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**TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

**Notice of First Public Comment Period**

LSA Document #23-776

**SUB-BILLING OF WATER AND WASTEWATER SERVICE**

**PURPOSE OF NOTICE**

The Indiana Utility Regulatory Commission (IURC) is soliciting public comment on amending administrative rules at [170 IAC 15](#) concerning the sub-billing of water and wastewater service by landlords, homeowner associations, and condominium associations. The IURC seeks comment on the affected citations listed and any other provisions of Title 170 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** [170 IAC 15-1-0.5](#); [170 IAC 15-1-1](#); [170 IAC 15-1-1.5](#); [170 IAC 15-1-1.6](#); [170 IAC 15-1-2](#); [170 IAC 15-1-3](#); [170 IAC 15-1-4](#); [170 IAC 15-1-5](#); [170 IAC 15-1-6](#); [170 IAC 15-1-7](#); [170 IAC 15-1-7.1](#); [170 IAC 15-1-8](#); [170 IAC 15-1-9](#); [170 IAC 15-1-10](#); [170 IAC 15-1-11](#); [170 IAC 15-1-12](#); [170 IAC 15-1-13](#); [170 IAC 15-2-0.5](#); [170 IAC 15-2-1](#); [170 IAC 15-2-2](#); [170 IAC 15-2-3](#); [170 IAC 15-2-4](#); [170 IAC 15-2-5](#); [170 IAC 15-3-1](#); [170 IAC 15-3-2](#); [170 IAC 15-3-3](#)

**AUTHORITY:** [IC 8-1-1-3](#); [IC 8-1-2-34.5](#)

**OVERVIEW**

**Basic Purpose and Background**

This rulemaking proposes to: make various updates to definitions and reorganize certain provisions for clarification; allow an exception from sub-billing rules for landlords that include water and wastewater charges in a rent or lease payment; revise the rules in accordance with the 2019 amendments to [IC 8-1-2-1.2](#) regarding condominium associations and homeowner associations; modify the enforcement process if a sub-billing entity fails to provide information showing its compliance with applicable rules; and update conflicting provisions.

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Jeremy Comeau  
Assistant General Counsel  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 East  
Indianapolis, IN 46204  
(317) 232-2102  
jcomeau@urc.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski  
Small Business Ombudsman  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 650-0126  
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

**REQUEST FOR PUBLIC COMMENTS**

The IURC is soliciting public comments on the proposed rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:  
LSA Document #23-776  
Jeremy Comeau  
Assistant General Counsel  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 East  
Indianapolis, IN 46204

(2) By electronic mail to [urccomments@urc.in.gov](mailto:urccomments@urc.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(3) Attend scheduled public hearing.

### COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than January 26, 2024.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Indiana Utility Regulatory Commission, 101 West Washington Street, Suite 1500 East, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the office of the Indiana Utility Regulatory Commission and at

<https://www.in.gov/iurc/rulemakings/rulemakings-pending-and-effective/rm-20-02-regarding-170-iac-15/>.

If the IURC does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

### ADDITIONAL DOCUMENTS

Regulatory Analysis DIN: [20231220-IR-170230776RAA](#)

Notice of Public Hearing DIN: [20231220-IR-170230776PHA](#)

### PROPOSED RULE

SECTION 1. [170 IAC 15-1-0.5](#) IS ADDED TO READ AS FOLLOWS:

#### [170 IAC 15-1-0.5](#) Scope

Authority: [IC 8-1-1-3](#)

Affected: [IC 8-1-2-1](#); [IC 8-1-2-1.2](#)

Sec. 0.5. (a) A landlord and an association may only sub-bill water or sewage disposal service under this article.

(b) Under [IC 8-1-2-1.2\(k\)](#), a landlord or an association that sub-bills is not a public utility if the landlord or association complies with:

- (1) [IC 8-1-2-1.2\(k\)\(1\)](#); or
- (2) [IC 8-1-2-1.2\(k\)\(2\)](#), [IC 8-1-2-1.2\(l\)](#), and [IC 8-1-2-1.2\(m\)](#).

(c) This article does not apply to the following:

- (1) A landlord or an association that distributes water or sewage disposal service using a flat fee qualifying under [IC 8-1-2-1.2\(k\)\(1\)](#).
- (2) A landlord that bills a tenant for water or sewage disposal service if:
  - (A) the tenant resides in a building with only one dwelling unit; and
  - (B) the dwelling unit is metered by the water or sewer utility.

(Indiana Utility Regulatory Commission; [170 IAC 15-1-0.5](#))

SECTION 2. [170 IAC 15-1-1](#) IS AMENDED TO READ AS FOLLOWS:

#### [170 IAC 15-1-1](#) Applicability

Authority: [IC 8-1-1-3](#)

Affected: [IC 8-1-2-1.2](#)

Sec. 1. The definitions in ~~[IC 8-1-2-1](#), [IC 8-1-2-1.2](#)~~, and this rule apply throughout this article.

(Indiana Utility Regulatory Commission; [170 IAC 15-1-1](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))

SECTION 3. [170 IAC 15-1-1.5](#) IS ADDED TO READ AS FOLLOWS:

**[170 IAC 15-1-1.5](#) "Association" defined**

Authority: [IC 8-1-1-3](#)  
Affected: [IC 8-1-2-1.2](#)

**Sec. 1.5. "Association" has the meaning as set forth in [IC 8-1-2-1.2\(a\)](#).**

(Indiana Utility Regulatory Commission; [170 IAC 15-1-1.5](#))

SECTION 4. [170 IAC 15-1-1.6](#) IS ADDED TO READ AS FOLLOWS:

**[170 IAC 15-1-1.6](#) "Co-owner" defined**

Authority: [IC 8-1-1-3](#)  
Affected: [IC 8-1-2-1.2](#); [IC 32-25-2-11](#)

**Sec. 1.6. "Co-owner" has the meaning as set forth in [IC 32-25-2-11](#).**

(Indiana Utility Regulatory Commission; [170 IAC 15-1-1.6](#))

SECTION 5. [170 IAC 15-1-2](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-2](#) "Dwelling unit" defined**

Authority: [IC 8-1-1-3](#)  
Affected: [IC 8-1-2-1.2](#)

Sec. 2. "Dwelling unit" means a room or rooms suitable for residential occupancy containing water or sewage disposal service plumbing, or a mobile home park lot or similar multi-user installation, excluding hotels, motels, or other similar transient lodging; **has the meaning as set forth in [IC 8-1-2-1.2\(f\)](#).**

(Indiana Utility Regulatory Commission; [170 IAC 15-1-2](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))

SECTION 6. [170 IAC 15-1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-3](#) "Initial set-up fee" defined**

Authority: [IC 8-1-1-3](#)  
Affected: [IC 8-1-2-1.2](#)

Sec. 3. "Initial set-up fee" means the fee:

- (1) a landlord charges a tenant; or
- (2) an association charges a:
  - (A) member; or
  - (B) co-owner;

to establish a new account for a dwelling unit, not to exceed the landlord's or association's actual administrative cost.

(Indiana Utility Regulatory Commission; [170 IAC 15-1-3](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))

SECTION 7. [170 IAC 15-1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-4](#) "Insufficient funds fee" defined**

**Authority:** [IC 8-1-1-3](#)  
**Affected:** [IC 8-1-2-1.2](#)

Sec. 4. (a) "Insufficient funds fee" means the fee:

- (1) a landlord charges a tenant; **or**
- (2) **an association charges a member or co-owner;**

to process insufficient funds of a payment. ~~not to exceed any~~

**(b) An insufficient funds fee shall not exceed the actual fee assessed to the a landlord or an association** by a financial institution resulting from insufficient funds of an instrument received from ~~the~~ **a:**

- (1) tenant;
- (2) **member; or**
- (3) **co-owner;**

in payment of charges for water or sewage disposal service.

*(Indiana Utility Regulatory Commission; [170 IAC 15-1-4](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))*

SECTION 8. [170 IAC 15-1-5](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-5](#) "Landlord" defined**

**Authority:** [IC 8-1-1-3](#)  
**Affected:** [IC 8-1-2-1.2](#)

Sec. 5. "Landlord" means the owner of a dwelling unit that is rented or leased to an individual, or a person acting on a landlord's behalf. **has the meaning as set forth in [IC 8-1-2-1.2\(h\)](#).**

*(Indiana Utility Regulatory Commission; [170 IAC 15-1-5](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))*

SECTION 9. [170 IAC 15-1-6](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-6](#) "Landlord's usage" defined**

**Authority:** [IC 8-1-1-3](#)  
**Affected:** [IC 8-1-2-1.2](#)

Sec. 6. ~~(a) For water service,~~ "Landlord's usage" means **any water and sewage disposal service** consumed **or utilized** by the landlord for:

- (1) personal use;
- (2) business use; ~~any water consumed or~~
- (3) **usage** in common areas, including, but not limited to: ~~water used in~~
  - (A) a club house;
  - (B) **a** laundry facility;
  - (C) **a** bath house;
  - (D) **a** community restroom;
  - (E) **a** swimming pool;
  - (F) **a** hot tub;
  - (G) **an** irrigation sprinkler system; ~~or~~
  - (H) **a** fire protection sprinkler system; ~~or for~~
  - (I) grounds keeping;
  - (J) flushing the mains; or

(K) any other common purpose.

The term shall also include any **includes** water lost to water leaks in common areas.

~~(b) For sewage disposal service, "landlord's usage" means any sewage disposal service resulting from the landlord for personal use, business use, any sewage disposal service resulting from common areas, including, but not limited to, a club house, laundry facility, bath house, swimming pool, hot tub, or community restrooms or any other common purpose.~~

~~(Indiana Utility Regulatory Commission; [170 IAC 15-1-6](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))~~

SECTION 10. [170 IAC 15-1-7](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-7](#) "Master meter" defined**

Authority: [IC 8-1-1-3](#)

Affected: [IC 8-1-2-1.2](#)

Sec. 7. "Master meter" means the use of a meter device to measure, for billing purposes, the amount of water consumed by:

- (1) a landlord ~~who~~ **that** distributes the water to tenants; or
- (2) **an association that distributes the water to:**
  - (A) members; or
  - (B) co-owners.

~~(Indiana Utility Regulatory Commission; [170 IAC 15-1-7](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))~~

SECTION 11. [170 IAC 15-1-7.1](#) IS ADDED TO READ AS FOLLOWS:

**[170 IAC 15-1-7.1](#) "Member" defined**

Authority: [IC 8-1-1-3](#)

Affected: [IC 8-1-2-1.2](#)

Sec. 7.1. "Member" has the meaning as set forth in [IC 8-1-2-1.2\(i\)](#).

~~(Indiana Utility Regulatory Commission; [170 IAC 15-1-7.1](#))~~

SECTION 12. [170 IAC 15-1-8](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-8](#) "Sub-bill" defined**

Authority: [IC 8-1-1-3](#)

Affected: [IC 8-1-2-1.2](#)

Sec. 8. "Sub-bill" means:

- (1) a landlord's request of **for** payment from a tenant; or
- (2) **an association's request for payment from a member or co-owner;**

~~for the distribution of water or sewage disposal service under [IC 8-1-2-1.2\(k\)\(2\)](#), which service is provided to the landlord or association by a public utility or municipally owned water or sewer utility. The term does not include instances in which a lease agreement clearly indicates that water or sewage disposal, or both, service is included in a lease payment that is assessed at regular intervals and does not vary throughout the lease period based on the amount of water or sewage disposal, or both, usage~~ **landlord or an association distributes water or sewage disposal service under [IC 8-1-2-1.2\(k\)\(1\)](#).**

~~(Indiana Utility Regulatory Commission; [170 IAC 15-1-8](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))~~

SECTION 13. [170 IAC 15-1-9](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-9](#) "Sub-meter" defined**

**Authority:** [IC 8-1-1-3](#)  
**Affected:** [IC 8-1-2-1.2](#)

Sec. 9. "Sub-meter" means ~~refers to~~ the use of a meter device to measure the amount of water consumed within an individual dwelling unit for the purpose of sub-billing. The term also refers to the meter used to measure the amount of water provided to individual dwelling units.

*(Indiana Utility Regulatory Commission; [170 IAC 15-1-9](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))*

SECTION 14. [170 IAC 15-1-10](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-10](#) "Tenant" defined**

**Authority:** [IC 8-1-1-3](#)  
**Affected:** [IC 8-1-2-1.2](#)

Sec. 10. "Tenant" means ~~any occupant of~~ **a person who rents or leases** a dwelling unit ~~that is provided water or sewage disposal service distributed by~~ **from** a landlord.

*(Indiana Utility Regulatory Commission; [170 IAC 15-1-10](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))*

SECTION 15. [170 IAC 15-1-11](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-11](#) "Total net charge" defined**

**Authority:** [IC 8-1-1-3](#)  
**Affected:** [IC 8-1-2-1.2](#)

Sec. 11. ~~"Total net charge"~~ For **water or** sewage disposal service, **"total net charge"** means the charge the ~~sewage disposal service a water or sewer~~ utility imposes on the ~~a~~ landlord **or an association for water or** sewage disposal service for a given billing period inclusive of applicable taxes but exclusive of late fees and other incidental or extraordinary fees and charges.

*(Indiana Utility Regulatory Commission; [170 IAC 15-1-11](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))*

SECTION 16. [170 IAC 15-1-13](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-1-13](#) "Water or sewer utility" defined**

**Authority:** [IC 8-1-1-3](#)  
**Affected:** [IC 8-1-2-1.2](#)

Sec. 13. **"Water or sewer utility"** means the public or municipally owned utility that provides water or sewage disposal service to the landlord for distribution to dwelling unit. ~~has the meaning as set forth in [IC 8-1-2-1.2\(j\)](#).~~

*(Indiana Utility Regulatory Commission; [170 IAC 15-1-13](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))*

SECTION 17. [170 IAC 15-2-0.5](#) IS ADDED TO READ AS FOLLOWS:

**[170 IAC 15-2-0.5](#) Requirements of a sub-bill**

Authority: [IC 8-1-1-3](#)

Affected: [IC 8-1-2-1.2](#)

**Sec. 0.5. (a) A landlord or an association that sub-bills shall meet the following requirements:**

- (1) Sub-bill tenants, members, or co-owners with a consistent frequency unless exigent circumstances warrant a temporary modification to the frequency.**
- (2) Include on sub-bills the information required in section 3 of this rule.**
- (3) Timely remit payment to the water or sewer utility for the total net charges that are sub-billed.**
- (4) Provide a period of at least seventeen (17) days from the date the landlord or association sends a sub-bill for the tenant, member, or co-owner to remit payment before initiating a collection action for sub-billing charges.**

**(b) Sub-bills may charge for only the following maximum allowable amounts:**

- (1) Water or sewage service usage charges calculated under section 2 of this rule.**
- (2) The optional fees and costs permitted by [IC 8-1-2-1.2\(l\)\(4\)](#).**

*(Indiana Utility Regulatory Commission; [170 IAC 15-2-0.5](#))*

SECTION 18. [170 IAC 15-2-1](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-2-1](#) Availability of records**

Authority: [IC 8-1-1-3](#)

Affected: [IC 8-1-2-1.2](#)

Sec. 1. ~~The~~ **(a) A landlord or an association that sub-bills** shall:

- (1) retain all bills received from the utility and all sub-bills from the landlord to tenants, or the association to members or co-owners, for a period of not less than ~~one (1)-year~~ two (2) years;**
- (2) make all ~~such~~ bills and sub-bills available for inspection by any tenant, member, or co-owner, or person who was a tenant, member, or co-owner, during the billing period in question, during and** regular business hours; ~~and~~
- (3) provide a copy of records under this section within three (3) business days of request by a tenant, member, or co-owner; and**
- (4) provide a copy of records under this section to the commission's consumer affairs division upon request.**

**(b) ~~The~~ A landlord or an association** may charge a tenant, member, or co-owner a nominal fee to recover the cost of copying records.

*(Indiana Utility Regulatory Commission; [170 IAC 15-2-1](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))*

SECTION 19. [170 IAC 15-2-2](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-2-2](#) Charges for water or sewage service usage**

Authority: [IC 8-1-1-3](#)

Affected: [IC 8-1-2-1.2](#)

Sec. 2. (a) ~~A tenant's sub-bill shall be calculated in~~ **A landlord or an association calculates the water and sewage service usage portion of a sub-bill using one (1) of the following ~~manner~~ methods:**

- (1) For water service, as follows:**
  - (A) ~~If the utility charges the landlord for usage measured by a master meter, upon receipt of a utility's water bill,~~ Optional usage calculation using sub-meter data as follows:**
    - (i) The landlord ~~shall divide~~ or association divides the total net charges charge for water service, plus**

applicable tax, by the total amount of water master metered to obtain an average cost per unit volume.

~~(ii) The average water cost per unit volume shall then be~~ **is** multiplied by the estimated or actual unit volume consumed by each dwelling unit. ~~In no event shall a landlord charge its tenants more than the total net charge for water service.~~ **as measured by a sub-meter.**

~~(B) If the utility charges~~ **Optional usage calculation using other data as follows:**

~~(i) The landlord for usage that is not measured by a master meter, the landlord shall employ an appropriate method to determine what portion of the total net charge for water service should be attributed to each tenant. "An appropriate method" means a method that~~ **or association** reasonably allocates to each tenant, **member, or co-owner** a portion of the total net charge for water service. ~~less~~

~~(ii) For landlords sub-billing tenants, the landlord deducts~~ the landlord's own use **usage.**

~~(iii) Reasonable allocations may be based on~~ **include** a charge per dwelling unit, actual volume of water distributed to each tenant, ~~or~~ **allocated pro-rata, based on:**

**(AA) square footage;**

**(BB) the type of dwelling unit;**

**(CC) the number of individuals residing in the dwelling unit; or**

**(DD) the estimated volume of water distributed to each tenant.** ~~In no event shall the landlord charge its tenants in total more than the total net charge for water service.~~ **dwelling unit.**

~~(2) For sewage disposal service, the landlord shall employ an appropriate method to determine what portion of the total net charge for sewage disposal service should be attributed to each tenant.~~ **as follows:**

~~(A) If the utility~~ **The landlord or association** charges a flat sewage disposal service rate "an appropriate method" means a method that reasonably allocates to each tenant, **member, or co-owner** a portion of the total net charge for sewage disposal service. ~~less~~

~~(B) For landlords sub-billing tenants, the landlord deducts~~ the landlord's own use. **usage.**

~~(C) Reasonable allocations may be based on a charge per dwelling unit, or a charge~~ **allocated pro-rata,** based on:

**(i) estimated sewer flow;**

**(ii) square footage;**

**(iii) the type of dwelling unit;**

**(iv) the number of individuals residing in the dwelling unit; or**

**(v) the estimated or actual volume of water distributed to each dwelling unit.**

~~(B) If the utility charges a sewage disposal service rate based on water usage, "an appropriate method" means a method that reasonably allocates to each tenant a portion of the total net charge for sewage disposal service less the landlord's own use. Reasonable allocations may use the same percentage for sewage disposal service as calculated for water billing, using the actual volume of water distributed to each tenant or estimated volume of water distributed to each tenant. In no event shall the landlord charge its tenants in total more than the total net charge either for water or sewage disposal service.~~

~~(b) A landlord may not charge a tenant for any water or sewage disposal service reasonably attributed to the landlord's usage.~~

~~(c) In addition to the charges in subsection (a), a landlord may charge a tenant only the fees permitted by~~ [IC 8-1-2-1.2](#).

~~(d) A landlord satisfies the provisions in subsections (a) through (c) and the provisions of~~ [IC 8-1-2-1.2](#) if the landlord charges a flat rental fee, assessed at regular intervals, such as monthly or annually, that includes water and sewage disposal service, provided the following:

~~(1) The lease clearly indicates that water or sewage disposal, or both, service are included in the lease.~~

~~(2) The rent amount does not vary throughout the lease period based on water or sewage disposal usage.~~

**(b) A landlord or an association may calculate sub-bills using a method other than those specified in subsection (a) if the calculation:**

**(1) is fair and reasonable; and**

**(2) results in sub-bills per dwelling unit less than or equal to the amount sub-billed to each dwelling unit under subsection (a).**

**(c) In no event shall a landlord or an association issue sub-bills that total more for the usage portion of the water or sewage disposal service than the landlord or association paid for the same water or sewage disposal service.**

(e) **(d)** Nothing herein should **in this section may** be construed to eliminate or diminish **any a** contractual right a tenant, **may have member, or co-owner has** with respect to the provision of water or sewage disposal service.

(Indiana Utility Regulatory Commission; [170 IAC 15-2-2](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))

SECTION 20. [170 IAC 15-2-3](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-2-3](#) Information contained in sub-bills**

Authority: [IC 8-1-1-3](#)

Affected: [IC 8-1-2-1.2](#)

Sec. 3. (a) The landlord shall:

- (1) render sub-bills to tenants with the same frequency that bills are rendered to the landlord by the utility; and
- (2) sub-bill tenants for the same period for which the landlord has been billed by the utility.

**(a) Sub-bills may contain other permissible charges on the same bill if the sub-billing information is separately itemized and visually distinct from unrelated charges.**

~~(b) The landlord sub-bills tenant separately from rent.~~

~~(e)~~ **(b)** Sub-bills that are rendered to the tenant shall **must** show at least the following information:

- (1) The sub-billing date.
- (2) The sub-billing rate charged.
- (3) The previous balance, if any.
- (4) The amount of the sub-bill.
- (5) The amount of a tenant's, member's, or co-owner's usage, if applicable.**
- ~~(5)~~ **(6)** The amount of an initial setup fee, if due.
- ~~(6)~~ **(7)** A reasonable administrative fee, if any, not to exceed the statutory limit in [IC 8-1-2-1.2\(l\)\(4\)\(B\)](#).
- ~~(7)~~ **(8)** The amount of ~~any an~~ insufficient funds fee, if due.
- ~~(8)~~ **(9)** The date on which the sub-bill is due, **with a statement that the sub-bill due date is independent from the due date of the lease payment or other charges.**
- ~~(9)~~ **(10)** If an estimated sub-bill, a clear and conspicuous coding or other indication identifying the sub-bill as an estimated sub-bill.
- ~~(10)~~ **(11)** An explanation, which ~~can be~~ **is** readily understood, of all codes or symbols, or both, shown on the sub-bill.
- ~~(11)~~ **(12)** The name and telephone number of a person for tenants, **members, or co-owners** to contact about sub-billing matters.
- (13) The beginning and end date of the period for which the sub-bill is rendered.**
- (14) The name and address of the tenant, member, or co-owner being billed.**
- (15) The address or other identifying information for the dwelling unit being billed.**
- ~~(12)~~ **(16)** The following statement "If you believe you are being charged in violation of [IC 8-1-2-1.2](#), you have a right to file a complaint with the Indiana Utility Regulatory Commission at required by [IC 8-1-2-1.2\(m\)\(2\)\(C\)](#), including the following contact information for the commission:
  - (A)** (800) 851-4268. or
  - (B)** [www.in.gov/iurc](#).
- ~~(13)~~ In addition, **(17) For water sub-bills, shall include the following additional information:**
  - (A) If ~~tenant's~~ **the dwelling unit's** usage is sub-metered, the dates and meter readings of ~~tenant's the~~ **the dwelling unit's** sub-meter at the beginning and end of the period for which the sub-bill is rendered.
  - (B) The name and telephone number of a person for tenants, **members, or co-owners** to contact about water service matters.
- ~~(14)~~ In addition, ~~sewage disposal service sub-bills shall include the following:~~
  - (A) The beginning and end dates of the period for which the sub-bill is rendered.
  - (B) The name and telephone number of a person for tenants to contact about sewage disposal service matters.

(Indiana Utility Regulatory Commission; [170 IAC 15-2-3](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))

SECTION 21. [170 IAC 15-2-4](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-2-4](#) Unpaid sub-bills**

Authority: [IC 8-1-1-3](#)  
Affected: [IC 8-1-2-1.2](#)

Sec. 4. A landlord shall provide written notice to tenants pursuant to the disclosure requirements in [IC 8-1-2-1.2\(b\)\(3\)](#), and an association may collect unpaid sub-bills through the same method otherwise allowed under applicable law to collect unpaid rent or association dues or fees.

(Indiana Utility Regulatory Commission; [170 IAC 15-2-4](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))

SECTION 22. [170 IAC 15-2-5](#) IS ADDED TO READ AS FOLLOWS:

**[170 IAC 15-2-5](#) Adjustment of bills**

Authority: [IC 8-1-1-3](#)  
Affected: [IC 8-1-2-1.2](#)

Sec. 5. (a) A landlord or an association adjusts billing errors that are in a tenant's, member's, or co-owner's favor to the known date of error or for a period of one (1) year, whichever period is shorter. Adjustments are made within ninety (90) days of knowledge of the error, and use one (1) of the following methods:

- (1) Add the amount as a credit on the next sub-bill.
- (2) Refund the amount to the tenant, member, or co-owner.
- (3) Credit the amount to rental or association fees due.

(b) A landlord or an association may adjust billing errors that are in its favor back to the known date of error or for a period of one (1) year, whichever is shorter, by including the adjustment in its next sub-bill.

(Indiana Utility Regulatory Commission; [170 IAC 15-2-5](#))

SECTION 23. [170 IAC 15-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-3-1](#) Filing a complaint**

Authority: [IC 8-1-1-3](#), [IC 8-1-2-34.5](#)  
Affected: [IC 8-1-2-1.2](#)

Sec. 1. (a) Regardless of whether a tenant, member, or co-owner is a customer as defined in [170 IAC 16-1-2\(3\)](#), a tenant, member, or co-owner may file a complaint against the a landlord with the commission's consumer affairs division under [IC 8-1-2-34.5](#) for violations of this rule or an association by following the commission's informal complaint procedures found at [170 IAC 1-1.1-5](#) in [170 IAC 16](#).

(b) For purposes of this article, when a complaint is made under [170 IAC 16](#), "utility", as defined in [170 IAC 16-1-2\(4\)](#), refers to a landlord or an association.

(Indiana Utility Regulatory Commission; [170 IAC 15-3-1](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))

SECTION 24. [170 IAC 15-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-3-2](#) Information required to investigate a complaint**

Authority: [IC 8-1-1-3](#)

**Affected: [IC 8-1-2-1.2](#)**

Sec. 2. Upon the receipt of a complaint that a landlord may be acting as a public utility in violation of [IC 8-1-2-1.2](#), the commission shall require the complainant to provide the factual basis for the complaint and the commission shall require **from a tenant, member, or co-owner under [170 IAC 16](#), and when the commission's consumer affairs division receives the complaint and provides it to the landlord or association**, the landlord or the landlord's agent to provide **association provides** the complainant and the commission **commission's consumer affairs division** with sufficient information to investigate the complaint, including, but not limited to, the following: information:

- (1) For the dates in dispute, each sub-bill rendered to the tenant, **member, or co-owner** for water or sewage disposal service, including:
  - (A) a statement indicating the period for which each sub-bill was rendered;
  - (B) **the name and address of the tenant, member, or co-owner billed; and**
  - (C) **the address or other identifying information for the dwelling unit billed.**
- (2) ~~If~~ **For** an estimated sub-bill, a clear and conspicuous coding or other indication identifying the sub-bill as an estimated sub-bill.
- (3) If a ~~tenant's dwelling unit's~~ water usage is not sub-metered, the following:
  - (A) A verified statement by the landlord **or association** that contains the amount due the utility by the landlord **or association** for all amounts consumed at the property for the dates in dispute.
  - (B) The dates and meter readings of the master meter at the beginning and end of the period for which each sub-bill in dispute was rendered.
  - (C) The actual or estimated amount that is attributed to **the** landlord's usage.
  - (D) An explanation of how the landlord **or association** calculated the charges to the tenant **sub-bill** for water service.
- (4) If a ~~tenant's dwelling unit's~~ water usage is sub-metered, the dates and meter readings of ~~tenant's the~~ sub-meter at the beginning and end of the period for which the bill **sub-bill** is rendered, **including the amount of usage for the period.**
- (5) For sewage disposal service, the following:
  - (A) A verified statement by the landlord **or association** that contains the amount due the utility by the landlord **or association** for all amounts collected at the property for the dates in dispute.
  - (B) The beginning and end dates of the period for which each sub-bill in dispute was rendered.
  - (C) The actual or estimated amount that is attributed to landlord's usage.
  - (D) An explanation of how the landlord **or association** calculated the charges to the tenant **sub-bill** for sewage disposal service.
- (6) The sub-billing rate charged.
- (7) The previous balance, if any.
- (8) The amount of ~~any~~ **an** initial setup fee charged.
- (9) The amount of ~~any~~ **an** administrative fee charged.
- (10) The amount of ~~any~~ **an** insufficient funds fee charged.
- (11) The amount and description of any other fee charged.
- (12) The date on which the sub-bill is due.

*(Indiana Utility Regulatory Commission; [170 IAC 15-3-2](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))*

SECTION 25. [170 IAC 15-3-3](#) IS AMENDED TO READ AS FOLLOWS:

**[170 IAC 15-3-3](#) Action on complaint**

**Authority: [IC 8-1-1-3](#)**

**Affected: [IC 8-1-2](#)**

Sec. 3. (a) If, after review, ~~of the information provided under this rule~~, the commission's consumer affairs division determines that the landlord has failed to comply with the requirements of [IC 8-1-2-1.2](#) or this rule, the commission shall require the landlord to refund any overcharges to the known date of error or for a period of one (1) year, whichever is less, and adjust its sub-billing practices prospectively **consumer affairs division and the commission may require one (1) or more of the following remedies:**

- (1) **Require the landlord or association to adjust its sub-billing practices prospectively.**
- (2) **Require the landlord or association to refund, as outlined in [170 IAC 15-2-5](#), payments that exceed**

the amount sub-billed if the sub-bills had complied with [IC 8-1-2-1.2](#) or this article.

(b) A landlord or an association is regulated as a public utility under [IC 8-1-2](#) if:

- (1) the landlord or association has not provided the records and information necessary to determine compliance with this rule within fifteen (15) days of a request or a longer period agreed upon with the consumer affairs division; or
- (2) the landlord or association has failed to comply with a previous determination by the consumer affairs division within ninety (90) days or a longer period agreed upon with the consumer affairs division.

(c) A public utility is required to file its rates and charges under [IC 8-1-2-38](#) and obtain commission approval of any changes to its rates and charges under [IC 8-1-2-44](#) or the rates and charges are considered unlawful under [IC 8-1-2-44](#) and cannot be assessed on the landlord's tenants or the association's members or co-owners. A landlord or an association may recommence sub-billing under this article if it corrects any deficiency under this subsection or receives a determination from the consumer affairs division permitting sub-billing under this article.

*(Indiana Utility Regulatory Commission; [170 IAC 15-3-3](#); filed Mar 31, 2010, 3:18 p.m.: [20100428-IR-170090790FRA](#); readopted filed Jul 12, 2016, 10:01 a.m.: [20160810-IR-170160168RFA](#); readopted filed Jul 12, 2022, 12:18 p.m.: [20220810-IR-170220116RFA](#))*

SECTION 26. [170 IAC 15-1-12](#) IS REPEALED.

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