

By: Paul

H.B. No. 458

A BILL TO BE ENTITLED

1 AN ACT
2 relating to notice of a scheduled disconnection of water utility
3 service.

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

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

7 (a) In this section:

8 (1) "Customer" means a person who is responsible for
9 bills received for electric utility service, ~~or~~ gas utility
10 service, or water utility service provided to nonsubmetered master
11 metered multifamily property.

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

18 (b) A customer shall provide written notice of a service
19 disconnection to each tenant or owner at a nonsubmetered master
20 metered multifamily property not later than the fifth day after the
21 date the customer receives a notice of service disconnection from
22 an electric service provider, ~~or~~ a gas utility, or a water
23 utility. The customer must provide the notice by mail to the
24 tenant's or owner's preferred mailing address or hand deliver the

1 notice to the tenant or owner. The written notice must include the
2 customer's contact information and the tenant's remedies under
3 Section 92.301. The notice must include the following text in both
4 English and Spanish:

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

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

11 SUBCHAPTER O. PROTECTION AGAINST UTILITY SERVICE DISCONNECTION

12 Sec. 13.521. NOTICE OF DISCONNECTION TO MUNICIPALITIES FOR
13 NONSUBMETERED MASTER METERED MULTIFAMILY PROPERTIES. (a) In this
14 section, "nonsubmetered master metered multifamily property" means
15 an apartment, a leased or owner-occupied condominium, or one or
16 more buildings containing at least 10 dwellings that receive water
17 utility service that is master metered but not submetered.

18 (b) A utility shall send a written notice of service
19 disconnection to a municipality before the utility disconnects
20 service to a nonsubmetered master metered multifamily property for
21 nonpayment 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 13.523(c).

26 (c) The water utility shall send the notice required by this
27 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 commission 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, 2019.

21 SECTION 4. This Act takes effect September 1, 2019.