

I_136_1183-1

136th General Assembly

Regular Session

2025-2026

Sub. H. B. No. 173

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.

1
2
3
4
5
6

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:

7
8
9
10
11

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:

12
13
14
15
16
17

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

18
19



kasrrufnfa9meb3xmowgnp

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

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

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

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

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

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

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

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

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

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

section by S.B. 162 of the 128th general assembly.	48
(ii) The service employs technology that became available for commercial use only after September 13, 2010, the effective date of the amendment of this section by S.B. 162 of the 128th general assembly.	49
<u>(6) (a) A person, business, or other entity that, either on its own behalf or under a contract with a property owner, provides, constructs, or installs for customers behind-the-meter utility service;</u>	53
<u>(b) As used in this division, "behind-the-meter utility service" means any of the following, if provided, constructed, or installed at a point after services provided by a public utility are delivered to the public utility's metered points of delivery at the customers' locations:</u>	57
<u>(i) Service or benefit from an advanced energy resource as defined in section 4928.01 of the Revised Code;</u>	62
<u>(ii) Electric service;</u>	64
<u>(iii) Billing service for services described in divisions (A) (6) (b) (i) and (ii) of this section;</u>	65
<u>(iv) Electric vehicle charging;</u>	67
<u>(v) Resale of electricity to a tenant's dwelling unit by a landlord or the landlord's agent that is based on metered consumption;</u>	68
<u>(vi) Resale of electricity to a condominium by a unit owners association or the association's agent that is based on metered consumption.</u>	71
<u>(7) Billing service for the resale of natural gas or water</u>	74

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

<u>electric service disconnection standards imposed by section</u>	246
<u>4933.56 of the Revised Code;</u>	247
<u>(4) If more than one behind-the-meter utility service</u>	248
<u>provider provides behind-the-meter utility service at a single</u>	249
<u>property or community, or if more than one party is responsible</u>	250
<u>for the compliance plan items described in this section, sets</u>	251
<u>forth the responsibilities of each provider for each of the</u>	252
<u>interim compliance plan items described in this section.</u>	253
<u>(C) The provider shall adhere to the interim compliance</u>	254
<u>plan that is approved by the commission until the plan is</u>	255
<u>terminated, unless otherwise directed by the commission.</u>	256
<u>(D) An interim compliance plan for a property or community</u>	257
<u>approved by the commission terminates upon the commission</u>	258
<u>approving a compliance plan under section 4933.58 of the Revised</u>	259
<u>Code for the same property or community. An interim compliance</u>	260
<u>plan continues until terminated pursuant to this division or</u>	261
<u>terminated by the commission.</u>	262
<u>(E) The requirement that a provider file an interim</u>	263
<u>compliance plan under this section terminates upon the effective</u>	264
<u>date of rules to implement section 4933.58 of the Revised Code.</u>	265
<u>Sec. 4933.58. (A) A behind-the-meter utility service</u>	266
<u>provider that resells electricity to a tenant based on metered</u>	267
<u>consumption at the tenant's dwelling unit shall file a</u>	268
<u>compliance plan for approval with the public utilities</u>	269
<u>commission for each property or community at which behind-the-</u>	270
<u>meter utility service is provided to tenants by either of the</u>	271
<u>following dates, whichever is later:</u>	272
<u>(1) Not more than ninety days after the commission adopts</u>	273
<u>rules to implement this section;</u>	274

<u>(2) Prior to the date that the provider initiates</u>	275
<u>providing behind-the-meter utility service at the property or</u>	276
<u>community.</u>	277
<u>(B) The commission shall approve a compliance plan filing</u>	278
<u>that does all of the following:</u>	279
<u>(1) Describes the means by which the provider will ensure</u>	280
<u>compliance with sections 4933.56 and 4933.59 of the Revised Code</u>	281
<u>at the property or community, as applicable;</u>	282
<u>(2) Includes the provider's name, business address,</u>	283
<u>telephone number, regulatory contact, and the type of services</u>	284
<u>offered by the provider at the community or property;</u>	285
<u>(3) Describes the methods by which the provider intends to</u>	286
<u>ensure that any bills to tenants at the property or community</u>	287
<u>comply with the pricing requirements for the resale of</u>	288
<u>electricity under section 4933.55 of the Revised Code;</u>	289
<u>(4) Describes how the provider intends to comply with the</u>	290
<u>electric service disconnection standards imposed by section</u>	291
<u>4933.56 of the Revised Code;</u>	292
<u>(5) Includes a copy of the language included, or to be</u>	293
<u>included, in each tenant's lease relating to behind-the-meter</u>	294
<u>electric service that complies with division (C) of this</u>	295
<u>section, as applicable, and section 5321.04 of the Revised Code;</u>	296
<u>(6) For behind-the-meter utility service provided or</u>	297
<u>intended to be provided to a qualified low-income building,</u>	298
<u>discloses any utility assistance programs available to tenants</u>	299
<u>or condominium owners of which the applicant is aware as of the</u>	300
<u>date the application is submitted;</u>	301
<u>(7) If more than one behind-the-meter utility service</u>	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

<u>(C) If the commission denies a provider's application or filing as described in this section, the commission shall notify the provider of the reason for such denial.</u>	361 362 363
<u>(D) Any application or filing that is not approved or denied within the time required by this section is deemed approved by operation of law.</u>	364 365 366
<u>Sec. 4933.61. Notwithstanding any provision of sections 4933.51 to 4933.66 of the Revised Code to the contrary, the public utilities commission may modify or waive any or all of the requirements of sections 4933.56, 4933.58, and 4933.59 of the Revised Code to account for changes in technology, law, or for other good cause shown.</u>	367 368 369 370 371 372
<u>Sec. 4933.62. (A) Unless waived under section 4933.61 of the Revised Code, no behind-the-meter utility service provider shall provide a behind-the-meter utility service to a consumer in this state without first being registered with the public utilities commission, to the extent registration is required under sections 4933.56 and 4933.59 of the Revised Code.</u>	373 374 375 376 377 378
<u>(B) Beginning one hundred twenty days after the effective date of rules adopted to implement section 4933.57 of the Revised Code and terminating upon the effective date of rules to implement section 4933.58 of the Revised Code, no behind-the-meter utility service provider that resells electricity to a tenant based on metered consumption at the tenant's dwelling unit shall provide a behind-the-meter utility service to a consumer in this state without an approved interim compliance plan under section 4933.57 of the Revised Code.</u>	379 380 381 382 383 384 385 386 387
<u>(C) Beginning one hundred twenty days after the effective date of rules adopted to implement section 4933.58 of the</u>	388 389

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

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

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

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

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

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

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

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

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

<u>information.</u>	418
<u>(E) Any behind-the-meter utility service provider that</u>	419
<u>fails to cooperate with a review under this section in good</u>	420
<u>faith may, at the commission's discretion, be determined liable</u>	421
<u>for a violation or failure to comply with sections 4933.55 to</u>	422
<u>4933.59 of the Revised Code and may be assessed any penalties</u>	423
<u>under section 4933.65 of the Revised Code.</u>	424
<u>Sec. 4933.64. (A) Any person, firm, or corporation, or the</u>	425
<u>public utilities commission upon its initiative, may file a</u>	426
<u>written complaint against either of the following:</u>	427
<u>(1) Any behind-the-meter utility service provider for a</u>	428
<u>failure to comply with, or a violation of, the requirements</u>	429
<u>under sections 4933.55 to 4933.59 of the Revised Code;</u>	430
<u>(2) Any landlord who is not a behind-the-meter utility</u>	431
<u>service provider for a failure to comply with division (C) of</u>	432
<u>section 4933.58 of the Revised Code.</u>	433
<u>(B) Upon receiving a written complaint pursuant to this</u>	434
<u>section, the commission shall promptly conduct a preliminary</u>	435
<u>investigation of the complaint.</u>	436
<u>(C) If it appears that reasonable grounds for complaint</u>	437
<u>are stated after the preliminary investigation, the commission</u>	438
<u>shall provide notice of probable noncompliance to the behind-</u>	439
<u>the-meter utility service provider or landlord and grant the</u>	440
<u>provider or landlord sixty days, or longer at the commission's</u>	441
<u>discretion, to cure the noncompliance. If such noncompliance is</u>	442
<u>not cured during the cure period, the commission may open a</u>	443
<u>formal investigation of the complaint.</u>	444
<u>(D) The commission may, after a formal investigation under</u>	445
<u>this section, provide reasonable notice and the opportunity for</u>	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

<u>section.</u>	477
<u>(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.</u>	478 479 480 481 482 483
<u>(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.</u>	484 485 486 487 488 489 490
<u>(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.</u>	491 492 493 494 495 496 497 498 499 500
<u>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</u>	501 502 503 504 505 506

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
<u>501;</u>	566
<u>(11) If the landlord, whether by itself or with the</u>	567
<u>assistance of a behind-the-meter utility service provider,</u>	568
<u>resells or permits resale of utility service to tenants,</u>	569
<u>disclose the nature of such utility service and all related</u>	570
<u>charges or fees in its leases with tenants, and, as applicable,</u>	571
<u>comply with sections 4933.51 to 4933.66 of the Revised Code.</u>	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
<u>(C) As used in this section, "behind-the-meter utility</u>	581
<u>service provider" has the same meaning as in section 4933.51 of</u>	582
<u>the Revised Code.</u>	583
Section 2. That existing sections 4905.02 and 5321.04 of	584
the Revised Code are hereby repealed.	585