

**As Passed by the House**

**136th General Assembly**

**Regular Session**

**2025-2026**

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

**Representative Thomas, D.**

**Cosponsors: Representatives Mathews, A., Click, Daniels, Hiner, Holmes, Lorenz,  
Williams, Willis**

---

To amend sections 4905.02 and 5321.04 and to enact 1  
sections 4911.22, 4933.51, 4933.52, 4933.53, 2  
4933.54, 4933.55, 4933.56, 4933.57, 4933.58, 3  
4933.59, 4933.60, 4933.61, 4933.62, 4933.63, 4  
4933.64, 4933.65, 4933.66, and 4933.68 of the 5  
Revised Code regarding submetered utility 6  
services. 7

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

**Section 1.** That sections 4905.02 and 5321.04 be amended 8  
and sections 4911.22, 4933.51, 4933.52, 4933.53, 4933.54, 9  
4933.55, 4933.56, 4933.57, 4933.58, 4933.59, 4933.60, 4933.61, 10  
4933.62, 4933.63, 4933.64, 4933.65, 4933.66, and 4933.68 of the 11  
Revised Code be enacted to read as follows: 12

**Sec. 4905.02.** (A) As used in this chapter, "public 13  
utility" includes every corporation, company, copartnership, 14  
person, or association, the lessees, trustees, or receivers of 15  
the foregoing, defined in section 4905.03 of the Revised Code, 16  
including any public utility that operates its utility not for 17  
profit, except the following: 18

(1) An electric light company that operates its utility 19

not for profit;	20
(2) A public utility, other than a telephone company, that	21
is owned and operated exclusively by and solely for the	22
utility's customers, including any consumer or group of	23
consumers purchasing, delivering, storing, or transporting, or	24
seeking to purchase, deliver, store, or transport, natural gas	25
exclusively by and solely for the consumer's or consumers' own	26
intended use as the end user or end users and not for profit;	27
(3) A public utility that is owned or operated by any	28
municipal corporation;	29
(4) A railroad as defined in sections 4907.02 and 4907.03	30
of the Revised Code;	31
(5) Any provider, including a telephone company, with	32
respect to its provision of any of the following:	33
(a) Advanced services as defined in 47 C.F.R. 51.5;	34
(b) Broadband service, however defined or classified by	35
the federal communications commission;	36
(c) Information service as defined in the	37
"Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C.	38
153(20);	39
(d) Subject to division (A) of section 4927.03 of the	40
Revised Code, internet protocol-enabled services as defined in	41
section 4927.01 of the Revised Code;	42
(e) Subject to division (A) of section 4927.03 of the	43
Revised Code, any telecommunications service as defined in	44
section 4927.01 of the Revised Code to which both of the	45
following apply:	46

(i) The service was not commercially available on 47  
September 13, 2010, the effective date of the amendment of this 48  
section by S.B. 162 of the 128th general assembly. 49

(ii) The service employs technology that became available 50  
for commercial use only after September 13, 2010, the effective 51  
date of the amendment of this section by S.B. 162 of the 128th 52  
general assembly. 53

(6) (a) A person, business, or other entity that, either on 54  
its own behalf or under a contract with a property owner, 55  
provides, constructs, or installs for customers submetered 56  
utility service; 57

(b) As used in this division, "submetered utility service" 58  
means any of the following, if provided, constructed, or 59  
installed at a point after services provided by a public utility 60  
are delivered to the public utility's metered points of delivery 61  
at the customers' locations: 62

(i) Service or benefit from an advanced energy resource as 63  
defined in section 4928.01 of the Revised Code; 64

(ii) Electric service; 65

(iii) Billing service for services described in divisions 66  
(A) (6) (b) (i) and (ii) of this section; 67

(iv) Electric vehicle charging; 68

(v) Resale of electricity to a tenant's dwelling unit by a 69  
landlord or the landlord's agent that is based on metered 70  
consumption; 71

(vi) Resale of electricity to a condominium by a unit 72  
owners association or the association's agent that is based on 73  
metered consumption. 74

(7) Billing service for the resale of water service to a 75  
tenant's dwelling unit by a landlord or the landlord's agent, or 76  
to a condominium by a unit owners association or the 77  
association's agent, that is based on metered consumption and 78  
that is delivered at a point after water service is delivered to 79  
the public utility's metered point of delivery for that service 80  
at that location. 81

(B) (1) "Public utility" includes a for-hire motor carrier 82  
even if the carrier is operated in connection with an entity 83  
described in division (A) (1), (2), (4), or (5) of this section. 84

(2) Division (A) of this section shall not be construed to 85  
relieve a private motor carrier, operated in connection with an 86  
entity described in division (A) (1), (2), (4), or (5) of this 87  
section, from compliance with either of the following: 88

(a) Chapter 4923. of the Revised Code; 89

(b) Rules governing unified carrier registration adopted 90  
under section 4921.11 of the Revised Code. 91

(C) As used in this section: 92

(1) "Condominium" and "unit owners association" have the 93  
same meanings as in section 5311.01 of the Revised Code. 94

(2) "Dwelling unit," "landlord," and "tenant" have the 95  
same meanings as in section 5321.01 of the Revised Code. 96

**Sec. 4911.22.** (A) As used in this section: 97

(1) "Submetered utility service" has the same meaning as 98  
in section 4905.02 of the Revised Code. 99

(2) "Tenant" has the same meaning as in section 5321.01 of 100  
the Revised Code. 101

(B) The consumers' counsel shall maintain a list of 102  
billing assistance programs that may be available to a tenant 103  
who receives submetered utility service on the consumers' 104  
counsel's web site. 105

Sec. 4933.51. As used in sections 4933.51 to 4933.68 of 106  
the Revised Code: 107

(A) "Dwelling unit," "landlord," and "tenant" have the 108  
same meanings as in section 5321.01 of the Revised Code. 109

(B) "Electric light company" has the same meaning as in 110  
section 4905.03 of the Revised Code. 111

(C) "Electric utility" has the same meaning as in section 112  
4928.01 of the Revised Code. 113

(D) "Fair market value" means a value determined by 114  
considering the age, condition, price of similar assets of the 115  
same age and use in the market, and recent sale prices and 116  
expert appraisals. 117

(E) "Public utility" means an electric light company, 118  
natural gas company, or water-works company as defined in 119  
section 4905.03 of the Revised Code that is a public utility as 120  
defined in section 4905.02 of the Revised Code. 121

(F) "Qualified low-income building" has the same meaning 122  
as in section 175.16 of the Revised Code. 123

(G) "Submetered utility service" has the same meaning as 124  
in section 4905.02 of the Revised Code. 125

(H) (1) "Submetered utility service provider" means, 126  
subject to division (H) (2) of this section, a person, business, 127  
or other entity that, either on its own behalf or under a 128  
contract with a property owner, provides, constructs, or 129

installs for customers submetered utility service. 130

(2) In the case of resale of electricity to a tenant based 131  
on metered consumption at the tenant's dwelling unit, the 132  
submetered utility service provider is the master meter account 133  
holder, or customer of record, with the public utility 134  
delivering service to the premises, except to the extent that 135  
such account holder or customer of record is a landlord who has 136  
assigned responsibility for compliance with some or all of the 137  
requirements of sections 4933.55 to 4933.59 of the Revised Code 138  
to a third party by contract. The third party that assumed 139  
responsibility for compliance with some or all of the 140  
requirements of sections 4933.55 to 4933.59 of the Revised Code 141  
is the submetered utility service provider to the extent that 142  
the third party has assumed such responsibility. 143

Sec. 4933.52. (A) Except for reasons of safety or 144  
reliability, the public utilities commission shall not adopt any 145  
rule that permits a public utility to set the location of, or 146  
refuse to relocate, any of its meters so that the meter's 147  
location prevents either of the following: 148

(1) A submetered utility service provider from providing, 149  
constructing, or installing submetered utility service at a 150  
point after the public utility service is delivered to the 151  
public utility's metered point of delivery at that location; 152

(2) A billing service described in division (A) (7) of 153  
section 4905.02 of the Revised Code from providing the billing 154  
service for water service at a point after water service is 155  
delivered to the public utility's metered point of delivery for 156  
that service at that location. 157

(B) Except for reasons of safety or reliability, no public 158

utility shall set the location of, or refuse to relocate, any of 159  
its meters so that the meter's location prevents either of the 160  
following: 161

(1) A submetered utility service provider from providing, 162  
constructing, or installing submetered utility service at a 163  
point after the public utility service is delivered to the 164  
public utility's metered point of delivery at that location; 165

(2) A billing service described in division (A)(7) of 166  
section 4905.02 of the Revised Code from providing the billing 167  
service for water service at a point after water service is 168  
delivered to the public utility's metered point of delivery for 169  
that service at that location. 170

**Sec. 4933.53.** (A) Except for reasons of safety or 171  
reliability, if a public utility customer requests an alteration 172  
in the location, character, or metering of the customer's 173  
service from a public utility where the alteration would render 174  
certain personal property or equipment of the utility as no 175  
longer used and useful in providing utility service to the 176  
customer's real property, the utility shall offer to sell such 177  
personal property or equipment to the utility customer for any 178  
purpose, including for use in providing submetered utility 179  
service and to ensure certainty of ownership of the personal 180  
property or equipment following the change in service, if both 181  
of the following are met: 182

(1) The personal property or equipment is located 183  
exclusively within the boundaries of the customer's real 184  
property; 185

(2) The personal property or equipment was used 186  
exclusively to provide utility service to the property. 187

(B) The public utility shall price the personal property 188  
or equipment offered for sale to a customer pursuant to this 189  
section as the amount of the fair market value of the property 190  
or equipment, as the value of such property or equipment would 191  
be represented in a ratemaking proceeding before the public 192  
utilities commission. 193

(C) The public utility shall record the proceeds from a 194  
sale pursuant to this section as a regulatory liability. 195

**Sec. 4933.54.** Each electric utility shall maintain up-to- 196  
date reference tools on the utility's web site, or in another 197  
conspicuous and publicly accessible location, that permit 198  
automatic calculation of what the electric utility would charge 199  
its residential customers with a specific kilowatt-hour usage 200  
during any of the most recent twelve months. 201

**Sec. 4933.55.** No submetered utility service provider that 202  
resells electricity to a tenant based on metered consumption at 203  
the tenant's dwelling unit may charge the tenant more than the 204  
bill for the standard service offer and all tariffed charges and 205  
riders that the electric light company, in whose certified 206  
territory the dwelling unit is located, would charge its 207  
residential customers for electric service. 208

**Sec. 4933.56.** A submetered utility service provider that 209  
resells electricity to a tenant based on metered consumption at 210  
the tenant's dwelling unit shall do all of the following: 211

(A) Register with the public utilities commission every 212  
two years and comply with the rules adopted pursuant to section 213  
4933.59 of the Revised Code. Registration under this division 214  
shall include only the provider's name, business address, 215  
telephone number, regulatory contact, the type of services 216

<u>offered by the provider, and evidence of the managerial,</u>	217
<u>financial, and technical capabilities to offer such services.</u>	218
<u>(B) At a minimum, comply with the requirements for the</u>	219
<u>disconnection of electric service established in sections</u>	220
<u>4933.121 to 4933.123 of the Revised Code and the rules adopted</u>	221
<u>pursuant to those sections, as applicable;</u>	222
<u>(C) Provide a separate disclosure and a report of historic</u>	223
<u>monthly usage and corresponding billed amounts for metered</u>	224
<u>electricity to each tenant's dwelling unit for the preceding</u>	225
<u>twelve months, if applicable, to its tenants solely for purposes</u>	226
<u>of compliance with the pricing requirements under section</u>	227
<u>4933.55 of the Revised Code;</u>	228
<u>(D) Disclose its process and procedures for the</u>	229
<u>disconnection of electric service to its tenants;</u>	230
<u>(E) Provide notice of the list of billing assistance</u>	231
<u>programs that is required pursuant to section 4911.22 of the</u>	232
<u>Revised Code to a tenant that receives submetered utility</u>	233
<u>service from the provider at both of the following times:</u>	234
<u>(1) Upon the tenant's request for submetered utility</u>	235
<u>service bill assistance;</u>	236
<u>(2) At least annually in the standard communication format</u>	237
<u>used by the provider or landlord to provide information to</u>	238
<u>tenants.</u>	239
<u>(F) Offer an alternative payment plan option to a tenant</u>	240
<u>that receives submetered utility service from the provider;</u>	241
<u>(G) Accept a payment from the home energy assistance</u>	242
<u>program when the account holder qualifies for the home energy</u>	243
<u>assistance program;</u>	244

(H) Ensure that each bill issued by the provider for 245  
submetered utility service complies with all of the following: 246

(1) Lists each charge or fee for submetered utility 247  
service in a separate and distinct manner that allows the tenant 248  
to understand each charge or fee; 249

(2) Lists each common area charge or fee, including each 250  
common area charge or fee for central systems air conditioning, 251  
heating, and hot water, in a separate and distinct manner that 252  
allows the tenant to understand each common area charge or fee; 253

(3) Clearly states the tenant's actual or estimated 254  
metered electricity usage in kilowatt hours, or other standard 255  
measure, in a manner that allows the tenant to effectively use 256  
the reference tools required by section 4933.54 of the Revised 257  
Code. 258

**Sec. 4933.57.** (A) Prior to the effective date of the rules 259  
adopted to implement section 4933.58 of the Revised Code, a 260  
submetered utility service provider that resells electricity to 261  
a tenant based on metered consumption at the tenant's dwelling 262  
unit at a property or community with more than fifty dwelling 263  
units shall file an interim compliance plan for approval with 264  
the public utilities commission for each property or community 265  
with more than fifty dwelling units at which submetered utility 266  
service is provided to tenants by either of the following dates, 267  
whichever is later: 268

(1) Not more than ninety days after the commission adopts 269  
rules to implement this section; 270

(2) Prior to the date that the provider initiates 271  
providing submetered utility service at the property or 272  
community, whichever is later. 273

<u>(B) The commission shall approve an interim compliance</u>	274
<u>plan filing that does all of the following:</u>	275
<u>(1) Includes the provider's name, business address,</u>	276
<u>telephone number, regulatory contact, and the type of services</u>	277
<u>offered by the provider at the community or property;</u>	278
<u>(2) Describes the methods by which the provider intends to</u>	279
<u>ensure that any bills to tenants at the property or community</u>	280
<u>comply with the pricing requirements for the resale of</u>	281
<u>electricity under section 4933.55 of the Revised Code;</u>	282
<u>(3) Describes how the provider intends to comply with the</u>	283
<u>electric service disconnection standards imposed by section</u>	284
<u>4933.56 of the Revised Code;</u>	285
<u>(4) If more than one submetered utility service provider</u>	286
<u>provides submetered utility service at a single property or</u>	287
<u>community with more than fifty dwelling units, or if more than</u>	288
<u>one party is responsible for the compliance plan items described</u>	289
<u>in this section, sets forth the responsibilities of each</u>	290
<u>provider for each of the interim compliance plan items described</u>	291
<u>in this section.</u>	292
<u>(C) The provider shall adhere to the interim compliance</u>	293
<u>plan that is approved by the commission until the plan is</u>	294
<u>terminated, unless otherwise directed by the commission.</u>	295
<u>(D) An interim compliance plan for a property or community</u>	296
<u>approved by the commission terminates upon the commission</u>	297
<u>approving a compliance plan under section 4933.58 of the Revised</u>	298
<u>Code for the same property or community. An interim compliance</u>	299
<u>plan continues until terminated pursuant to this division or</u>	300
<u>terminated by the commission.</u>	301
<u>(E) The requirement that a provider file an interim</u>	302

compliance plan under this section terminates upon the effective 303  
date of rules to implement section 4933.58 of the Revised Code. 304

**Sec. 4933.58.** (A) A submetered utility service provider 305  
that resells electricity to a tenant based on metered 306  
consumption at the tenant's dwelling unit at a property or 307  
community with more than fifty dwelling units shall file a 308  
compliance plan for approval with the public utilities 309  
commission for each property or community with more than fifty 310  
dwelling units at which submetered utility service is provided 311  
to tenants by either of the following dates, whichever is later: 312

(1) Not more than ninety days after the commission adopts 313  
rules to implement this section; 314

(2) Prior to the date that the provider initiates 315  
providing submetered utility service at the property or 316  
community. 317

(B) The commission shall approve a compliance plan filing 318  
that does all of the following: 319

(1) Describes the means by which the provider will ensure 320  
compliance with sections 4933.56 and 4933.59 of the Revised Code 321  
at the property or community, as applicable; 322

(2) Includes the provider's name, business address, 323  
telephone number, regulatory contact, and the type of services 324  
offered by the provider at the community or property; 325

(3) Describes the methods by which the provider intends to 326  
ensure that any bills to tenants at the property or community 327  
comply with the pricing requirements for the resale of 328  
electricity under section 4933.55 of the Revised Code; 329

(4) Describes how the provider intends to comply with the 330

<u>electric service disconnection standards imposed by section</u>	331
<u>4933.56 of the Revised Code;</u>	332
<u>(5) Includes a copy of the language included, or to be</u>	333
<u>included, in each tenant's lease relating to submetered electric</u>	334
<u>service that complies with division (C) of this section, as</u>	335
<u>applicable, and section 5321.04 of the Revised Code;</u>	336
<u>(6) For submetered utility service provided or intended to</u>	337
<u>be provided to a qualified low-income building, discloses any</u>	338
<u>utility assistance programs available to tenants or condominium</u>	339
<u>owners of which the applicant is aware as of the date the</u>	340
<u>application is submitted;</u>	341
<u>(7) If more than one submetered utility service provider</u>	342
<u>provides submetered utility service at a single property or</u>	343
<u>community with more than fifty dwelling units, or if more than</u>	344
<u>one party is responsible for the compliance plan items described</u>	345
<u>in this section, sets forth the responsibilities of each</u>	346
<u>provider for each of the compliance plan items described in this</u>	347
<u>section;</u>	348
<u>(8) Discloses the standard communication format used by</u>	349
<u>the provider or landlord to provide information to tenants;</u>	350
<u>(9) Provide a description of the alternative payment plan</u>	351
<u>required by section 4933.56 of the Revised Code.</u>	352
<u>(C) To the extent that a landlord of a property or</u>	353
<u>community with more than fifty dwelling units is not the</u>	354
<u>submetered utility service provider, the landlord shall</u>	355
<u>separately contribute to or attest to the language included, or</u>	356
<u>to be included, in each tenant's lease relating to submetered</u>	357
<u>electric service.</u>	358
<u>(D) The provider shall adhere to the compliance plan that</u>	359

is approved by the commission, unless otherwise directed by the 360  
commission. 361

(E) The compliance plan shall be updated from time to time 362  
upon any material change to the information contained therein. 363

**Sec. 4933.59.** (A) Not later than one year after the 364  
effective date of this section, the public utilities commission 365  
shall adopt rules to implement sections 4933.56 and 4933.58 of 366  
the Revised Code. 367

(B) The commission shall adopt rules to implement section 368  
4933.57 of the Revised Code not more than one hundred eighty 369  
days after the effective date of this section. 370

(C) The commission may require submetered utility service 371  
providers that provide submetered utility service to residential 372  
end users other than providers that resell electricity to a 373  
tenant based on metered consumption at the tenant's dwelling 374  
unit to register every two years and to comply with any 375  
applicable registration requirements. 376

(D) Rules adopted under this section, including any 377  
requirements regarding classifications, procedures, terms, and 378  
conditions, shall be reasonable and shall not confer any undue 379  
economic, competitive, or market advantage or preference upon 380  
any electric light company, submetered utility service provider, 381  
or competitive retail electric service provider. 382

(E) The commission may charge submetered utility service 383  
providers a registration processing fee of not more than one 384  
thousand dollars per initial and each subsequent biennial 385  
registration. The commission shall use all amounts collected 386  
under this division to pay costs related to the implementation 387  
of sections 4933.51 to 4933.68 of the Revised Code. 388

(F) Notwithstanding any provision of section 121.95 of the 389  
Revised Code to the contrary, a regulatory restriction contained 390  
in rules adopted under sections 4933.51 to 4933.68 of the 391  
Revised Code is not subject to sections 121.95 to 121.953 of the 392  
Revised Code. 393

Sec. 4933.60. (A) The public utilities commission shall 394  
approve or issue a notice of deficiency in accordance with 395  
division (B) (2) of this section relating to any of the following 396  
not more than thirty days after receipt from a submetered 397  
utility service provider at a property or community with more 398  
than fifty dwelling units: 399

(1) A registration application required under section 400  
4933.56 or 4933.59 of the Revised Code; 401

(2) An interim compliance plan filing required under 402  
section 4933.57 of the Revised Code; 403

(3) A compliance plan filing required under section 404  
4933.58 of the Revised Code. 405

(B) (1) The commission shall approve a provider's 406  
application or filing described in this section if the 407  
application or filing complies with all requirements under 408  
sections 4933.56 to 4933.59 of the Revised Code, as applicable. 409

(2) If a provider's application or filing described in 410  
this section does not comply with some or all of the 411  
requirements under sections 4933.56 to 4933.59 of the Revised 412  
Code, the commission shall notify the provider by using a notice 413  
of deficiency setting forth the manner of noncompliance in terms 414  
sufficiently specific to permit the provider to remedy the 415  
noncompliance. Upon a provider's amendment of an application or 416  
filing following a notice of deficiency, the commission shall 417

approve or deny the provider's amended application or filing 418  
within thirty days of receipt. 419

(C) If the commission denies a provider's amended 420  
application or filing as described in this section, the 421  
commission shall notify the provider of the reason for such 422  
denial. 423

(D) Any application or filing described in this section 424  
that is not approved or for which a notice of deficiency is not 425  
submitted within ninety days is deemed approved by operation of 426  
law. 427

**Sec. 4933.61.** Notwithstanding any provision of sections 428  
4933.51 to 4933.68 of the Revised Code to the contrary, the 429  
public utilities commission may temporarily modify or waive any 430  
or all of the requirements of sections 4933.56, 4933.58, and 431  
4933.59 of the Revised Code for a period not exceeding sixty 432  
days to account for changes in technology, law, or for the 433  
emergence of factors or circumstances affecting a party's 434  
compliance with those sections, which factors are beyond that 435  
party's control or which could not be reasonably anticipated by 436  
that party. 437

**Sec. 4933.62.** (A) Unless waived under section 4933.61 of 438  
the Revised Code, no submetered utility service provider shall 439  
provide a submetered utility service to a consumer in this state 440  
without first being registered with the public utilities 441  
commission, to the extent registration is required under 442  
sections 4933.56 and 4933.59 of the Revised Code. 443

(B) Beginning one hundred twenty days after the effective 444  
date of rules adopted to implement section 4933.57 of the 445  
Revised Code and terminating upon the effective date of rules to 446

implement section 4933.58 of the Revised Code, no submetered 447  
utility service provider that resells electricity to a tenant 448  
based on metered consumption at the tenant's dwelling unit at a 449  
property or community with more than fifty dwelling units shall 450  
provide a submetered utility service to a consumer in this state 451  
without an approved interim compliance plan under section 452  
4933.57 of the Revised Code. 453

(C) Beginning one hundred twenty days after the effective 454  
date of rules adopted to implement section 4933.58 of the 455  
Revised Code, unless waived under section 4933.61 of the Revised 456  
Code, no submetered utility service provider that resells 457  
electricity to a tenant based on metered consumption at the 458  
tenant's dwelling unit at a property or community with more than 459  
fifty dwelling units shall provide a submetered utility service 460  
to a consumer in this state without an approved compliance plan 461  
under section 4933.58 of the Revised Code. 462

**Sec. 4933.63.** (A) The public utilities commission shall 463  
receive and use reasonable diligence to investigate any reports 464  
or information regarding a possible failure to comply with, or a 465  
violation of, the requirements of sections 4933.55 to 4933.59 of 466  
the Revised Code. 467

(B) The commission may review any of the following in 468  
response to a report or information received under this section: 469

(1) A submetered utility service provider's or landlord's 470  
relevant billing practices; 471

(2) A submetered utility service provider's or landlord's 472  
billing history; 473

(3) A submetered utility service provider's or landlord's 474  
leases; 475

(4) Any other relevant documentation and information as 476  
the commission deems appropriate. 477

(C) Any portion of materials reviewed by the commission 478  
under this section that contain personally identifiable 479  
information, including banking or information which could be 480  
used to commit identity theft, shall be treated as confidential. 481

(D) If a review is initiated under this section as a 482  
result of a report or information from a tenant receiving 483  
submetered utility service, the commission shall report its 484  
conclusions and the results of the review to the tenant not more 485  
than one hundred eighty days after receipt of the report or 486  
information. 487

(E) Any submetered utility service provider that fails to 488  
cooperate with a review under this section in good faith may, at 489  
the commission's discretion, be determined liable for a 490  
violation or failure to comply with sections 4933.55 to 4933.59 491  
of the Revised Code and may be assessed any penalties under 492  
section 4933.65 of the Revised Code. 493

**Sec. 4933.64.** (A) Any person, firm, or corporation, or the 494  
public utilities commission upon its initiative, may file a 495  
written complaint against either of the following: 496

(1) Any submetered utility service provider for a failure 497  
to comply with, or a violation of, the requirements under 498  
sections 4933.55 to 4933.59 of the Revised Code; 499

(2) Any landlord who is not a submetered utility service 500  
provider for a failure to comply with division (C) of section 501  
4933.58 of the Revised Code. 502

(B) If it appears that reasonable grounds for complaint 503  
are stated after a preliminary investigation, the commission 504

shall provide notice of probable noncompliance to the submetered 505  
utility service provider or landlord and grant the provider or 506  
landlord sixty days, or longer at the commission's discretion, 507  
to cure the noncompliance. If such noncompliance is not cured 508  
during the cure period, the commission may open a formal 509  
investigation of the complaint. 510

(C) The commission may, after a formal investigation under 511  
this section, provide reasonable notice and the opportunity for 512  
a hearing to the provider or landlord subject to the 513  
investigation. After such notice and opportunity for a hearing, 514  
if the commission determines by a preponderance of the evidence 515  
that the provider or landlord committed the violation or failure 516  
to comply described in the complaint, the commission may issue 517  
an order to assess any penalties described in section 4933.65 or 518  
4933.66 of the Revised Code, as applicable. 519

(D) The parties to a formal investigation under this 520  
section shall be entitled to be heard, represented by counsel, 521  
and to have a process to enforce the attendance of witnesses. 522

(E) Nothing in this section prohibits a provider or 523  
landlord from resolving any failure to comply with, or a 524  
violation of, the requirements under sections 4933.55 to 4933.59 525  
of the Revised Code prior to commission action. 526

**Sec. 4933.65.** (A) Any submetered utility service provider 527  
that is found to have violated or failed to comply with the 528  
requirements under sections 4933.55 to 4933.59 of the Revised 529  
Code, after reasonable notice and opportunity for a hearing 530  
under section 4933.64 of the Revised Code, or if division (E) of 531  
section 4933.63 of the Revised Code applies, except as provided 532  
in division (B) of this section, may be assessed, or have any or 533  
all of the following penalties imposed, at the discretion of the 534

public utilities commission: 535

(1) A forfeiture of not more than one hundred dollars for 536  
each violation or compliance failure per impacted dwelling unit. 537  
For purposes of a forfeiture under division (A)(1) of this 538  
section, each day that a provider violates or fails to comply 539  
with sections 4933.55 to 4933.59 of the Revised Code is a 540  
separate violation or compliance failure for each violation or 541  
compliance failure. 542

(2) A forfeiture of ten thousand dollars if the submetered 543  
utility service provider is found to have violated or failed to 544  
comply with division (C) of section 4933.62 of the Revised Code. 545  
A forfeiture under division (A)(2) of this section may be in 546  
addition to a forfeiture under division (A)(1) of this section. 547

(3) Revocation, vacation, or nullification of the 548  
provider's registration under section 4933.56 of the Revised 549  
Code and issuance of an order and entry of the order in the 550  
journal of the commission barring such provider from providing 551  
submetered utility service in this state for not more than two 552  
years. 553

(B) The commission shall grant the provider that is 554  
assessed, or on whom is imposed, one or more penalties under 555  
this section sixty days, or longer at the commission's 556  
discretion, to cure the violation or failure to comply. If such 557  
violation or failure to comply is cured during that period, the 558  
provider is not subject to the penalties assessed under this 559  
section. 560

(C) Forfeitures under this section shall be recovered by 561  
action prosecuted in the name of the state and may be brought in 562  
the court of common pleas of any county in which the provider 563

who committed the violation or failed to comply is located. The 564  
action shall be commenced and prosecuted by the attorney general 565  
when directed by the public utilities commission. All 566  
forfeitures are cumulative, and an action for recovery of one 567  
does not bar the recovery of another. Forfeitures collected 568  
under this section shall be credited to the general revenue 569  
fund. 570

**Sec. 4933.66.** (A) The public utilities commission may, 571  
except as provided in division (B) of this section, enter an 572  
order in the journal of the commission barring, for not more 573  
than two years, the provision of submetered utility service to 574  
the property or community of a landlord that is found to have 575  
failed to comply with division (C) of section 4933.58 of the 576  
Revised Code after reasonable notice and opportunity for a 577  
hearing under section 4933.64 of the Revised Code. 578

(B) The commission shall grant the landlord assessed a 579  
penalty under this section sixty days, or longer at the 580  
commission's discretion, to cure the failure to comply. If such 581  
failure to comply is cured during the cure period, the landlord 582  
is not subject to the penalty assessed under this section. 583

**Sec. 4933.68.** Not later than two years after the effective 584  
date of the rules adopted pursuant to division (A) of section 585  
4933.59 of the Revised Code, the public utilities commission 586  
shall submit a report to the general assembly that contains all 587  
of the following information: 588

(A) The number of submetered utility service providers 589  
registered with the commission; 590

(B) The name of each submetered utility service provider 591  
registered with the commission; 592

<u>(C) The name and address of each property or community</u>	593
<u>served by a submetered utility service provider;</u>	594
<u>(D) The number of dwelling units at each property or</u>	595
<u>community served by a submetered utility service provider;</u>	596
<u>(E) The number of complaints received by the commission on</u>	597
<u>a monthly basis from residential customers regarding the</u>	598
<u>customer's submetered utility service where the commission</u>	599
<u>determined that a violation by a submetered utility service</u>	600
<u>provider occurred.</u>	601
<b>Sec. 5321.04.</b> (A) A landlord who is a party to a rental	602
agreement shall do all of the following:	603
(1) Comply with the requirements of all applicable	604
building, housing, health, and safety codes that materially	605
affect health and safety;	606
(2) Make all repairs and do whatever is reasonably	607
necessary to put and keep the premises in a fit and habitable	608
condition;	609
(3) Keep all common areas of the premises in a safe and	610
sanitary condition;	611
(4) Maintain in good and safe working order and condition	612
all electrical, plumbing, sanitary, heating, ventilating, and	613
air conditioning fixtures and appliances, and elevators,	614
supplied or required to be supplied by the landlord;	615
(5) When the landlord is a party to any rental agreements	616
that cover four or more dwelling units in the same structure,	617
provide and maintain appropriate receptacles for the removal of	618
ashes, garbage, rubbish, and other waste incidental to the	619
occupancy of a dwelling unit, and arrange for their removal;	620

(6) Supply running water, reasonable amounts of hot water, 621  
and reasonable heat at all times, except where the building that 622  
includes the dwelling unit is not required by law to be equipped 623  
for that purpose, or the dwelling unit is so constructed that 624  
heat or hot water is generated by an installation within the 625  
exclusive control of the tenant and supplied by a direct public 626  
utility connection; 627

(7) Not abuse the right of access conferred by division 628  
(B) of section 5321.05 of the Revised Code; 629

(8) Except in the case of emergency or if it is 630  
impracticable to do so, give the tenant reasonable notice of the 631  
landlord's intent to enter and enter only at reasonable times. 632  
Twenty-four hours is presumed to be a reasonable notice in the 633  
absence of evidence to the contrary. 634

(9) Promptly commence an action under Chapter 1923. of the 635  
Revised Code, after complying with division (C) of section 636  
5321.17 of the Revised Code, to remove a tenant from particular 637  
residential premises, if the tenant fails to vacate the premises 638  
within three days after the giving of the notice required by 639  
that division and if the landlord has actual knowledge of or has 640  
reasonable cause to believe that the tenant, any person in the 641  
tenant's household, or any person on the premises with the 642  
consent of the tenant previously has or presently is engaged in 643  
a violation as described in division (A) (6) (a) (i) of section 644  
1923.02 of the Revised Code, whether or not the tenant or other 645  
person has been charged with, has pleaded guilty to or been 646  
convicted of, or has been determined to be a delinquent child 647  
for an act that, if committed by an adult, would be a violation 648  
as described in that division. Such actual knowledge or 649  
reasonable cause to believe shall be determined in accordance 650

with that division. 651

(10) Comply with the rights of tenants under the 652  
Servicemembers Civil Relief Act, 117 Stat. 2835, 50 U.S.C. App. 653  
501; 654

(11) If the landlord, whether by itself or with the 655  
assistance of a submetered utility service provider, resells or 656  
permits resale of utility service to tenants, disclose the 657  
nature of such utility service and all related charges or fees, 658  
including any common area charges or fees, in its leases with 659  
tenants, and, as applicable, comply with sections 4933.51 to 660  
4933.68 of the Revised Code. 661

(B) If the landlord makes an entry in violation of 662  
division (A) (8) of this section, makes a lawful entry in an 663  
unreasonable manner, or makes repeated demands for entry 664  
otherwise lawful that have the effect of harassing the tenant, 665  
the tenant may recover actual damages resulting from the entry 666  
or demands, obtain injunctive relief to prevent the recurrence 667  
of the conduct, and obtain a judgment for reasonable attorney's 668  
fees, or may terminate the rental agreement. 669

(C) As used in this section, "submetered utility service 670  
provider" has the same meaning as in section 4933.51 of the 671  
Revised Code. 672

**Section 2.** That existing sections 4905.02 and 5321.04 of 673  
the Revised Code are hereby repealed. 674