

By: Lucio

S.B. No. 2195

A BILL TO BE ENTITLED

AN ACT

relating to metering and billing requirements for certain apartment houses, manufactured homes, and recreational vehicles.

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

SECTION 1. Section 39.554(e), Utilities Code, is amended to read as follows:

(e) An electric utility that approves an application of a distributed renewable generation owner under Subsection (b) shall provide to the owner the metering options described by Section 39.916(f) and an option to interconnect with the utility through a single meter that runs forward and backward if:

(1) the owner:

(A) intends to interconnect the distributed renewable generation at an apartment house, as defined by Section 184.001 [~~184.011~~], occupied by low-income elderly tenants that qualifies for master metering under Section 184.012(b) and the distributed renewable generation is reasonably expected to generate not less than 50 percent of the apartment house's annual electricity use; or

(B) has a qualifying facility with a design capacity of not more than 50 kilowatts; and

(2) the distributed renewable generation or qualifying facility that is the subject of the application is rated to produce an amount of electricity that is less than or equal to:

1 (A) the owner's estimated annual kilowatt hour  
2 consumption for a new apartment house or qualifying facility; or

3 (B) the amount of electricity the owner consumed  
4 in the year before installation of the distributed renewable  
5 generation or qualifying facility.

6 SECTION 2. Section 184.001, Utilities Code, is amended to  
7 read as follows:

8 Sec. 184.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

9 (1) "Apartment house" means one or more buildings  
10 containing more than five dwelling units each of which is rented  
11 primarily for nontransient use with rent paid at intervals of one  
12 week or longer. The term includes a rented or owner-occupied  
13 residential condominium.

14 (2) "Apartment house owner" means:

15 (A) the legal titleholder of an apartment house;  
16 or

17 (B) an individual, firm, or corporation that  
18 purports to be the landlord of a tenant of an apartment house.

19 (3) "Commission" [~~,"commission"~~] means the Public  
20 Utility Commission of Texas.

21 (4) "Dwelling unit" means one or more rooms that are  
22 suitable for occupancy as a residence and that contain kitchen and  
23 bathroom facilities. The term includes a manufactured home. The  
24 term does not include a recreational vehicle.

25 (5) "Electricity supplier" means an electric utility,  
26 a retail electric provider, a municipally owned utility, as defined  
27 by Section 11.003, or an electric cooperative, as defined by

1 Section 11.003, from which an apartment owner, manufactured  
2 community owner, or recreational vehicle park owner purchases  
3 electric energy.

4 (6) "Electric utility" has the meaning assigned by  
5 Section 31.002.

6 (7) "Manufactured home" or "manufactured housing" has  
7 the meaning assigned in Section 1201.003, Occupations Code.

8 (8) "Manufactured housing community" has the meaning  
9 assigned to "manufactured home community" by Section 94.001,  
10 Property Code.

11 (9) "Recreational vehicle" has the meaning assigned by  
12 Section 522.004, Transportation Code.

13 (10) "Recreational vehicle park" has the meaning  
14 assigned by Section 13.087, Water Code.

15 (11) "Retail electric provider" has the meaning  
16 assigned by Section 31.002.

17 (12) "Separately metered" has the meaning assigned by  
18 Section 31.002.

19 (13) "Utility company" means an electric utility or a  
20 transmission and distribution utility, as defined by Section  
21 31.002.

22 SECTION 3. Subchapter A, Chapter 184, Utilities Code, is  
23 amended by adding Section 184.002 to read as follows:

24 Sec. 184.002. ELECTRICITY SUPPLIER; APPLICABILITY OF TITLE  
25 2. Notwithstanding Title 2, a person that is not regulated by the  
26 commission under that title as an electric utility or a retail  
27 electric provider for another activity may not be considered to be

1 an electric utility or a retail electric provider solely because  
2 the person provides electric service in accordance with this  
3 chapter and commission rules adopted under this chapter.

4 SECTION 4. The heading to Subchapter B, Chapter 184,  
5 Utilities Code, is amended to read as follows:

6 SUBCHAPTER B. METERING IN APARTMENTS, CONDOMINIUMS, AND  
7 MANUFACTURED HOUSING COMMUNITIES [~~MOBILE HOME PARKS~~]

8 SECTION 5. Section 184.012(a), Utilities Code, is amended  
9 to read as follows:

10 (a) A political subdivision may not authorize the  
11 construction or occupancy of a new apartment house, including the  
12 conversion of property to a condominium, unless the construction  
13 plan provides for the measurement of the quantity of electricity  
14 consumed by the occupants of each dwelling unit of the apartment  
15 house, either by separate [~~individual~~] metering by the utility  
16 company or by submetering by the owner.

17 SECTION 6. Sections 184.013(a) and (c), Utilities Code, are  
18 amended to read as follows:

19 (a) The owner of an apartment house or manufactured housing  
20 community [~~mobile home park~~] may submeter each dwelling unit in the  
21 apartment house or manufactured housing community that is not  
22 separately metered [~~mobile home park~~] to measure the quantity of  
23 electricity consumed by the occupants of the dwelling unit.

24 (c) If, not more than 90 days before the date an owner,  
25 operator, or manager of an apartment house or manufactured housing  
26 community installs individual meters or submeters in the apartment  
27 house or manufactured housing community, the owner, operator, or

1 manager increases rental rates and the increase in rental rates is  
2 attributable to the increased cost of utilities, the owner,  
3 operator, or manager, on installation of the meters or submeters,  
4 shall:

5 (1) immediately reduce the rental rate by the amount  
6 of the increase attributable to the increased cost of utilities;  
7 and

8 (2) refund the amount of the increased rent:

9 (A) collected in the 90-day period preceding the  
10 installation of the meters or submeters; and

11 (B) attributable to the cost of increased  
12 utilities.

13 SECTION 7. Sections 184.014(a) and (b), Utilities Code, are  
14 amended to read as follows:

15 (a) The commission shall adopt rules under which an owner,  
16 operator, or manager of an apartment house or manufactured housing  
17 community [~~mobile home park~~] for which electricity is not  
18 separately [~~individually~~] metered may install submetering  
19 equipment to allocate fairly the cost of the electrical consumption  
20 of each dwelling unit in the apartment house or manufactured  
21 housing community [~~mobile home park~~].

22 (b) In addition to other appropriate safeguards for a tenant  
23 of an apartment house or manufactured housing community [~~mobile~~  
24 ~~home park~~], a rule adopted under Subsection (a) must provide that:

25 (1) the apartment house owner or a manufactured  
26 housing community [~~mobile home park~~] owner may not charge a tenant  
27 more than the cost per kilowatt hour charged by the utility to the

1 owner; and

2 (2) the apartment house owner shall maintain adequate  
3 records relating to submetering and make those records available  
4 for inspection by the tenant during reasonable business hours.

5 SECTION 8. Sections 184.033, 184.034, 184.035, and 184.036,  
6 Utilities Code, are amended to read as follows:

7 Sec. 184.033. METERED SALE UNDER THIS CHAPTER.  
8 Notwithstanding any provision of Title 2, the metered sale of  
9 electricity by a recreational vehicle park owner does not  
10 constitute the provision of electric service for compensation if:

11 (1) the electricity is consumed in a recreational  
12 vehicle that is located in a recreational vehicle park;

13 (2) the owner can show that the owner does not annually  
14 recover from recreational vehicle occupants through metered  
15 charges more than the electricity supplier [~~supplying utility~~]  
16 charges the owner for electricity that is submetered, taking into  
17 account fuel refunds;

18 (3) the owner establishes a fiscal year for the  
19 purposes of this subchapter and maintains for at least three years  
20 records of:

21 (A) bills received from the electricity supplier  
22 [~~supplying utility~~];

23 (B) charges made to recreational vehicle  
24 occupants; and

25 (C) consumption records for each fiscal year;

26 (4) the owner charges for electricity using a fixed  
27 rate per kilowatt hour for each fiscal year computed at the

1 beginning of the fiscal year in the manner provided by Section  
2 184.034; and

3 (5) the owner complies with the refund requirements of  
4 Section 184.035.

5 Sec. 184.034. COMPUTATION OF CHARGES. (a) For the  
6 purposes of computing the charge for electricity under Section  
7 184.033(4), the recreational vehicle park owner shall divide the  
8 amount charged the owner by the electricity supplier [~~supplying~~  
9 ~~utility~~] for the preceding fiscal year by the total number of  
10 kilowatt hours consumed by occupants visiting the park in the  
11 preceding fiscal year and round the quotient to the nearest cent.

12 (b) If since or during the preceding fiscal year the rates  
13 the owner pays its electricity supplier have increased [~~supplying~~  
14 ~~utility increases its rates~~], the owner may recompute the preceding  
15 fiscal year's charges [~~by the utility~~] using the current rates  
16 [~~charged by the utility~~].

17 (c) If since or during the preceding fiscal year the rates  
18 the owner pays its electricity supplier have decreased [~~supplying~~  
19 ~~utility decreases its rates~~], the owner shall recompute the  
20 preceding fiscal year's charges [~~by the utility~~] using the current  
21 rates [~~charged by the utility~~].

22 (d) An owner may not:

23 (1) include a charge by the electricity supplier  
24 [~~supplying utility~~] for electricity used in a common area or office  
25 of the recreational vehicle park in computing the amounts under  
26 Subsection (b) or (c); or

27 (2) recover that charge through a metered charge to a

1 recreational vehicle occupant.

2           Sec. 184.035. REFUND OF SURCHARGES. A recreational vehicle  
3 park owner who determines at the end of a fiscal year that the owner  
4 has collected more than the amount charged by the electricity  
5 supplier [~~supplying utility~~] shall refund the excess amount to  
6 occupants visiting the park in the succeeding fiscal year.

7           Sec. 184.036. UTILITY CUTOFF AT RECREATIONAL VEHICLE PARK.  
8 Notwithstanding any other law, a person who operates a recreational  
9 vehicle park[~~, as defined by Section 13.087, Water Code,~~] may  
10 withhold electric, water, or wastewater utility services from a  
11 person occupying a recreational vehicle at the park if the occupant  
12 is delinquent in paying for utility services provided by the  
13 operator until the occupant pays the delinquent amount.

14           SECTION 9. Chapter 184, Utilities Code, is amended by  
15 adding Subchapter C-1 to read as follows:

16                           SUBCHAPTER C-1. MIXED USE FACILITIES

17           Sec. 184.0401. APPLICABILITY. This subchapter applies to  
18 dwelling units and recreational vehicles that:

- 19                           (1) are not separately metered; and  
20                           (2) are located on a property that includes at least  
21 two of the following types of housing:

- 22                                   (A) apartment houses;  
23                                   (B) manufactured homes; and  
24                                   (C) recreational vehicles.

25           Sec. 184.0402. METERING AND BILLING REQUIREMENTS. (a) A  
26 submetered dwelling unit is subject to the metering and billing  
27 requirements applicable to a dwelling unit under Subchapter B.



1        (b) Except as provided by Subsection (c), a submetered  
2 recreational vehicle is subject to the metering and billing  
3 requirements applicable to a recreational vehicle under Subchapter  
4 C.

5        (c) The owner of a property that includes at least one  
6 submetered recreational vehicle and at least one submetered  
7 manufactured home may choose to apply the metering and billing  
8 requirements applicable to a dwelling unit under Subchapter B to  
9 manufactured homes and recreational vehicles on the property.

10       (d) A dwelling unit or recreational vehicle that is not  
11 submetered is subject to the billing requirements of Subchapter D.

12       Sec. 184.0403. RULES. The commission shall adopt rules  
13 under which an owner of a property described by Section 184.0401(2)  
14 may install submetering equipment to fairly allocate the cost of  
15 electric energy consumption of each dwelling unit or recreational  
16 vehicle.

17       SECTION 10. Section 184.051(8), Utilities Code, is amended  
18 to read as follows:

19                (8) "Utility" means an electric [~~a public, private, or~~  
20 ~~member-owned~~] utility, a retail electric provider, an electric  
21 cooperative, or a municipally owned utility that provides  
22 electricity, water, or wastewater service to an apartment house  
23 served by a master meter.

24       SECTION 11. Section 184.071(a), Utilities Code, is amended  
25 to read as follows:

26                (a) A landlord who violates a commission rule relating to  
27 submetering of electric utilities consumed exclusively in a

1 tenant's dwelling unit or a rule relating to the allocation of  
2 central system utility costs or nonsubmetered master metered  
3 electricity [~~electric utility~~] costs is liable to the tenant for:

- 4 (1) three times the amount of any overcharge;
- 5 (2) a civil penalty equal to one month's rent;
- 6 (3) reasonable attorney's fees; and
- 7 (4) court costs.

8 SECTION 12. The following provisions of the Utilities Code  
9 are repealed:

- 10 (1) Section [184.011](#);
- 11 (2) Section [184.031](#); and
- 12 (3) Sections [184.051](#)(1), (2), and (5).

13 SECTION 13. This Act takes effect September 1, 2019.