

By: Davis of Dallas

H.B. No. 3341

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requirements for adding a dwelling unit that has  
3 individual unit metering to an electric service plan; imposing a  
4 civil penalty.

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

6 SECTION 1. Subchapter B, Chapter 184, Utilities Code, is  
7 amended by adding Section 184.015 to read as follows:

8 Sec. 184.015. DIRECT METER PROGRAMS. (a) In this section:

9 (1) "Dwelling unit" includes a manufactured home in a  
10 manufactured home rental community.

11 (2) "Electric service plan" includes a plan offered  
12 by:

13 (A) a retail electric provider, as defined by  
14 Section 31.002;

15 (B) an electric cooperative, as defined by  
16 Section 11.003; or

17 (C) a municipally owned utility, as defined by  
18 Section 11.003.

19 (3) "Manufactured home rental community" has the  
20 meaning assigned by Section 13.501, Water Code.

21 (4) "Occupant" means a person who owns or rents a  
22 dwelling unit.

23 (b) The owner, operator, or manager of an apartment house,  
24 single-family home, or manufactured home rental community that has

1 individual utility metering may add a dwelling unit to the electric  
2 service plan that provides electric service to the owner, operator,  
3 or manager only with the written consent of:

- 4 (1) the owner-occupant; or
- 5 (2) all occupants renting the unit.

6 (c) An owner, operator, or manager of an apartment house,  
7 single-family home, or manufactured home rental community who adds  
8 a dwelling unit to an electric service plan in accordance with  
9 Subsection (b) may:

- 10 (1) maintain the electric meter for the unit in the  
11 name of the owner, operator, or manager; and
- 12 (2) charge the occupants of the unit for the cost of  
13 the electric service provided to the unit and a reasonable  
14 administrative fee.

15 (d) An owner, operator, or manager of an apartment house,  
16 single-family home, or manufactured home rental community may  
17 maintain a water or gas meter in the name of the owner, operator, or  
18 manager, and charge occupants of a dwelling unit for the cost of the  
19 water or gas utility service provided to the unit and a reasonable  
20 administrative fee.

21 (e) An action taken by an owner, operator, or manager of an  
22 apartment home, single-family home, or manufactured home rental  
23 community under Subsection (b) or (c) does not constitute the  
24 provision of electric service for compensation.

25 (f) The commission shall adopt rules as necessary to  
26 implement this section and to ensure that:

- 27 (1) an occupant of a dwelling unit has sufficient

1 information to provide informed, written consent to add a dwelling  
2 unit to an electric service plan in accordance with Subsection (b);

3 (2) an owner, operator, or manager of an apartment  
4 home, single-family home, or manufactured home rental community  
5 fairly allocates the cost of electric, gas, and water utility  
6 services between occupants in a dwelling unit when multiple  
7 occupants are billed separately; and

8 (3) an owner, operator, or manager of an apartment  
9 home, single-family home, or manufactured home rental community  
10 maintains adequate records for each dwelling unit, including  
11 monthly consumption billing and payment records, and either:

12 (A) makes the records available for inspection by  
13 occupants of the unit during normal business hours; or

14 (B) if a third party maintains the records,  
15 provides a clear description of the third party and the third  
16 party's contact information in each billing statement sent to  
17 occupants.

18 SECTION 2. Section 184.071, Utilities Code, is amended to  
19 read as follows:

20 Sec. 184.071. LIABILITY. (a) A landlord or manager who  
21 violates a commission rule relating to submetering of electric  
22 utilities consumed exclusively in a tenant's dwelling unit, ~~or~~ a  
23 rule relating to the allocation of central system utility costs or  
24 nonsubmetered master metered electric utility costs, or a rule  
25 adopted under Section 184.015 is liable to the tenant or an occupant  
26 for:

27 (1) three times the amount of any overcharge;

- 1           (2) a civil penalty equal to one month's rent;  
2           (3) reasonable attorney's fees; and  
3           (4) court costs.

4           (b) A landlord or manager is not liable for the civil  
5 penalty provided by Subsection (a)(2) if the landlord or manager  
6 proves that the [~~landlord's~~] violation of the rule was an  
7 unintentional mistake made in good faith.

8           SECTION 3. This Act takes effect September 1, 2019.