

BILL ANALYSIS

S.B. 2195
By: Lucio
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that there are many mixed use facilities across the state that include multiple types of housing, including apartment houses, manufactured homes, and recreational vehicles. There have been calls for the state to provide greater clarity with respect to how electricity and water provided to these properties are to be metered and billed, particularly when the applicable dwelling unit or recreational vehicle is submetered. S.B. 2195 seeks to provide this clarity and update definitions and terminology used with respect to electric and water metering to reflect changes in the electric industry and bring state law regulating that metering in line with other applicable state law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Public Utility Commission of Texas in SECTION 9 of this bill.

ANALYSIS

S.B. 2195 amends the Utilities Code to revise provisions regulating electric and water metering to make certain updates, including by doing the following:

- providing for a uniform definition of "apartment house," "apartment house owner," and "dwelling unit," among other definitions;
- revising the definition of "utility" as that term relates to electric and water metering with respect to central system utilities;
- replacing references to a mobile home park with references to a manufactured housing community, as defined under Property Code provisions relating to manufactured home tenancies;
- replacing references to individual metering with references to separate metering;
- replacing references to a supplying utility with references to an electricity supplier, as defined by the bill, for purposes relating to metering in recreational vehicle parks;
- subjecting an owner, operator, or manager of a manufactured housing community who installs individual meters or submeters in the community to a requirement to provide for a certain rental rate reduction and related refund if, not more than 90 days before that installation, the owner, operator, or manager implemented an increase in rental rates attributable to the increased cost of utilities; and

- prohibiting a person that is not regulated by the Public Utility Commission of Texas (PUC) under the Public Utility Regulatory Act as an electric utility or a retail electric provider for another activity from being considered to be an electric utility or a retail electric provider solely because the person provides electric service in accordance with provisions regulating electric and water metering and PUC rules adopted under those provisions.

S.B. 2195 provides for the regulation of electric and water metering in dwelling units and recreational vehicles that are not separately metered and that are located on a property that includes at least two of the following types of housing: apartment houses, manufactured homes, and recreational vehicles. The bill does the following with respect to such mixed use facilities:

- subjects a submetered dwelling unit to the metering and billing requirements applicable to an apartment, condominium, or manufactured housing community;
- subjects a submetered recreational vehicle to the metering and billing requirements applicable to a recreational vehicle in a recreational vehicle park;
- authorizes the owner of a property that includes at least one submetered recreational vehicle and at least one submetered manufactured home to choose to apply the metering and billing requirements applicable to an apartment, condominium, or manufactured housing community to manufactured homes and recreational vehicles on the property; and
- subjects a dwelling unit or recreational vehicle that is not submetered to the billing requirements for central system utilities.

The bill requires the PUC to adopt rules under which an owner of a property that includes at least two of the specified housing types may install submetering equipment to fairly allocate the cost of electric energy consumption of each dwelling unit or recreational vehicle.

S.B. 2195 repeals the following provisions of the Utilities Code:

- Section 184.011
- Section 184.031
- Sections 184.051(1), (2), and (5)

EFFECTIVE DATE

September 1, 2019.