

By: Paul

H.B. No. 4012

A BILL TO BE ENTITLED

AN ACT

relating to notice of a scheduled disconnection of water utility service.

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

SECTION 1. Sections 92.302(a) and (b), Property Code, are amended to read as follows:

(a) In this section:

(1) "Customer" means a person who is responsible for bills received for electric utility service, ~~or~~ gas utility service, or water 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, or water 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, or a water 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 and the tenant's remedies under Section 92.301. The notice must include the following text in both English and Spanish:

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

SECTION 2. Chapter 13, Water Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. PROTECTION AGAINST UTILITY SERVICE DISCONNECTION

Sec. 13.521. NOTICE OF DISCONNECTION TO MUNICIPALITIES FOR NONSUBMETERED MASTER METERED MULTIFAMILY PROPERTIES. (a) In this section, "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 water utility service that is master metered but not submetered.

(b) A utility shall send a written notice of service disconnection to a municipality before the utility disconnects service to a nonsubmetered master metered multifamily property for nonpayment if:

(1) the property is located in the municipality; and
(2) the municipality establishes an authorized representative to receive the notice as described by Section 13.523(c).

(c) The water utility shall send the notice required by this section not later than the 10th day before the date water service is

1 scheduled for disconnection.

2 Sec. 13.522. SEPARATE NOTICE OF DISCONNECTION REQUIRED. A
3 water utility shall mail notice of disconnection of water utility
4 service separately from any other statement the utility mails to
5 the customer.

6 Sec. 13.523. ADDITIONAL SAFEGUARDS. (a) The customer
7 safeguards provided by this subchapter are in addition to
8 safeguards provided by other law or agency rules.

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

12 (c) The commission by rule shall develop a mechanism by
13 which a municipality may provide the commission with the contact
14 information of the municipality's authorized representative to
15 whom the notice required by Section 13.521 must be sent. The
16 commission shall make the contact information available to the
17 public.

18 SECTION 3. The change in law made by this Act applies only
19 in regard to disconnection of water utility service that is
20 scheduled on or after September 15, 2017.

21 SECTION 4. This Act takes effect September 1, 2017.