas, in centum cubic feet (Ccf); 110

(c) For water, in centum cubic feet (Ccf); 111

(d) For sewage removal, in centum cubic feet (Ccf). 112

(B) If the operator, association, landlord, or reseller 113  
changes its rate within the six months following the reporting of 114  
its rate to the commission, it must report the new rate to the 115  
commission within fifteen days of the effective date of the change 116  
in rate. 117

(C) The information reported under this section is a public 118  
record. 119

**Sec. 4934.07.** (A) A park operator, unit owners association, 120  
or landlord, or a third-party reseller under contract pursuant to 121  
section 4934.05 of the Revised Code, that measures public utility 122  
service to a premises through a master meter that is not operated 123  
in conjunction with a submeter, may use a formula, including a 124  
ratio utility billing system, for determining the cost of the 125  
public utility service provided to the premises. 126

(B) A park operator, unit owners association, or landlord 127  
shall provide a written explanation of the formula at the time a 128  
resident, owner, or tenant enters into a rental agreement, 129  
association agreement, or lease. A third-party reseller shall 130  
include a written explanation of the formula on any contract for 131  
public utility service to the premises between the reseller and 132  
the resident, owner, or tenant at the time the contract is entered 133  
into and on each bill for public utility service to the premises. 134

**Sec. 4934.08.** (A) A park operator, unit owners association, 135  
or landlord that meets both of the following must comply with 136  
division (B) of this section: 137

(1) The operator, association, or landlord has not entered 138

into a contract with a third-party reseller under section 4934.05 139  
of the Revised Code; 140

(2) The operator, association, or landlord measures public 141  
utility service to a premises through a master meter that is not 142  
operated in conjunction with a submeter. 143

(B) The operator, association, or landlord shall include in 144  
all rental, association, and lease agreements both of the 145  
following: 146

(1) The formula used for determining the cost of the public 147  
utility service provided to the premises; 148

(2) The portion of the rental or fee charged under an 149  
agreement or lease that represents the actual cost of public 150  
utility service provided to the premises. 151

**Sec. 4934.09.** A park operator, unit owners association, or 152  
landlord, or a third-party reseller under contract pursuant to 153  
section 4934.05 of the Revised Code, that measures public utility 154  
service to a premises through a master meter that is not operated 155  
in conjunction with a submeter shall not: 156

(A) Charge residents, unit owners, or tenants more, in 157  
aggregate, for public utility service than the total amount the 158  
operator, association, landlord, or third-party reseller is 159  
charged for that service; or 160

(B) Charge each resident, unit owner, or tenant for the 161  
public utility service an amount that exceeds the charge imposed 162  
for public utility service to comparable premises of other 163  
residential customers in the same service territory. 164

**Sec. 4934.10.** (A) A park operator, unit owners association, 165  
or landlord, or a third-party reseller under contract pursuant to 166  
section 4934.05 of the Revised Code, that measures public utility 167

service through a submeter shall not charge a resident, unit owner, or tenant for the public utility service an amount that exceeds the charge imposed for public utility service to comparable premises of other residential customers in the same service territory. 168  
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(B) The operator, association, landlord, or reseller may charge the resident, unit owner, or tenant for the actual amount for the service if the charge does not exceed the limit described in division (A) of this section. 173  
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**Sec. 4934.11.** A park operator, unit owners association, or landlord, or third-party reseller under contract pursuant to section 4934.05 of the Revised Code, may charge residents, unit owners, or tenants an amount for public utility service that exceeds the limitations imposed under section 4934.09 or 4934.10 of the Revised Code if both of the following apply: 177  
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(A) The charge is derived, in whole or in part, from costs incurred under a long-term supply contract; 183  
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(B) The charge did not exceed the limitations imposed under section 4934.09 or 4934.10 of the Revised Code at the time the long-term supply contract was entered into. 185  
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**Sec. 4934.12.** (A) A park operator, unit owners association, or landlord, or a third-party reseller under contract pursuant to section 4934.05 of the Revised Code, that measures public utility service through a submeter shall include in any bill to a resident, unit owner, or tenant, all of the following: 188  
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(1) The beginning and ending submeter reading; 193

(2) The dates the submeter was read; 194

(3) The rate charged for service to the resident, unit owner, or tenant; 195  
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(4) The rate charged for service to a single-family home in the same county. 197  
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(B) An operator, association, landlord, or reseller described in division (A) shall ensure that each bill is generated at least fourteen days prior to the date upon which payment is due. 199  
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**Sec. 4934.13.** (A) For the purpose of providing a prospective or actual resident, unit owner, or tenant with useful knowledge regarding the cost of submetered public utilities at an individual premises, the public utilities commission shall provide each park operator, unit owners association, or landlord, or third-party reseller under contract pursuant to section 4934.05 of the Revised Code for each of the premises for which a submeter is installed, a document, or means of obtaining a document, disclosing the following information in a format that is clear and easily understood: 202  
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(1) The price per unit, as provided to the specific premises, of any public utility service that is measured by a submeter when provided to the specific premises; 212  
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(2) The price of the submetered public utility service as a percentage of the maximum allowable price; 215  
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(3) The mean and median price per unit by which the submetered public utility service is provided in the county where the specific premises is located; 217  
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(4) An estimate of the predicted annual cost, in dollars, of the submetered public utility service provided to the specific premises, together with the predicted average annual cost in that county of the same public utility service to properties of comparable square footage. 220  
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(B) Each park operator, unit owners association, or landlord, or third-party reseller under contract pursuant to section 4934.05 225  
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of the Revised Code, shall provide to each prospective resident, 227  
unit owner, or tenant, prior to the signing of a lease, rental or 228  
purchase agreement, or service contract, and once per year 229  
thereafter, and each time the rate is changed pursuant to section 230  
4934.06 of the Revised Code, to each resident, unit owner, or 231  
tenant, the document under division (A) of this section. 232

(C) Each park operator, unit owners association, landlord, 233  
and third-party reseller shall be required to keep, for each 234  
document provided under division (B) of this section, a copy 235  
signed by the resident, unit owner, or tenant, for three years. 236

Sec. 4934.14. (A) A park operator, unit owners association, 237  
or landlord, or a third-party reseller under contract pursuant to 238  
section 4934.05 of the Revised Code, shall maintain adequate 239  
records detailing all submeter measurements for public utility 240  
services provided to a premises and the charges for the services. 241

(B) Upon reasonable prior request, the operator, association, 242  
landlord, or reseller shall make all records created under this 243  
section available for inspection by a resident, unit owner, or 244  
tenant during normal business hours and shall keep the records for 245  
a minimum of three years after the termination of the lease, 246  
rental agreement, or association agreement, or any contract for 247  
public utility service between a resident, unit owner, or tenant 248  
and the reseller. 249

Sec. 4934.15. A park operator, unit owners association, or 250  
landlord, or a third-party reseller under contract pursuant to 251  
section 4934.05 of the Revised Code, may impose an administrative 252  
fee, late fee, or any other fee relating to the provision of, or 253  
payment for, public utility service supplied to a tenant's, 254  
resident's, or unit owner's premises. 255

Sec. 4934.16. (A) A park operator, unit owners association, 256

landlord, or a third-party reseller under contract pursuant to 257  
section 4934.05 of the Revised Code, may prorate or allocate the 258  
costs for public utility service that is provided to common areas 259  
and for commonly used equipment available for use by a resident, 260  
unit owner, or tenant. 261

(B) If an operator, association, landlord, or reseller 262  
prorates or allocates the costs for public utility service that is 263  
provided to common areas and for commonly used equipment, the 264  
operator, association, landlord, or reseller shall disclose prior 265  
to entering into a rental agreement, association agreement, or 266  
lease, or a contract for public utility service with a resident, 267  
unit owner, or tenant that the public utility service for such 268  
areas and equipment will be so prorated or allocated. 269

Sec. 4934.17. If a fee is imposed pursuant to section 4934.15 270  
of the Revised Code or a cost is prorated or allocated pursuant to 271  
section 4934.16 of the Revised Code, the fee or cost or both, plus 272  
the charge imposed for public utility service to the premises, 273  
shall not exceed the charge imposed for public utility service to 274  
comparable premises of other residential customers in the service 275  
territory. 276

Sec. 4934.18. (A) A park operator, unit owners association, a 277  
landlord, or a third-party reseller under contract pursuant to 278  
section 4934.05 of the Revised Code, may terminate the service of 279  
facilitating, through a submeter or otherwise, public utility 280  
service for nonpayment of public utility service. Such termination 281  
shall be done in accordance with all rules for terminating public 282  
utility service for nonpayment established by the public utilities 283  
commission of Ohio as such rules are applied to electric light 284  
companies or natural gas companies. 285

(B) Notwithstanding Chapters 1923. and 5321. of the Revised 286

Code, a park operator or landlord shall not evict a resident or 287  
tenant if public utility service has been terminated under 288  
division (A) of this section. 289

Sec. 4934.20. No park operator, unit owners association, 290  
landlord, or third-party reseller shall enter into a rental 291  
agreement, association agreement, or lease, or a contract for 292  
public utility service with a resident, unit owner, or tenant that 293  
conflicts with the provisions of this chapter. 294

Sec. 4934.21. Nothing in this chapter shall limit the 295  
authority of the public utilities commission to prohibit or limit 296  
the reselling of public utility service. 297

Sec. 4934.22. If a landlord, park operator, unit owners 298  
association, or third-party reseller violates any provision of 299  
this chapter, the affected resident, unit owner, or tenant may 300  
bring an action to recover double the amount of damages resulting 301  
from the violation, obtain injunctive relief to prevent the 302  
recurrence of the conduct, and obtain a judgment for reasonable 303  
attorney's fees. 304

For purposes of this section, "damages" means either or both 305  
of the following, as applicable to the facts based upon which an 306  
action is brought under this division: 307

(A) The total amount charged to the resident, unit owner, or 308  
tenant for the public utility service for the period during which 309  
a violation of this chapter occurred; 310

(B) The total amount of administrative, late, or other fees 311  
charged to the resident in violation of section 4934.15 of the 312  
Revised Code. 313

Sec. 4934.24. The public utilities commission shall adopt 314

<u>rules that do the following:</u>	315
<u>(A) Establish standards and other requirements for ratio utility billing systems:</u>	316
<u>(B) Establish a method for determining the amount other residential customers in a service territory are charged for the public utility service for comparison as described in sections 4934.09, 4934.10, and 4934.15 of the Revised Code.</u>	317
<u>Sec. 5311.082. A unit owners association shall comply with Chapter 4934. of the Revised Code.</u>	318
<u>Sec. 5321.061. A landlord shall comply with Chapter 4934. of the Revised Code.</u>	319
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