



Public Utility Commission of Texas (PUCT) **Submetering/Allocation Reference Sheet for Condominiums**

Texas Water Code §§ 13.502 and 13.503

16 Texas Administrative Code, Chapter 24, Subchapter I (§§ 24.275-24.287)

Introduction

Please consult this guide before applying for submetering or allocated utility service with the PUCT as a “condominium.” Under Texas Water Code (TWC) § 13.502(a), an apartment house owner, manufactured home rental community owner, multiple use facility owner, or condominium manager may provide for submetering or allocated utility service. The registration process for submetering or allocated utility service is prescribed by 16 Texas Administrative Code §24.275, relating to Owner Registration and Records. Also note that Chapters 81 and 82 of the Texas Property Code (TPC) have definitions relevant to whether the criteria for “condominiums” are met.

This guide **only** concerns applicants seeking to register a complex for submetering or allocated utility service as a “condominium.”

“Condominium” and “Condominium Manager”

To be eligible for submetering or allocated utility service as a “condominium,” the following criteria must be met.

“Condominium” Criteria for Submetering or Allocated Utility Service

TPC § 81.003(3): “Condominium” means a form of real property ownership that combines separate ownership of individual apartments or units with common ownership of other elements.

TPC § 82.003(8): “Condominium” means a form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of those portions. **Real property is a condominium only if one or more of the common elements are directly owned in undivided interests by the unit owners.** Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners.

- **All “common elements” (e.g., fitness centers, lobbies, elevators) of the “condominium” must be directly owned in undivided interests by the unit owners.**
 - Under TPC § 82.003(5), “common elements” means all portions of a condominium other than the units and includes both general and limited common elements.

TWC § 13.501(1)/16 TAC § 24.275(c)(3): “Condominium manager” or “manager of a condominium” means a condominium unit owners’ association organized under Section 82.101, Property Code, or an incorporated or unincorporated entity comprising the council of owners under Chapter 81, Property Code.

- **The applicant must qualify as a “condominium manager” under the Texas Water Code, Chapter 13 and the applicable commission substantive rules.**

NOTE: Certain configurations of condominiums may or may not meet the applicable requirements of the Texas Water Code, Texas Property Code, and the associated PUCT Chapter 24 substantive rules under Subchapter I. Please make sure to check the applicable law before applying. Additionally, as an alternative to registering for submetering or allocated utility service, an applicant may use an “all bills paid”/“incidence of tenancy” method.