

AN ACT

relating to the disconnection of electric or gas utility service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 92, Property Code, is amended by adding Section 92.302 to read as follows:

Sec. 92.302. NOTICE OF UTILITY DISCONNECTION OF NONSUBMETERED MASTER METERED MULTIFAMILY PROPERTY TO MUNICIPALITIES, OWNERS, AND TENANTS. (a) In this section:

(1) "Customer" means a person who is responsible for bills received for electric utility service or gas utility service provided to nonsubmetered master metered multifamily property.

(2) "Nonsubmetered master metered multifamily property" means an apartment, a leased or owner-occupied condominium, or one or more buildings containing at least 10 dwellings that receive electric utility service or gas utility service that is master metered but not submetered.

(b) A customer shall provide written notice of a service disconnection to each tenant or owner at a nonsubmetered master metered multifamily property not later than the fifth day after the date the customer receives a notice of service disconnection from an electric service provider or a gas utility. The customer must provide the notice by mail to the tenant's or owner's preferred mailing address or hand deliver the notice to the tenant or owner. The written notice must include the customer's contact information

1 and the tenant's remedies under Section 92.301. The notice must
2 include the following text in both English and Spanish:

3 "Notice to residents of (name and address of nonsubmetered
4 master metered multifamily property): Electric (or gas) service to
5 this property is scheduled for disconnection on (date) because
6 (reason for disconnection)."

7 (c) If the property is located in a municipality, the
8 customer shall provide the same notice described by Subsection (b)
9 to the governing body of that municipality by certified mail. The
10 governing body of the municipality may provide additional notice to
11 the property's tenants and owners after receipt of the service
12 disconnection notice under this subsection.

13 (d) A customer is not required to provide the notices
14 described by this section if the customer avoids the disconnection
15 by paying the bill.

16 SECTION 2. Chapter 17, Utilities Code, is amended by adding
17 Subchapter E to read as follows:

18 SUBCHAPTER E. PROTECTION AGAINST UTILITY SERVICE DISCONNECTION

19 Sec. 17.201. DEFINITION. In this subchapter,
20 "nonsubmetered master metered multifamily property" means an
21 apartment, a leased or owner-occupied condominium, or one or more
22 buildings containing at least 10 dwellings that receive electric
23 utility service that is master metered but not submetered.

24 Sec. 17.202. NOTICE OF DISCONNECTION TO MUNICIPALITIES FOR
25 NONSUBMETERED MASTER METERED MULTIFAMILY PROPERTIES. (a) A retail
26 electric provider or a vertically integrated electric utility, not
27 including a municipally owned utility or an electric cooperative,

1 in an area where customer choice has not been introduced shall send
2 a written notice of service disconnection to a municipality before
3 the retail electric provider or vertically integrated electric
4 utility disconnects service to a nonsubmetered master metered
5 multifamily property for nonpayment if:

6 (1) the property is located in the municipality; and

7 (2) the municipality establishes an authorized
8 representative to receive the notice as described by Section
9 17.203(c).

10 (b) The retail electric provider or vertically integrated
11 electric utility in an area where customer choice has not been
12 introduced shall send the notice required by this section not later
13 than the 10th day before the date electric service is scheduled for
14 disconnection.

15 Sec. 17.203. ADDITIONAL SAFEGUARDS. (a) The customer
16 safeguards provided by this subchapter are in addition to
17 safeguards provided by other law or agency rules.

18 (b) This subchapter does not prohibit a municipality or the
19 commission from adopting customer safeguards that exceed the
20 safeguards provided by this chapter.

21 (c) The commission by rule shall develop a mechanism by
22 which a municipality may provide the commission with the contact
23 information of the municipality's authorized representative to
24 whom the notice required by Section 17.202 must be sent. The
25 commission shall make the contact information available to the
26 public.

27 SECTION 3. Chapter 104, Utilities Code, is amended by

1 adding Subchapter H to read as follows:

2 SUBCHAPTER H. PROTECTION AGAINST UTILITY SERVICE DISCONNECTION

3 Sec. 104.351. DEFINITIONS. In this subchapter:

4 (1) "Customer" means any person in whose name gas
5 utility service is billed, including individuals, governmental
6 units at all levels of government, corporate entities, and any
7 other entity with legal capacity to be billed for gas service.

8 (2) "Gas utility" has the meaning assigned by Section
9 181.021 but does not include a municipally owned utility or gas
10 utility owned by an electric cooperative.

11 (3) "Nonsubmetered master metered multifamily
12 property" means an apartment, a leased or owner-occupied
13 condominium, or one or more buildings containing at least 10
14 dwelling units that receive gas utility service that is master metered
15 but not submetered.

16 Sec. 104.352. NOTICE OF DISCONNECTION TO MUNICIPALITIES FOR
17 NONSUBMETERED MASTER METERED MULTIFAMILY PROPERTIES. (a) A gas
18 utility shall send a written notice of service disconnection to a
19 municipality before the gas utility disconnects service to a
20 nonsubmetered master metered multifamily property for nonpayment
21 if:

22 (1) the property is located in the municipality; and

23 (2) the municipality establishes an authorized
24 representative to receive the notice as described by Section
25 104.353(c).

26 (b) The gas utility shall send the notice required by this
27 section not later than the 10th day before the date gas utility

1 service is scheduled for disconnection.

2 Sec. 104.353. ADDITIONAL SAFEGUARDS. (a) The customer
3 safeguards provided by this subchapter are in addition to
4 safeguards provided by other law or agency rules.

5 (b) This subchapter does not prohibit a municipality or the
6 regulatory authority from adopting customer safeguards that exceed
7 the safeguards provided by this chapter.

8 (c) The regulatory authority by rule shall develop a
9 mechanism by which a municipality may provide the regulatory
10 authority with the contact information of the municipality's
11 authorized representative to whom the notice required by Section
12 104.352 must be sent. The regulatory authority shall make the
13 contact information available to the public.

14 SECTION 4. The change in law made by this Act applies only
15 in regard to disconnection of service for nonpayment of a utility
16 bill issued for a billing period that begins on or after the
17 effective date of this Act.

18 SECTION 5. This Act takes effect January 1, 2014.

President of the Senate

Speaker of the House

I certify that H.B. No. 1772 was passed by the House on May 7, 2013, by the following vote: Yeas 132, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1772 was passed by the Senate on May 17, 2013, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor