

CHAPTER 555

H.B. No. 2076

An Act relating to utility submetering for certain dwellings.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 1, 2, and 3, Chapter 353, Acts of the 65th Legislature, Regular Session, 1977 (Article 1446d, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1. In this Act:

(1) "Apartment house" means a building or buildings containing more than five dwelling units all of which are rented primarily for nontransient use, with rental paid at intervals of one week or longer. Apartment house shall include residential condominiums, whether rented or owner occupied.

(2) "Dwelling unit" means (a) a room or rooms in an apartment house suitable for occupancy as a residence containing kitchen and bathroom facilities, or (b) a mobile home in a mobile home park.

Sec. 2. (a) ~~No~~ [After January 1, 1978, no] incorporated city or town, including a home-rule city or other political subdivision of the state, may issue a permit, certificate, or other authorization for the construction or occupancy of a new apartment house or conversion to a condominium unless the construction plan provides for individual metering by the utility company or submetering by the owner of each dwelling unit for the measurement of the quantity of electricity, if any, consumed by the occupants within that dwelling unit.

(b) The provisions of Subsection (a) of this section shall not apply to the issuance of a permit to a nonprofit organization for construction of a new apartment house for occupancy by the low-income elderly when the nonprofit organization establishes, by submission of engineering and

cost data and a sworn statement, that all cost savings will be passed on to the low-income elderly tenants.

(c) *An apartment house owner and a mobile home park owner may provide for submetering of each dwelling unit for the measurement of the quantity of electricity or water, if any, consumed by the occupants within that dwelling unit.*

Sec. 3. Notwithstanding any law to the contrary, the Public Utility Commission of Texas shall promulgate rules, regulations, and standards under which any owner, operator, or manager of an apartment house or mobile home park which is not individually metered for electricity and water for each dwelling unit may install submetering equipment for each individual dwelling unit for the purpose of fairly allocating the cost of each individual dwelling unit's electrical or water consumption, including wastewater charges based on water consumption. In addition to other appropriate safeguards for the tenant, such rules and regulations shall require (a) that an apartment house owner or mobile home park owner shall not impose on the tenant any extra charges, over and above the cost per kilowatt hour or gallon which is charged by the utility [company] to the owner, and (b) that the apartment house owner shall maintain adequate records regarding submetering and shall make such records available for inspection by the tenant during reasonable business hours. Any rule, regulation, or standard promulgated by the commission pursuant to this section shall be deemed to have been entered or adopted under the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), and for purposes of enforcement, both utility companies and the owners, operators, or managers of apartment houses included in this Act are subject to enforcement pursuant to Sections 71, 72, 73, 74, 75, 76, and 77 of the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes). All electric and water submetering equipment shall be subject to the same rules, regulations, and standards established by the Public Utility Commission [commission] for accuracy, testing, and record keeping of meters installed by electric utilities and shall be subject to the meter testing requirements of Section 36 of the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).

SECTION 2. Section 1a, Article 6053, Revised Statutes, is amended to read as follows:

Sec. 1a. (a) *In this section:*

(1) *"Apartment house" means a building or buildings containing more than five dwelling units all of which are rented primarily for nontransient use, with rental paid at intervals of one week or longer. Apartment house shall include residential condominiums, whether rented or owner occupied.*

(2) *"Apartment unit" means a room or rooms suitable for occupancy as a residence containing kitchen and bathroom facilities.*

(b) Notwithstanding any law to the contrary, the commission shall promulgate rules, regulations, and standards under which any owner, operator, or manager of a mobile home park or apartment house may purchase natural gas through a master meter for delivery from such master meter to mobile home units within the mobile home park or to apartment units within the apartment house through individual submeters at each mobile home unit or apartment dwelling unit for the purpose of fairly allocating the cost of each unit's gas consumption. In addition to other appropriate safeguards for the tenant, such [Such] rules and regulations shall require (1) [(a)] that the owner, operator, or manager of a mobile home park or apartment house shall not deliver natural gas for sale or resale for profit and (2) [(b)] that such owner, operator, or manager [the mobile home park] shall maintain adequate records in connection with such submetering and shall make the records available for inspection by the mobile home park resident or apartment unit resident during reasonable business hours.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 13, 1985, by a non-record vote; passed by the Senate on May 25, 1985, by a viva-voce vote.

Approved: June 12, 1985

Effective: August 26, 1985