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**136th General Assembly**  
**Regular Session**  
**2025-2026**

**Sub. H. B. No. 173**

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To amend sections 4905.02 and 5321.04 and to enact  
sections 4933.51, 4933.52, 4933.53, 4933.54,  
4933.55, 4933.56, 4933.57, 4933.58, 4933.59,  
4933.60, 4933.61, 4933.62, 4933.63, 4933.64,  
4933.65, and 4933.66 of the Revised Code  
regarding behind-the-meter utility services.

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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4905.02 and 5321.04 be amended  
and sections 4933.51, 4933.52, 4933.53, 4933.54, 4933.55,  
4933.56, 4933.57, 4933.58, 4933.59, 4933.60, 4933.61, 4933.62,  
4933.63, 4933.64, 4933.65, and 4933.66 of the Revised Code be  
enacted to read as follows:

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**Sec. 4905.02.** (A) As used in this chapter, "public  
utility" includes every corporation, company, copartnership,  
person, or association, the lessees, trustees, or receivers of  
the foregoing, defined in section 4905.03 of the Revised Code,  
including any public utility that operates its utility not for  
profit, except the following:

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(1) An electric light company that operates its utility  
not for profit;

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(2) A public utility, other than a telephone company, that 20  
is owned and operated exclusively by and solely for the 21  
utility's customers, including any consumer or group of 22  
consumers purchasing, delivering, storing, or transporting, or 23  
seeking to purchase, deliver, store, or transport, natural gas 24  
exclusively by and solely for the consumer's or consumers' own 25  
intended use as the end user or end users and not for profit; 26

(3) A public utility that is owned or operated by any 27  
municipal corporation; 28

(4) A railroad as defined in sections 4907.02 and 4907.03 29  
of the Revised Code; 30

(5) Any provider, including a telephone company, with 31  
respect to its provision of any of the following: 32

(a) Advanced services as defined in 47 C.F.R. 51.5; 33

(b) Broadband service, however defined or classified by 34  
the federal communications commission; 35

(c) Information service as defined in the 36  
"Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 37  
153(20); 38

(d) Subject to division (A) of section 4927.03 of the 39  
Revised Code, internet protocol-enabled services as defined in 40  
section 4927.01 of the Revised Code; 41

(e) Subject to division (A) of section 4927.03 of the 42  
Revised Code, any telecommunications service as defined in 43  
section 4927.01 of the Revised Code to which both of the 44  
following apply: 45

(i) The service was not commercially available on 46  
September 13, 2010, the effective date of the amendment of this 47

section by S.B. 162 of the 128th general assembly. 48

(ii) The service employs technology that became available 49  
for commercial use only after September 13, 2010, the effective 50  
date of the amendment of this section by S.B. 162 of the 128th 51  
general assembly. 52

(6) (a) A person, business, or other entity that, either on 53  
its own behalf or under a contract with a property owner, 54  
provides, constructs, or installs for customers behind-the-meter 55  
utility service; 56

(b) As used in this division, "behind-the-meter utility 57  
service" means any of the following, if provided, constructed, 58  
or installed at a point after services provided by a public 59  
utility are delivered to the public utility's metered points of 60  
delivery at the customers' locations: 61

(i) Service or benefit from an advanced energy resource as 62  
defined in section 4928.01 of the Revised Code; 63

(ii) Electric service; 64

(iii) Billing service for services described in divisions 65  
(A) (6) (b) (i) and (ii) of this section; 66

(iv) Electric vehicle charging; 67

(v) Resale of electricity to a tenant's dwelling unit by a 68  
landlord or the landlord's agent that is based on metered 69  
consumption; 70

(vi) Resale of electricity to a condominium by a unit 71  
owners association or the association's agent that is based on 72  
metered consumption. 73

(7) Billing service for the resale of natural gas or water 74

service to a tenant's dwelling unit by a landlord or the 75  
landlord's agent, or to a condominium by a unit owners 76  
association or the association's agent, that is based on metered 77  
consumption and that is delivered at a point after natural gas 78  
or water service is delivered to the public utility's metered 79  
point of delivery for that service at that location. 80

(B) (1) "Public utility" includes a for-hire motor carrier 81  
even if the carrier is operated in connection with an entity 82  
described in division (A) (1), (2), (4), or (5) of this section. 83

(2) Division (A) of this section shall not be construed to 84  
relieve a private motor carrier, operated in connection with an 85  
entity described in division (A) (1), (2), (4), or (5) of this 86  
section, from compliance with either of the following: 87

(a) Chapter 4923. of the Revised Code; 88

(b) Rules governing unified carrier registration adopted 89  
under section 4921.11 of the Revised Code. 90

(C) As used in this section: 91

(1) "Condominium" and "unit owners association" have the 92  
same meanings as in section 5311.01 of the Revised Code. 93

(2) "Dwelling unit," "landlord," and "tenant" have the 94  
same meanings as in section 5321.01 of the Revised Code. 95

**Sec. 4933.51.** As used in sections 4933.51 to 4933.66 of 96  
the Revised Code: 97

(A) "Behind-the-meter utility service" has the same 98  
meaning as in section 4905.02 of the Revised Code. 99

(B) (1) "Behind-the-meter utility service provider" means, 100  
subject to division (B) (2) of this section, a person, business, 101

or other entity that, either on its own behalf or under a 102  
contract with a property owner, provides, constructs, or 103  
installs for customers behind-the-meter utility service. 104

(2) In the case of resale of electricity to a tenant based 105  
on metered consumption at the tenant's dwelling unit, the 106  
behind-the-meter utility service provider is the master meter 107  
account holder, or customer of record, with the public utility 108  
delivering service to the premises, except to the extent that 109  
such account holder or customer of record is a landlord who has 110  
assigned responsibility for compliance with some or all of the 111  
requirements of sections 4933.55 to 4933.59 of the Revised Code 112  
to a third party by contract. The third party that assumed 113  
responsibility for compliance with some or all of the 114  
requirements of sections 4933.55 to 4933.59 of the Revised Code 115  
is the behind-the-meter utility service provider to the extent 116  
that the third party has assumed such responsibility. 117

(C) "Dwelling unit," "landlord," and "tenant" have the 118  
same meanings as in section 5321.01 of the Revised Code. 119

(D) "Electric light company" has the same meaning as in 120  
section 4905.03 of the Revised Code. 121

(E) "Electric utility" has the same meaning as in section 122  
4928.01 of the Revised Code. 123

(F) "Public utility" means an electric light company, 124  
natural gas company, or water-works company as defined in 125  
section 4905.03 of the Revised Code that is a public utility as 126  
defined in section 4905.02 of the Revised Code. 127

(G) "Qualified low-income building" has the same meaning 128  
as in section 175.16 of the Revised Code. 129

Sec. 4933.52. (A) Except for reasons of safety or 130

reliability, the public utilities commission shall not adopt any 131  
rule that permits a public utility to set the location of, or 132  
refuse to relocate, any of its meters so that the meter's 133  
location prevents either of the following: 134

(1) A behind-the-meter utility service provider from 135  
providing, constructing, or installing behind-the-meter utility 136  
service at a point after the public utility service is delivered 137  
to the public utility's metered point of delivery at that 138  
location; 139

(2) A billing service described in division (A) (7) of 140  
section 4905.02 of the Revised Code from providing the billing 141  
service for natural gas or water service at a point after 142  
natural gas or water service is delivered to the public 143  
utility's metered point of delivery for that service at that 144  
location. 145

(B) Except for reasons of safety or reliability, no public 146  
utility shall set the location of, or refuse to relocate, any of 147  
its meters so that the meter's location prevents either of the 148  
following: 149

(1) A behind-the-meter utility service provider from 150  
providing, constructing, or installing behind-the-meter utility 151  
service at a point after the public utility service is delivered 152  
to the public utility's metered point of delivery at that 153  
location; 154

(2) A billing service described in division (A) (7) of 155  
section 4905.02 of the Revised Code from providing the billing 156  
service for natural gas or water service at a point after 157  
natural gas or water service is delivered to the public 158  
utility's metered point of delivery for that service at that 159

location. 160

**Sec. 4933.53.** (A) Except for reasons of safety or 161  
reliability, if a public utility customer requests an alteration 162  
in the location, character, or metering of the customer's 163  
service from a public utility where the alteration would render 164  
certain personal property or equipment of the utility as no 165  
longer used and useful in providing utility service to the 166  
customer's real property, the utility shall offer to sell such 167  
personal property or equipment to the utility customer for any 168  
purpose, including for use in providing behind-the-meter utility 169  
service and to ensure certainty of ownership of the personal 170  
property or equipment following the change in service, if both 171  
of the following are met: 172

(1) The personal property or equipment is located 173  
exclusively within the boundaries of the customer's real 174  
property; 175

(2) The personal property or equipment was used 176  
exclusively to provide utility service to the property. 177

(B) The public utility shall price the personal property 178  
or equipment offered for sale to a customer pursuant to this 179  
section as the amount of the depreciated book value of the 180  
property or equipment, as the value of such property or 181  
equipment would be represented in a ratemaking proceeding before 182  
the public utilities commission. 183

(C) The public utility shall record the proceeds from a 184  
sale pursuant to this section as a regulatory liability. 185

**Sec. 4933.54.** Each electric utility shall maintain up-to- 186  
date reference tools on the utility's web site, or in another 187  
conspicuous and publicly accessible location, that permit 188

automatic calculation of what the electric utility would charge 189  
its residential customers with a specific kilowatt-hour usage 190  
during any of the most recent twelve months. 191

Sec. 4933.55. No behind-the-meter utility service provider 192  
that resells electricity to a tenant based on metered 193  
consumption at the tenant's dwelling unit may charge the tenant 194  
more than the bill for the standard service offer and all 195  
tariffed charges and riders that the electric light company, in 196  
whose certified territory the dwelling unit is located, would 197  
charge its residential customers for electric service. 198

Sec. 4933.56. A behind-the-meter utility service provider 199  
that resells electricity to a tenant based on metered 200  
consumption at the tenant's dwelling unit shall do all of the 201  
following: 202

(A) Register with the public utilities commission every 203  
two years and comply with the rules adopted pursuant to section 204  
4933.59 of the Revised Code. Registration under this division 205  
shall include only the provider's name, business address, 206  
telephone number, regulatory contact, the type of services 207  
offered by the provider, and evidence of the managerial, 208  
financial, and technical capabilities to offer such services. 209

(B) At a minimum, comply with the requirements for the 210  
disconnection of electric service established in sections 211  
4933.121 to 4933.123 of the Revised Code and the rules adopted 212  
pursuant to those sections, as applicable; 213

(C) Provide a separate disclosure and a report of historic 214  
monthly usage and corresponding billed amounts for metered 215  
electricity to each tenant's dwelling unit for the preceding 216  
twelve months, if applicable, to its tenants solely for purposes 217

of compliance with the pricing requirements under section 218  
4933.55 of the Revised Code; 219

(D) Disclose its process and procedures for the 220  
disconnection of electric service to its tenants. 221

**Sec. 4933.57.** (A) Prior to the effective date of the rules 222  
adopted to implement section 4933.58 of the Revised Code, a 223  
behind-the-meter utility service provider that resells 224  
electricity to a tenant based on metered consumption at the 225  
tenant's dwelling unit shall file an interim compliance plan for 226  
approval with the public utilities commission for each property 227  
or community at which behind-the-meter utility service is 228  
provided to tenants by either of the following dates, whichever 229  
is later: 230

(1) Not more than ninety days after the commission adopts 231  
rules to implement this section; 232

(2) Prior to the date that the provider initiates 233  
providing behind-the-meter utility service at the property or 234  
community, whichever is later. 235

(B) The commission shall approve an interim compliance 236  
plan filing that does all of the following: 237

(1) Includes the provider's name, business address, 238  
telephone number, regulatory contact, and the type of services 239  
offered by the provider at the community or property; 240

(2) Describes the methods by which the provider intends to 241  
ensure that any bills to tenants at the property or community 242  
comply with the pricing requirements for the resale of 243  
electricity under section 4933.55 of the Revised Code; 244

(3) Describes how the provider intends to comply with the 245

electric service disconnection standards imposed by section 246  
4933.56 of the Revised Code; 247

(4) If more than one behind-the-meter utility service 248  
provider provides behind-the-meter utility service at a single 249  
property or community, or if more than one party is responsible 250  
for the compliance plan items described in this section, sets 251  
forth the responsibilities of each provider for each of the 252  
interim compliance plan items described in this section. 253

(C) The provider shall adhere to the interim compliance 254  
plan that is approved by the commission until the plan is 255  
terminated, unless otherwise directed by the commission. 256

(D) An interim compliance plan for a property or community 257  
approved by the commission terminates upon the commission 258  
approving a compliance plan under section 4933.58 of the Revised 259  
Code for the same property or community. An interim compliance 260  
plan continues until terminated pursuant to this division or 261  
terminated by the commission. 262

(E) The requirement that a provider file an interim 263  
compliance plan under this section terminates upon the effective 264  
date of rules to implement section 4933.58 of the Revised Code. 265

**Sec. 4933.58.** (A) A behind-the-meter utility service 266  
provider that resells electricity to a tenant based on metered 267  
consumption at the tenant's dwelling unit shall file a 268  
compliance plan for approval with the public utilities 269  
commission for each property or community at which behind-the- 270  
meter utility service is provided to tenants by either of the 271  
following dates, whichever is later: 272

(1) Not more than ninety days after the commission adopts 273  
rules to implement this section; 274

(2) Prior to the date that the provider initiates 275  
providing behind-the-meter utility service at the property or 276  
community. 277

(B) The commission shall approve a compliance plan filing 278  
that does all of the following: 279

(1) Describes the means by which the provider will ensure 280  
compliance with sections 4933.56 and 4933.59 of the Revised Code 281  
at the property or community, as applicable; 282

(2) Includes the provider's name, business address, 283  
telephone number, regulatory contact, and the type of services 284  
offered by the provider at the community or property; 285

(3) Describes the methods by which the provider intends to 286  
ensure that any bills to tenants at the property or community 287  
comply with the pricing requirements for the resale of 288  
electricity under section 4933.55 of the Revised Code; 289

(4) Describes how the provider intends to comply with the 290  
electric service disconnection standards imposed by section 291  
4933.56 of the Revised Code; 292

(5) Includes a copy of the language included, or to be 293  
included, in each tenant's lease relating to behind-the-meter 294  
electric service that complies with division (C) of this 295  
section, as applicable, and section 5321.04 of the Revised Code; 296

(6) For behind-the-meter utility service provided or 297  
intended to be provided to a qualified low-income building, 298  
discloses any utility assistance programs available to tenants 299  
or condominium owners of which the applicant is aware as of the 300  
date the application is submitted; 301

(7) If more than one behind-the-meter utility service 302

provider provides behind-the-meter utility service at a single 303  
property or community, or if more than one party is responsible 304  
for the compliance plan items described in this section, sets 305  
forth the responsibilities of each provider for each of the 306  
compliance plan items described in this section. 307

(C) To the extent that a landlord of a property is not the 308  
behind-the-meter utility service provider, the landlord shall 309  
separately contribute to or attest to the language included, or 310  
to be included, in each tenant's lease relating to behind-the- 311  
meter electric service. 312

(D) The provider shall adhere to the compliance plan that 313  
is approved by the commission, unless otherwise directed by the 314  
commission. 315

(E) The compliance plan shall be updated from time to time 316  
upon any material change to the information contained therein. 317

**Sec. 4933.59.** (A) Not later than one year after the 318  
effective date of this section, the public utilities commission 319  
shall adopt rules to implement sections 4933.56 and 4933.58 of 320  
the Revised Code. 321

(B) The commission shall adopt rules to implement section 322  
4933.57 of the Revised Code not more than sixty days after the 323  
effective date of this section. 324

(C) The commission may require behind-the-meter utility 325  
service providers that provide behind-the-meter utility service 326  
to residential end users other than providers that resell 327  
electricity to a tenant based on metered consumption at the 328  
tenant's dwelling unit to register every two years and to comply 329  
with any applicable registration requirements. 330

(D) Rules adopted under this section, including any 331

requirements regarding classifications, procedures, terms, and 332  
conditions, shall be reasonable and shall not confer any undue 333  
economic, competitive, or market advantage or preference upon 334  
any electric light company, behind-the-meter utility service 335  
provider, or competitive retail electric service provider. 336

(E) The commission may charge behind-the-meter utility 337  
service providers a registration processing fee of not more than 338  
two hundred dollars per initial and each subsequent biennial 339  
registration. The commission shall use all amounts collected 340  
under this division to pay costs related to the implementation 341  
of sections 4933.51 to 4933.66 of the Revised Code. 342

(F) Notwithstanding any provision of section 121.95 of the 343  
Revised Code to the contrary, a regulatory restriction contained 344  
in rules adopted under sections 4933.51 to 4933.66 of the 345  
Revised Code is not subject to sections 121.95 to 121.953 of the 346  
Revised Code. 347

**Sec. 4933.60.** (A) The public utilities commission shall 348  
approve or deny the following not more than thirty days after 349  
receipt from a behind-the-meter utility service provider: 350

(1) A registration application required under section 351  
4933.56 or 4933.59 of the Revised Code; 352

(2) An interim compliance plan filing required under 353  
section 4933.57 of the Revised Code; 354

(3) A compliance plan filing required under section 355  
4933.58 of the Revised Code. 356

(B) The commission shall approve a provider's application 357  
or filing if the application or filing complies with all 358  
requirements under sections 4933.56 to 4933.59 of the Revised 359  
Code, as applicable. 360

(C) If the commission denies a provider's application or 361  
filing as described in this section, the commission shall notify 362  
the provider of the reason for such denial. 363

(D) Any application or filing that is not approved or 364  
denied within the time required by this section is deemed 365  
approved by operation of law. 366

Sec. 4933.61. Notwithstanding any provision of sections 367  
4933.51 to 4933.66 of the Revised Code to the contrary, the 368  
public utilities commission may modify or waive any or all of 369  
the requirements of sections 4933.56, 4933.58, and 4933.59 of 370  
the Revised Code to account for changes in technology, law, or 371  
for other good cause shown. 372

Sec. 4933.62. (A) Unless waived under section 4933.61 of 373  
the Revised Code, no behind-the-meter utility service provider 374  
shall provide a behind-the-meter utility service to a consumer 375  
in this state without first being registered with the public 376  
utilities commission, to the extent registration is required 377  
under sections 4933.56 and 4933.59 of the Revised Code. 378

(B) Beginning one hundred twenty days after the effective 379  
date of rules adopted to implement section 4933.57 of the 380  
Revised Code and terminating upon the effective date of rules to 381  
implement section 4933.58 of the Revised Code, no behind-the- 382  
meter utility service provider that resells electricity to a 383  
tenant based on metered consumption at the tenant's dwelling 384  
unit shall provide a behind-the-meter utility service to a 385  
consumer in this state without an approved interim compliance 386  
plan under section 4933.57 of the Revised Code. 387

(C) Beginning one hundred twenty days after the effective 388  
date of rules adopted to implement section 4933.58 of the 389

Revised Code, unless waived under section 4933.61 of the Revised 390  
Code, no behind-the-meter utility service provider that resells 391  
electricity to a tenant based on metered consumption at the 392  
tenant's dwelling unit shall provide a behind-the-meter utility 393  
service to a consumer in this state without an approved 394  
compliance plan under section 4933.58 of the Revised Code. 395

**Sec. 4933.63.** (A) The public utilities commission shall 396  
receive and use reasonable diligence to investigate any reports 397  
or information regarding a possible failure to comply with, or a 398  
violation of, the requirements of sections 4933.55 to 4933.59 of 399  
the Revised Code. 400

(B) The commission may review any of the following in 401  
response to a report or information received under this section: 402

(1) A behind-the-meter utility service provider's or 403  
landlord's relevant billing practices; 404

(2) A behind-the-meter utility service provider's or 405  
landlord's billing history; 406

(3) A behind-the-meter utility service provider's or 407  
landlord's leases; 408

(4) Any other relevant documentation and information as 409  
the commission deems appropriate. 410

(C) Any materials reviewed by the commission under this 411  
section shall be treated as confidential. 412

(D) If a review is initiated under this section as a 413  
result of a report or information from a tenant receiving 414  
behind-the-meter utility service, the commission shall report 415  
its conclusions and the results of the review to the tenant not 416  
more than ninety days after receipt of the report or 417

information. 418

(E) Any behind-the-meter utility service provider that 419  
fails to cooperate with a review under this section in good 420  
faith may, at the commission's discretion, be determined liable 421  
for a violation or failure to comply with sections 4933.55 to 422  
4933.59 of the Revised Code and may be assessed any penalties 423  
under section 4933.65 of the Revised Code. 424

**Sec. 4933.64.** (A) Any person, firm, or corporation, or the 425  
public utilities commission upon its initiative, may file a 426  
written complaint against either of the following: 427

(1) Any behind-the-meter utility service provider for a 428  
failure to comply with, or a violation of, the requirements 429  
under sections 4933.55 to 4933.59 of the Revised Code; 430

(2) Any landlord who is not a behind-the-meter utility 431  
service provider for a failure to comply with division (C) of 432  
section 4933.58 of the Revised Code. 433

(B) Upon receiving a written complaint pursuant to this 434  
section, the commission shall promptly conduct a preliminary 435  
investigation of the complaint. 436

(C) If it appears that reasonable grounds for complaint 437  
are stated after the preliminary investigation, the commission 438  
shall provide notice of probable noncompliance to the behind- 439  
the-meter utility service provider or landlord and grant the 440  
provider or landlord sixty days, or longer at the commission's 441  
discretion, to cure the noncompliance. If such noncompliance is 442  
not cured during the cure period, the commission may open a 443  
formal investigation of the complaint. 444

(D) The commission may, after a formal investigation under 445  
this section, provide reasonable notice and the opportunity for 446

a hearing to the provider or landlord subject to the 447  
investigation. After such notice and opportunity for a hearing, 448  
if the commission determines by a preponderance of the evidence 449  
that the provider or landlord committed the violation or failure 450  
to comply described in the complaint, the commission may issue 451  
an order to assess any penalties described in section 4933.65 or 452  
4933.66 of the Revised Code, as applicable. 453

(E) The parties to a formal investigation under this 454  
section shall be entitled to be heard, represented by counsel, 455  
and to have a process to enforce the attendance of witnesses. 456

**Sec. 4933.65.** (A) Any behind-the-meter utility service 457  
provider that is found to have violated or failed to comply with 458  
the requirements under sections 4933.55 to 4933.59 of the 459  
Revised Code, after reasonable notice and opportunity for a 460  
hearing under section 4933.64 of the Revised Code, or if 461  
division (E) of section 4933.63 of the Revised Code applies, 462  
except as provided in division (B) of this section, may be 463  
assessed, or have any or all of the following penalties imposed, 464  
at the discretion of the public utilities commission: 465

(1) A forfeiture of not more than one hundred dollars for 466  
each violation or compliance failure. For purposes of a 467  
forfeiture under division (A)(1) of this section, each day that 468  
a provider violates or fails to comply with sections 4933.55 to 469  
4933.59 of the Revised Code is a separate violation or 470  
compliance failure for each violation or compliance failure. 471

(2) A forfeiture of ten thousand dollars if the behind- 472  
the-meter utility service provider is found to have violated or 473  
failed to comply with division (C) of section 4933.62 of the 474  
Revised Code. A forfeiture under division (A)(2) of this section 475  
may be in addition to a forfeiture under division (A)(1) of this 476

section.

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(3) Revocation, vacation, or nullification of the  
provider's registration under section 4933.56 of the Revised  
Code and issuance of an order and entry of the order in the  
journal of the commission barring such provider from providing  
behind-the-meter utility service in this state for not more than  
two years.

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(B) The commission shall grant the provider that is  
assessed, or on whom is imposed, one or more penalties under  
this section sixty days, or longer at the commission's  
discretion, to cure the violation or failure to comply. If such  
violation or failure to comply is cured during that period, the  
provider is not subject to the penalties assessed under this  
section.

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(C) Forfeitures under this section shall be recovered by  
action prosecuted in the name of the state and may be brought in  
the court of common pleas of any county in which the provider  
who committed the violation or failed to comply is located. The  
action shall be commenced and prosecuted by the attorney general  
when directed by the public utilities commission. All  
forfeitures are cumulative, and an action for recovery of one  
does not bar the recovery of another. Forfeitures collected  
under this section shall be credited to the general revenue  
fund.

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**Sec. 4933.66.** (A) The public utilities commission may,  
except as provided in division (B) of this section, enter an  
order in the journal of the commission barring, for not more  
than two years, the provision of behind-the-meter utility  
service to the property or community of a landlord that is found  
to have failed to comply with division (C) of section 4933.58 of

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the Revised Code after reasonable notice and opportunity for a 507  
hearing under section 4933.64 of the Revised Code. 508

(B) The commission shall grant the landlord assessed a 509  
penalty under this section sixty days, or longer at the 510  
commission's discretion, to cure the failure to comply. If such 511  
failure to comply is cured during the cure period, the landlord 512  
is not subject to the penalty assessed under this section. 513

**Sec. 5321.04.** (A) A landlord who is a party to a rental 514  
agreement shall do all of the following: 515

(1) Comply with the requirements of all applicable 516  
building, housing, health, and safety codes that materially 517  
affect health and safety; 518

(2) Make all repairs and do whatever is reasonably 519  
necessary to put and keep the premises in a fit and habitable 520  
condition; 521

(3) Keep all common areas of the premises in a safe and 522  
sanitary condition; 523

(4) Maintain in good and safe working order and condition 524  
all electrical, plumbing, sanitary, heating, ventilating, and 525  
air conditioning fixtures and appliances, and elevators, 526  
supplied or required to be supplied by the landlord; 527

(5) When the landlord is a party to any rental agreements 528  
that cover four or more dwelling units in the same structure, 529  
provide and maintain appropriate receptacles for the removal of 530  
ashes, garbage, rubbish, and other waste incidental to the 531  
occupancy of a dwelling unit, and arrange for their removal; 532

(6) Supply running water, reasonable amounts of hot water, 533  
and reasonable heat at all times, except where the building that 534

includes the dwelling unit is not required by law to be equipped 535  
for that purpose, or the dwelling unit is so constructed that 536  
heat or hot water is generated by an installation within the 537  
exclusive control of the tenant and supplied by a direct public 538  
utility connection; 539

(7) Not abuse the right of access conferred by division 540  
(B) of section 5321.05 of the Revised Code; 541

(8) Except in the case of emergency or if it is 542  
impracticable to do so, give the tenant reasonable notice of the 543  
landlord's intent to enter and enter only at reasonable times. 544  
Twenty-four hours is presumed to be a reasonable notice in the 545  
absence of evidence to the contrary. 546

(9) Promptly commence an action under Chapter 1923. of the 547  
Revised Code, after complying with division (C) of section 548  
5321.17 of the Revised Code, to remove a tenant from particular 549  
residential premises, if the tenant fails to vacate the premises 550  
within three days after the giving of the notice required by 551  
that division and if the landlord has actual knowledge of or has 552  
reasonable cause to believe that the tenant, any person in the 553  
tenant's household, or any person on the premises with the 554  
consent of the tenant previously has or presently is engaged in 555  
a violation as described in division (A)(6)(a)(i) of section 556  
1923.02 of the Revised Code, whether or not the tenant or other 557  
person has been charged with, has pleaded guilty to or been 558  
convicted of, or has been determined to be a delinquent child 559  
for an act that, if committed by an adult, would be a violation 560  
as described in that division. Such actual knowledge or 561  
reasonable cause to believe shall be determined in accordance 562  
with that division. 563

(10) Comply with the rights of tenants under the 564

Servicemembers Civil Relief Act, 117 Stat. 2835, 50 U.S.C. App. 565  
501; 566

(11) If the landlord, whether by itself or with the 567  
assistance of a behind-the-meter utility service provider, 568  
resells or permits resale of utility service to tenants, 569  
disclose the nature of such utility service and all related 570  
charges or fees in its leases with tenants, and, as applicable, 571  
comply with sections 4933.51 to 4933.66 of the Revised Code. 572

(B) If the landlord makes an entry in violation of 573  
division (A) (8) of this section, makes a lawful entry in an 574  
unreasonable manner, or makes repeated demands for entry 575  
otherwise lawful that have the effect of harassing the tenant, 576  
the tenant may recover actual damages resulting from the entry 577  
or demands, obtain injunctive relief to prevent the recurrence 578  
of the conduct, and obtain a judgment for reasonable attorney's 579  
fees, or may terminate the rental agreement. 580

(C) As used in this section, "behind-the-meter utility 581  
service provider" has the same meaning as in section 4933.51 of 582  
the Revised Code. 583

**Section 2.** That existing sections 4905.02 and 5321.04 of 584  
the Revised Code are hereby repealed. 585