

## Other Important Parts of the Law

### **a) Refunds**

If an owner chooses, as an alternative to eliminating the shared meter condition, to open an account in the owner's name and to pay an estimated charge for past services to the areas outside the tenant's dwelling, the utility shall credit the tenant for these shared area charges paid by the owner.

### **b) Sharing of Refunds**

Any tenant who receives a refund from a utility because of the shared meter law is required by the law to return a proportional share of that refund to each person who had paid the tenant for the utility service associated with the refund.

### **c) No Waiver Possible**

The provisions of the shared meter law cannot be waived by an owner, by a tenant or by a utility. Although the law may alter the way in which the parties anticipated utility charges would be billed and paid, the enforcement of the law shall not otherwise affect the validity of a lease or rental agreement in effect on or before October 24, 1991.

### **d) Third Party Involvement**

The shared meter law contains a number of provisions that protect tenants and owners from third parties who receive utility service through a shared meter. If an owner or tenant believes a third party is receiving such service, the interested party should contact the utility and ask for information about how to handle the situation.

For additional information please call:  
**1-800-490-0025**

If you are a tenant and the owner of your rental dwelling lives out-of-state please contact us or forward this notice to the owner.



# Summary of New York State's Shared Meter Law

## **Purpose of the Law**

The purpose of the law is to eliminate, to the extent practicable, the use of shared utility meters.

## **Scope of the Law**

The law applies to all residential rental dwellings in New York State. It applies to all owners of such properties, whether the owners reside in or outside New York State.

## **What Is a Shared Meter?**

A shared meter condition exists when a tenant is being billed for electric service both within and outside the tenant's dwelling unit. A dwelling unit is the tenant's living area, as well as any area outside the living area which is under the tenant's exclusive use and control. To determine if a shared meter condition exists, the utility must inspect the customer's electric service to see whether it provides service to any equipment which serves or benefits the owner or another tenant.

## **Owners' Responsibilities**

Under the law, each owner is responsible for eliminating any shared meter condition that exists on the owner's property. Alternatively, an owner may establish an account with the utility in the owner's name for the shared meter. In either case, the utility is required to make certain changes in billing.

## **Situations in Which Elimination of a Shared Meter is Not Required**

An owner is not required to eliminate a shared meter if there is a legal impediment to elimination of the meter, or if the cost of eliminating the meter would be extraordinary, or if the amount of service measured through the meter is minimal.

**Legal Impediment** – a restriction which prevents separate metering, rewiring, or re-piping due to (1) zoning ordinances which limit the number, type or location of meters, or (2) historical significance of the structure, or (3) any other legal prohibition against elimination of a shared meter condition.

**Extraordinary Cost** – the cost of installing equipment necessary to eliminate a shared meter, as determined by a Qualified professional, is in excess of the amount of four month's rental of the tenant's dwelling, or two month's rental of the tenant's dwelling if the service used outside the dwelling unit is less than 20 percent of the average total monthly consumption recorded for the preceding 12-month period.

**Minimal Service** – this occurs when the amount of service on the shared meter, which is used outside the shared meter customer's dwelling, is less than 10 percent of the average total monthly consumption recorded for the preceding 12-month period or 75 kWh/month of electricity.

If one of these three conditions exists, an owner may - as an alternative to eliminating the shared meter - enter into a written agreement with the tenant for apportioning the charges measured through the shared meter, provided that the tenant may not pay for more than the estimated amount of service provided to the tenant's dwelling. If a written agreement is reached, the owner must provide a copy of the agreement to the tenant, the utility and any other third party to the agreement. If the parties are not able to reach a written agreement, the Long Island Power Authority, upon a complaint by a tenant or an owner, shall order a remedy consistent with the relief provided in the shared meter law.

### **Identifying Shared Meters**

If you are a tenant and you believe you are being billed for electric service provided to areas outside your dwelling, you have the right to ask your utility to investigate. Similarly, an owner may also request an investigation. Upon receipt of a request by an owner or by a tenant, or of other information indicating a shared meter may exist, the utility must investigate and determine whether service is being measured by a shared meter.

The utility is required to issue a written determination within 30 business days of receipt of a request for an investigation or of other information indicating a shared meter may exist. If the decision is that a shared meter exists, the written determination of the utility must be sent to the owner, tenant and any other person or entity receiving electric service that is being measured by the shared meter. It must describe the

specific areas outside the tenant's dwelling served by the shared meter, the nature of the use and the proportional amount of service for each area. It must also include the Long Island Power Authority's address and telephone numbers for filing objections to the determination. The time limit for filing objections is forty-five (45) days after receipt of the utility's determination.

### **Changes in Billing Required by the Law**

120 days after notice is sent to the owner that PSEG Long Island has made a final determination that there is a shared meter, the utility must verify that the owner has eliminated the shared meter. If the owner has not done so, the utility is required to establish an account in the owner's name as the customer of record and bill the owner for (1) all future service measured through that meter and (2) an estimated charge for past services to areas outside the tenant's dwelling during a prior period of up to a six-year maximum. The length of the past period for which the owner will be charged will be the length of time the shared meter condition existed, the length of the tenancy, the length of time the owner has had title to the dwelling, or six years, whichever is shorter.

Whether or not the owner has voluntarily corrected the shared meter condition, the utility is required to refund to the shared meter customer charges for service used outside the shared meter customer's dwelling, except in cases where the shared condition is minimal, or the owner has proven extraordinary cost or legal impediment.

### **Failure by an Owner to Voluntarily Comply with the Law Will Result in Significant Additional Cost**

If an owner voluntarily eliminates the shared meter or requests the utility to conduct a shared meter investigation, there will not be an additional one-time charge. However, the existence of a shared meter may result in a significant one-time charge for an owner who did not request the utility to conduct a shared meter investigation. In that case, the utility is required to bill the owner an estimated amount for twelve (12) months of all service measured by the shared meter. This amount, when paid by the owner, will be refunded to the tenant. This charge will be separate from, and in addition to, other charges that owners are required to pay under the shared meter law. The owner may petition the Long Island Power Authority for a reduction of this additional charge.