



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [H.B. 662 of the 130th G.A.](#)

Date: December 2, 2014

Status: As Introduced

Sponsor: Reps. Duffey and McGregor

Local Impact Statement Procedure Required: No

Contents: Regarding measurement of public utility service to premises administered by a landlord, condominium unit owners association, or manufactured home park operator

State Fiscal Highlights

- The requirements under the bill may increase the Public Utilities Commission's administrative costs. Any increase in such costs would likely be paid from the Public Utilities Fund, Fund 5F60. Any increase would likely be minimal.

Local Fiscal Highlights

- Potential minimal increase in costs to counties or municipalities for administering court proceedings. Any such costs may be partially recovered through court filing fees.

Detailed Fiscal Analysis

The bill requires a mobile home park operator, condominium unit owners association, or landlord of premises receiving public utility service¹ to measure public utility service provided to the premises through a master meter, through a master meter in conjunction with a submeter, or through a public utility-owned meter. The requirement applies to all premises that are administered by a park operator, unit owners association, or landlord on and after the effective date of this bill, including property converted to a condominium property or apartment units after that date. The bill provides that all submeters and master meters used must meet the existing standards for meters established by the Public Utilities Commission of Ohio (PUCO) under section 4905.28 of the Revised Code. The bill also requires an operator, association, or landlord that installs a submeter after the bill's effective date to notify and provide certain information to PUCO within 30 days of the installation.

The bill allows a park operator, unit owners association, or landlord to enter into a contract with a third-party reseller that requires the reseller to provide public utility service to residents, unit owners, and tenants, in accordance with the provisions under this bill. The bill requires a park operator, association, landlord, or a third-party reseller to provide certain information related to public utility service and rates as specified under the bill, at least once per calendar year, to PUCO.² The bill specifies that the information reported under this provision is a public record.

The bill limits the amount that a park operator, unit owners association, landlord, or third-party reseller may charge for public utility service to residents, owners, or tenants, though it allows them to impose an administrative fee, late fee, or any other fee relating to the provision of, or payment for, public utility service.

The bill includes several other requirements imposed on park operators, unit owners associations, landlords, or resellers who charge residents for utility services. The requirements include, for example, requirements related to disclosures of terms, recordkeeping, termination of utility services for nonpayment, and allocation of costs for utility services provided to common areas.

The bill allows the affected resident, unit owner, or tenant to file a lawsuit to recover double the amount of damages, obtain injunctive relief to prevent the recurrence of the conduct, and obtain a judgment for reasonable attorney's fees, if a landlord, park operator, unit owners association, or third-party reseller violates any provision of the bill.

¹ The bill excludes public utility service provided by a municipal corporation or cooperative.

² If the operator, association, landlord, or reseller changes its rate within the six months following the reporting of its rate to PUCO, it must report the new rate within 15 days of the effective date of the change in rate.

Fiscal effect

The bill requires PUCO to adopt rules to (1) establish standards and other requirements for ratio utility billing systems, and (2) establish a method for determining the amount other residential customers in a service territory are charged for a public utility service. The bill also requires PUCO to provide each park operator, unit owners association, or landlord, or third-party reseller for each of the premises for which a submeter is installed, certain information related to prices and costs of public utility service, for the purpose of providing a prospective or actual resident, unit owner, or tenant with useful knowledge regarding the cost of submetered public utilities at an individual premises. These requirements may increase PUCO's administrative costs. However, it is likely that any increase would be minimal. Any increase in such costs would likely be paid from the Public Utilities Fund (Fund 5F60).

Allowing tenants to file a lawsuit for any violation of the bill's provisions may increase costs for a court of common pleas or a municipal court in which the lawsuit was filed. Any such increase in costs is likely to be minimal, and would be partially offset by court filing fees.