

UTILI-FACTS

Submetering for apartments, condos and mobile home parks

Texans living in apartments, condominiums, mobile home parks, and other multiple unit complexes have their electric power meters read by the complex or park management rather than by the electric



company. This arrangement is known as submetering. Some other apartment residents don't have a separate meter for their unit but pay their share of the complex's total power bill based on the size of their apartment or condo. This is known

as central system or nonsubmetered master metering. Customers with either metering arrangement should know their rights and the landlord's responsibilities.

Electric Rates

Submetered bills are calculated by dividing the net total charges for electric consumption, plus applicable tax, by the total number of kilowatt-hours to obtain an average cost per kilowatt-hour. The average kilowatt-hour cost shall then be multiplied by each tenant's kilowatt-hour consumption to obtain the charge to the tenant.

Electric Bills

Electric bills for submetered customers shall be rendered for the same billing period as that of the electric utility, generally monthly, unless service is rendered for less than that period. The bill must use the same billing unit (usually kilowatt hours) that is used by the electric provider in its bill to the complex.

The bill must include the payment due date, which shall not be less than seven days after issuance, the meter reading, the rate per kilowatt hour, and the total amount due for that billing period. Charges for submetered electricity must be billed separately from a tenant's bill for rent or any other charges. The submetered electric bill cannot include usage for the "common" areas and facilities of the complex, such as patios, pool areas, picnic areas, walkways, laundry rooms, and parking facilities.

If a tenant's payment is late, the landlord may charge a onetime late payment penalty of no more than 5% of the amount due. It is a violation for a tenant's electric service to be disconnected for non-payment of rent. Disconnection of any dwelling unit by the owner other than a mobile home park is governed by the Texas Property Code §92.008(b).

If a submetered bill is found to have over- or under-charged a ten-

ant, the landlord must calculate an adjustment. If a tenant is due a refund, the adjustment must be made for the entire period of the overcharges. If the complex underbills a tenant, the property owner may back bill the tenant for the amount of the underbilling for up to six months, unless the owner can provide records that justify back billing for a longer period. If the underbilling is \$50 or more, the apartment owner shall offer to the tenant a deferred payment plan option equal to the length of time of the underbilling.

The property manager must keep records of the complex's electric bills, calculation of average cost of electricity, submetering reports, and submeter tests for the current month plus the previous 12 months. Tenants have the right to inspect any of these reports during normal business hours or at a time mutually arranged between the tenant and the property manager.

Mobile Home Parks - Service Disconnection

Public Utility Commission's rules § 25.142(e) applies only to mobile homes in a mobile home park that are not leased by the mobile home park owner. Disconnection of any other dwelling unit by the owner is governed by Texas Property Code §92.008(b).

Disputes

In the event of a dispute between the tenant and the owner regarding any bill, the tenant can file a complaint with the owner. The owner has 30 days from the date of dispute notification to investigate and report the results to the tenant. If the tenant is dissatisfied with the results of the investigation, the owner shall inform the tenant of the Public Utility Commission of Texas complaint process, giving the tenant the address and telephone number of the Commission's Consumer Protection Division.

Rental Agreement Requirements

The rental agreement or lease for every submetered residence information on sub-metering as provided in this narrative or a copy of the Public Utility Commission rules (Section 25.142) that cover submetering (<http://www.puc.texas.gov/agency/ruleslaws/subrules/electric/Electric.aspx>). The lease must also clearly state that the property owner, not the tenant, is responsible for the cost of electricity serving the common areas. For information on central systems or non-submetered master metering utilities, please see our additional Fact Sheet available at www.puc.texas.gov.

QUESTIONS:

Call: 1-888-782-8477, in Austin 512-936-7120
(TTY 512-936-7136) (FAX 512-936-7003)

Write: PUC - Consumer Protection Division
P.O. Box 13326, Austin, TX 78711-3326

Online: <http://www.puc.texas.gov/consumer/complaint/Complaint.aspx>

