**FACILITY UTILITY BILLING METHODS**

**2019 Coalition Bill SB 586**

***[This Senate Bill amends ORS 90.541 and 90.543 and is now made a part of ORS 90.531 to 90.539.]***

A landlord may provide for utilities or services to tenants by one or more of the following billing methods: (a) Direct billing; (b) Rent-included billing; (c) Pro rata billing; (d) Submeter billing; and (e) Park specific billing. They are defined below.

* “*Direct billing*” means a relationship between the tenant and the utility or service provider in which: (a) The provider provides the utility or service directly to the tenant’s space, including any utility or service line, and bills the tenant directly; and (b) The landlord does not act as a provider.
* “*Rent-included billing*” means The provider provides the utility or service to the landlord; The landlord provides the utility or service directly to the tenant’s space or to a common area; and the landlord includes the cost of the utility or service in the tenant’s rent.
* “*Pro rata billing*” means the provider provides the utility or service to the landlord; (b) The landlord provides the utility or service directly to the tenant’s space or to a common area available to tenants; and (c) The landlord bills the tenant for a utility or service charge *separately from the rent* in an amount determined by apportioning on a pro rata basis the provider’s charge to the landlord as measured by a master meter.
* “*Submeter billing*” means a relationship between the landlord, tenant and utility or service provider in which: (a) The provider provides the utility or service to the landlord; (b) The landlord provides the utility or service directly to the tenant’s space; and (c) The landlord uses a submeter to measure the utility or service actually provided to the space and bills the tenant for a utility or service charge for the amount reflected by the submeter.
* “*Park specific billing*” means a relationship between the manufactured dwelling park landlord, tenant and utility or service provider in which: (a) The provider provides the utility or service to the landlord; (b) The landlord provides the utility or service directly to the tenant’s space; and (c) The landlord uses a billing method to fairly apportion the utility or service as approved by a majority of the tenants

With the *approval* of the tenants, a landlord may amend the rental agreement to convert their billing for water and wastewater from *pro rata billing* or *rent-included billing* to *park specific billing* only as provided below.

Park specific billing must allocate the cost for water and wastewater service fairly among the tenants and may not allow the landlord to collect (in total) payments from all tenants more than the provider bills to the landlord. This prohibition does not include any installation or repair costs to the utility service system infrastructure required by the conversion.

*Voting.* Each space may cast one ballot in a vote.

* Conversion to park specific billing may occur only if a majority of the ballots cast approve it.
* The ballot *may* include two choices:
  + Conversion to a park specific billing; and
  + Conversion to either a pro rata billing or submeter billing.
* If the ballot includes two choices, it must inform the tenant that they may either vote “yes” for only one choice, or may vote “no” on both choices.
* The landlord must give the notices described in ORS 90.537 (2)(a)[[1]](#footnote-1) at least one month prior to holding a vote *and* shall hold a meeting described in ORS 90.537 (2)(c)[[2]](#footnote-2) at least one (1) week prior to holding the vote.

*Public Services Charges*. A landlord, upon 60 days’ written notice to the tenant, may *unilaterally amend* a rental agreement to require a tenant to pay to the landlord, as part of the utility or service charge, a pro rata proportion of any new or increased *public service charge* billed to the landlord by a utility or service provider or a local government for a *public service* provided directly or indirectly to the tenant’s dwelling unit or to the facility common areas.[[3]](#footnote-3) A landlord may include a public service charge in pro rata billing.

*Garbage Collection and Disposal*. A landlord may not use pro rata billing for garbage collection and disposal, unless the pro rata apportionment is based upon the number and size of the garbage receptacles used by the tenant.

*Written Notice for pro rata billing, submeter billing and park specific billing*. To assess a tenant for a utility or service charge for any billing period using (a) pro rata billing, (b) submeter billing or (c) park specific billing, the landlord must give the tenant a written notice, including notice by electronic means if allowed in the rental agreement’s description of the billing method, stating (i) the amount of the utility or service charge that the tenant is to pay the landlord and (ii) the due date for making the payment. The due date may not be before the date of

service of the notice. The amount of the charge is determined as described in ORS 90.534[[4]](#footnote-4) or 90.536[[5]](#footnote-5) or section 40 of this 2019 Act.[[6]](#footnote-6)

*Note: If the landlord includes in the notice a statement of the rent due, the landlord shall separately and clearly state the amount of the rent and the amount of the utility or service charge. Any public service charge included in the utility or service charge under section 41 of this 2019 Act must be itemized separately.*

*General Information*

* A utility or service charge is not rent or a fee.
* Nonpayment of a utility or service charge is not grounds for termination of a rental agreement for nonpayment of rent under ORS 90.394 (Termination of rental agreement for failure to pay rent), but is grounds for termination of a rental agreement for cause under ORS 90.630 (Termination by landlord).
* A landlord may not give a notice of termination of a rental agreement under ORS 90.630 for nonpayment of a utility or service charge sooner than the eighth day, including the first day the utility or service charge is due, after the landlord gives the tenant the written notice stating the amount of the utility or service charge.
* Landlord is responsible for maintaining the utility or service system, including any submeter.
* After any installation or maintenance of the system or submeter on a tenant’s space, the landlord shall restore the space to a condition that is substantially the same as, or better, than its condition space before the installation or maintenance.
* A landlord may not assess a utility or service charge for water unless the water is provided to the landlord by a: (a) Public utility as defined in ORS 757.005; (b) Municipal utility operating under ORS chapter 225; (c) People’s utility district organized under ORS chapter 261; (d) Cooperative organized under ORS chapter 62; (e) Domestic water supply district organized under ORS chapter 264; or (f) Water improvement district organized under ORS chapter 552.
* A landlord that provides utilities or services only to tenants of the landlord in compliance with the submetering statutes (ORS 90.531 to 90.539) is not a public utility.
* The authority of a utility or service provider to apply policy regarding the billing methods does not authorize the utility or service provider to dictate either the amount billed to tenants or the rate at which tenants are billed under the submetering statutes.

*ORS 90.534 is amended to read*: (1) If allowed by a written rental agreement, a landlord using pro rata billing may require a tenant to pay to the landlord a utility or service charge that was billed by a utility or service provider to the landlord for a utility or service provided directly to the tenant’s space or to a common area available to the tenant as part of the tenancy. As used in this subsection, “occupied” means that a tenant resides in the dwelling or home during each month for which the utility or service is billed.

* A pro rata billing charge to tenants for the tenants’ spaces under this section must be allocated among the tenants by a method that reasonably apportions the cost among the affected tenants and that is described in the rental agreement.
* Methods that reasonably apportion the cost among the tenants include, but are not limited to, methods that divide the cost based on: (a) The number of occupied spaces in the facility; (b) The number of tenants or occupants in the dwelling or home compared with the number of tenants or occupants in the facility, if there is a correlation with consumption of the utility or service; or (c) The square footage in each dwelling, home or space compared with the total square footage of occupied dwellings or homes in the facility or the square footage of the facility, if there is a correlation with consumption of the utility or service.
* A utility or service charge to be assessed to a tenant for a common area must be described in the written rental agreement separately and distinctly from the utility or service charge for the tenant’s space.
* A landlord may not: (a) Bill or collect more money from tenants for utilities or services than the utility or service provider charges the landlord; (b) Increase the utility or service charge to the tenant by adding any costs of the landlord, such as a handling or administrative charge.

*ORS 90.536 (Charges for utilities or services measured by submeter) is amended to read*:

If allowed by a written rental agreement, a landlord using submeter billing may require a tenant to pay to the landlord a utility or service charge that has been billed by a utility or service provider to the landlord for utility or service provided directly to the tenant’s space as measured by a submeter.

A utility or service charge to be assessed to a tenant under this section may consist of only:

(a) The cost of the utility or service provided to the tenant’s space and under the tenant’s control, as measured by the submeter, at a rate no greater than the average rate billed to the landlord by the utility or service provider, not including any base or service charge;

(b) The cost of any sewer service for wastewater as a percentage of the tenant’s water charge as measured by a submeter, if the utility or service provider charges the landlord for sewer service as a percentage of water provided;

(c) A pro rata portion of the cost of sewer service for storm water and wastewater if the utility or service provider does not charge the landlord for sewer service as a percentage of water provided;

(d) A pro rata portion of any public service charge assessed to the landlord under section 41 of this 2019 Act;

(e) A pro rata portion of costs to provide a utility or service to a common area;

(f) A pro rata portion of any base or service charge billed to the landlord by the utility or service provider, including but not limited to any tax passed through by the provider; and

(g) A pro rata portion of the cost to read water meters and to bill tenants for water if: (i) A third party service reads the meters and bills tenants for the landlord; (ii) The third party service charge does not include any other costs, including costs for repairs, maintenance, inspections or collection efforts; and (iii) The landlord allows the tenants to inspect the third party’s billing records as provided by ORS 90.538.

A utility or service charge assessed to a tenant may not include any additional charge, including any costs of the landlord, for the installation or maintenance of the utility or service system or any profit for the landlord.

*ORS 90.537 (Conversion of billing method for utility or service charges) is amended to read:*

A landlord may unilaterally amend a rental agreement to convert a tenant’s existing utility or service billing method for water or wastewater (a) From rent-included billing or pro rata billing to submeter billing; or (b) From rent-included billing to pro rata billing.

At least one (1) month prior to installing submeters for one of the above conversions the landlord shall:

* Give Written Notice. Deliver to each tenant a written notice describing:
  + The landlord’s intention to convert the water billing method;
  + The proposed new water and wastewater billing method;
  + The reason for the conversion; and
  + The process and schedule for the conversion, including the date, time and location of the meeting described below
* Provide Handout. Deliver to each tenant a copy of a handout developed by the Housing and Community Services Department (“Department”) that describes the laws regarding utility conversions and billing. The Department is to prepare the handout in consultation with representatives of park landlords and tenants.
* Meeting with Tenants. Landlord must meet with the tenants to explain the conversion and answer questions regarding utility and service billing and to distribute a sample utility and service charge statement with an explanation of each entry on the statement.
* Trial Period. If the landlord converts to submeter billing from rent-included billing or pro rata billing, after the installation of the submeters and before the landlord may convert to submeter billing, the first three (3) utility billing periods shall serve as a trial period during which the landlord shall give the tenant a mock-up example of the submeter billing for each billing period that shows what the tenant’s bill would be using submeter billing. Following the trial period, a landlord is not required to test the submeters for accuracy.

If the landlord converts from rent-included billing to pro rata billing, after the conversion and no less frequently than every three (3) years, the landlord shall:

* Conduct testing of every portion of any utility or service line for water that serves the common areas and up to the connection to the home;
* Make the results of any testing available to the tenants; and
* (c) Fix any leaks within a reasonable time and consistent with ORS 90.730 (Landlord’s maintenance duties).

If the landlord converts from rent-included billing to pro rata billing or submeter billing, the landlord must reduce the tenant’s rent on a pro rata basis beginning with the landlord’s first billing of the tenant using the pro rata billing or submeter billing by no less than an amount reasonably comparable to the amount of the rent previously allocated to the utility or service cost averaged over at least the 12-month period of available utility or service billings immediately preceding the first billing following the conversion.

Before the landlord first bills the tenant using pro rata billing or submeter billing following the conversion, the landlord shall provide the tenant with written documentation from the utility or service provider showing the landlord’s cost for the utility or service provided to the facility during the 12-month period used to determine the rent reduction.

A landlord may offset all or part of a rent reduction against a future rent increase provided in a fixed term rental agreement entered into prior to the delivery of the notice of conversion.

A landlord that installs submeters may recover from a tenant the cost of installation, including costs to improve or repair existing utility or service system infrastructure necessitated by the installation of the submeters, only as follows:

* By raising the rent, as with any capital expense in the facility, except that the landlord may not raise the rent for this purpose within the first six months after installation of the submeters; or
* In the park, by imposing a special assessment pursuant to a written special assessment plan adopted unilaterally by the landlord.
  + The plan may include only the landlord’s actual costs to be recovered on a pro rata basis from each tenant with payments due no more frequently than monthly over a period of at least 60 months.
* Payments must be itemized as a separate charge from the utility or service charge.
* The landlord must give each tenant a copy of the plan at least 90 days before the first payment is due.
* Payments may not be due before the completion of the installation and must begin within six months after completion.
* A new tenant of a space subject to the plan may be required to make payments under the plan.
* Payments must end when the plan ends.
* The landlord is not required to provide an accounting of plan payments made during or after the end of the plan.
* A landlord that converts to submeter billing from rent-included billing under this section may unilaterally, and at the same time as the conversion to submeters, convert the billing for common areas to pro rata billing by including the change in the notice required by subsection (2) of this section.

If the landlord continues to use rent-included billing for common areas, the landlord may offset against the rent reduction required by subsection (6) of this section an amount that reflects the cost of serving the common areas.

If the utility or service provider cannot provide an accurate cost for the service to the common areas, the landlord shall assume the cost of serving the common areas to be 20 percent of the total cost billed. This offset is not available if the landlord chooses to bill for the common areas using pro rata billing.

If storm water service and wastewater service are not measured by the submeter, a landlord that installs submeters to measure water consumption and converts to submeter billing from rent-included billing under this section may continue to recover the cost of the storm water service or wastewater service in the rent or may unilaterally, and at the same time as the conversion to submeters, convert the billing for the storm water service or wastewater service to pro rata billing by including the change in the notice and meeting required by subsection (2) of this section.

If the landlord converts the billing for the storm water service or wastewater service to pro rata billing, the landlord must reduce the rent to reflect that charge, as required by subsection (6) of this section.

A rental agreement amended under this section must include language that fairly describes the provisions of this section.

If a landlord installs a submeter on an existing utility or service line to a space or common area that is already served by that line, unless the installation causes a system upgrade, a local government may not assess a system development charge as defined in ORS 223.299 as a result of the installation.

ORS 90.538 is amended to read: If a landlord bills tenants for water using pro rata billing or submeter billing, the landlord shall post the facility water bills in an area accessible to tenants, including on an Internet location.

A landlord shall, upon written request by the tenant, make available for inspection by the tenant all utility billing records relating to a utility or service charge billed to the tenant by the landlord during the preceding year.

The landlord shall make the records available to the tenant during normal business hours at an on-site manager’s office or at a location agreed to by the landlord and tenant.

A tenant may not abuse the right to inspect utility or service charge records or use the right to harass the landlord.

If a landlord fails to comply with a provision of ORS 90.531 to 90.539, the tenant may recover from the landlord the greater of: (a) One month’s rent; or (b) Twice the tenant’s actual damages, including any amount wrongfully charged to the tenant.

*ORS 90.539 (Installation of Submeters) is amended to read*:

After giving notice under ORS 90.725 (Access to rented space), a landlord may enter the space to install or maintain a utility or service line or a submeter.

Installation of the submeter may be at the connection to the space or anywhere within the space, including under the home, if the location does not interfere with the tenant’s access to the home.

Landlord shall ensure that the submeter and the water line to which it is attached are adequately insulated or located to prevent the submeter or water line from damage from freezing or weather.

Subject to the following restrictions, the landlord or the landlord’s agent may enter a tenant’s space without consent of the tenant and without notice to the tenant for the purpose of reading a submeter. The landlord or landlord’s agent:

* May not remain on the space for a purpose other than reading the submeter.
* May not enter the space more than once per month.
* May enter the space only at reasonable times between 8 a.m. and 6 p.m.

Except as provided in ORS 90.537 (4)(a), a landlord is not required to inspect or to test submeters for accuracy.

A landlord shall use submeter billing for the provision of water for: (a) A manufactured dwelling park constructed after June 23, 2011. (b) Any spaces added in excess of 200 in an expansion of a manufactured dwelling park after June 23, 2011.

*ORS 90.543 (Utility or service charge billing for large parks) is amended.*

Subject to the Exceptions for Conservation Measures below, a landlord that assesses the tenants of a park containing 200 or more spaces a utility or service charge for water by pro rata billing shall convert the method of assessment to direct billing or submeter billing. The landlord shall complete the conversion no later than December 31, 2012. A conversion under this section to submeter billing is subject to ORS 90.537 (Conversion of billing methods).

Exceptions for Conservation Measures: A landlord is not required to convert the method of assessment to direct billing or submeter billing if:

* The landlord that provides water to a park solely from a well or from a source other than those listed in ORS 90.532 (6).
* The landlord: (a) Bills for water provided to a space using pro rata billing by apportioning the utility provider’s charge to tenants with (notwithstanding ORS 90.534 (2)(c)), consideration of only:
  + The number of tenants/ occupants in the home compared with the number of tenants/occupants in the park; and
  + The size of a tenant’s space as a percentage of the total area of the park.
  + If the landlord bases two-thirds of the charge to the tenants on The number of tenants or occupants in the manufactured dwelling compared with the number of tenants or occupants in the manufactured dwelling park one-third of the charge on the size of a tenant’s space as a percentage of the total area of the park.
* The landlord determines the number of tenants/occupants in each home at least annually; and
* The landlord demonstrates significant other conservation measures, including:
  + Testing for leaks in common areas of the park at least annually, repairing significant leaks within a reasonable time and making test results available to tenants;
  + Testing each occupied home and space for leaks without charge to a tenant occupying the dwelling at least annually and making test results available to the tenant;
  + Posting annually in the park office and any common area evidence demonstrating that per capita consumption of water in the park is below the area average for single-family dwellings, as shown by data from the local provider of water; and
  + Taking one or more other reasonable measures to promote conservation of water and to control costs, including educating tenants about water conservation, prohibiting the washing of motor vehicles in the park and requiring drip irrigation systems or schedules for watering landscaping.
* The landlord amends the rental agreement of each tenant to describe the provisions of this provisions to describe the use of the pro rata billing method with additional conservation measures. Landlord’s amendment may be unilateral and must provide written notice of the amendment to tenants at least 60 days before the amendment is effective.

If a landlord is subject to the above conservation measures

* The tenant must allow a landlord access to the tenant’s space and to the tenant’s home so the landlord can test for water leaks.
* The landlord must give notice under ORS 90.725 (3)(e) before entering the tenant’s space or home to test for water leaks.
* A landlord may require a tenant to repair a significant leak in the dwelling found by the landlord’s test.

The tenant shall make the necessary repairs within a reasonable time after written notice from the landlord regarding the leak, given the extent of repair needed and the season.

The tenant’s responsibility for repairs is limited to leaks within the tenant’s home and the ground connection under the home.

If the tenant fails to make the repair as required, the landlord may terminate the tenancy pursuant to ORS 90.630 (Landlord remedies).

The landlord shall maintain the water lines within a tenant’s space up to the connection with the home, including repairing significant leaks found in a test.

A landlord may use pro rata billing with the allocation factors described in ORS 90.534 (2)(c) for common areas.[[7]](#footnote-7)

A landlord may include in the utility or service charge the cost to read water meters and to bill tenants for water if those tasks are performed by a third-party service *and* the landlord allows the tenants to inspect the third-party’s billing records as provided by ORS 90.538 (Tenant inspection of utility billing records).

A tenant may file an action for injunctive relief to compel compliance by a landlord with the requirements of subsections (1), (3) and (4) of this section and for actual damages plus at least two months’ rent as a penalty for noncompliance by the landlord with subsections (1), (3) and (4) of this section.

A landlord is not liable for damages for a failure to comply with the requirements of subsections (1), (3) and (4) of this section if the noncompliance is only a good faith mistake by the landlord in counting the number of tenants and occupants in each dwelling unit or the manufactured dwelling park pursuant to subsection (3)(a) of this section.

1. From rent-included billing to pro rata billing. [↑](#footnote-ref-1)
2. Meeting with the tenants to explain the conversion and answer questions regarding utility and service billing and distribute a sample utility and service charge statement with an explanation of each entry on the statement. [↑](#footnote-ref-2)
3. “***Public service***” means municipal services and the provision of public resources related to the dwelling unit, including street maintenance, transportation improvements, public transit, public safety and parks and open space; “***Public service charge***” means a charge imposed on a landlord by a utility or service provider, by a utility or service provider on behalf of a local government or directly by a local government; “*Public service charge*” does not include real property taxes, income taxes, business license fees or dwelling inspection fees. [↑](#footnote-ref-3)
4. **90.534 Allocated charges for utility or service provided directly to space or common area.** (1) If a written rental agreement so provides, a landlord using the pro rata billing method described in ORS 90.532 (1)(b)(C)(ii) may require a tenant to pay to the landlord a utility or service charge that has been billed by a utility or service provider to the landlord for a utility or service provided directly to the tenant’s space or to a common area available to the tenant as part of the tenancy. A landlord may not unilaterally amend a rental agreement to convert utility and service billing from a method described in ORS 90.532 (1)(b)(C)(i) to a method described in ORS 90.532 (1)(b)(C)(ii).

         (2)(a) As used in this subsection, “occupied” means that a tenant resides in the dwelling or home during each month for which the utility or service is billed.

         (b) A utility or service charge that is assessed on a pro rata basis to tenants for the tenants’ spaces under this section must be allocated among the tenants by a method that reasonably apportions the cost among the affected tenants and that is described in the rental agreement.

         (c) Methods that reasonably apportion the cost among the tenants include, but are not limited to, methods that divide the cost based on:

         (A) The number of occupied spaces in the facility;

         (B) The number of tenants or occupants in the dwelling or home compared with the number of tenants or occupants in the facility, if there is a correlation with consumption of the utility or service; or

         (C) The square footage in each dwelling, home or space compared with the total square footage of occupied dwellings or homes in the facility, if there is a correlation with consumption of the utility or service.

         (3) A utility or service charge to be assessed to a tenant for a common area must be described in the written rental agreement separately and distinctly from the utility or service charge for the tenant’s space.

         (4) A landlord may not:

         (a) Bill or collect more money from tenants for utilities or services than the utility or service provider charges the landlord.

         (b) Increase the utility or service charge to the tenant by adding any costs of the landlord, such as a handling or administrative charge. [2005 c.619 §7; 2009 c.305 §2; 2009 c.816 §7] [↑](#footnote-ref-4)
5. **90.536 Charges for utilities or services measured by submeter.** (1) If a written rental agreement so provides, a landlord using the submeter billing method described in ORS 90.532 (1)(c) may require a tenant to pay to the landlord a utility or service charge that has been billed by a utility or service provider to the landlord for utility or service provided directly to the tenant’s space as measured by a submeter.

         (2) A utility or service charge to be assessed to a tenant under this section may consist of:

         (a) The cost of the utility or service provided to the tenant’s space and under the tenant’s control, as measured by the submeter, at a rate no greater than the average rate billed to the landlord by the utility or service provider, not including any base or service charge;

         (b) The cost of any sewer service for wastewater as a percentage of the tenant’s water charge as measured by a submeter, if the utility or service provider charges the landlord for sewer service as a percentage of water provided;

         (c) A pro rata portion of the cost of sewer service for storm water and wastewater if the utility or service provider does not charge the landlord for sewer service as a percentage of water provided;

         (d) A pro rata portion of costs to provide a utility or service to a common area;

         (e) A pro rata portion of any base or service charge billed to the landlord by the utility or service provider, including but not limited to any tax passed through by the provider; and

         (f) A pro rata portion of the cost to read water meters and to bill tenants for water if:

         (A) A third-party service reads the meters and bills tenants for the landlord; and

         (B) The landlord allows the tenants to inspect the third party’s billing records as provided by ORS 90.538.

         (3) Except as provided in subsection (2) of this section, the landlord may not bill or collect more money from tenants for utilities or services than the utility or service provider charges the landlord. A utility or service charge to be assessed to a tenant under this section may not include any additional charge, including any costs of the landlord, for the installation or maintenance of the utility or service system or any profit for the landlord. [2005 c.619 §8; 2009 c.305 §3; 2011 c.503 §8] [↑](#footnote-ref-5)
6. **SECTION 40.** (1) With the approval of the tenants, a landlord of a manufactured dwelling park may amend the rental agreement to convert a tenant’s billing for water and wastewater from pro rata billing or rent-included billing to park specific billing only as provided under this section.

   (2) Park specific billing must allocate the cost for water and wastewater service fairly among the tenants and may not allow the landlord to collect cumulatively from all tenants more than the provider bills to the landlord, not including any installation or repair costs to the utility service system infrastructure required by the conversion of billing method.

   (3)(a) Each space in a park may cast one ballot in a vote.

   (b) A landlord may convert to park specific billing only if a majority of the ballots cast in a vote approve a conversion.

   (c)(A) A ballot may include two choices:

   (i) Conversion to a park specific billing; and

   (ii) Conversion to either a pro rata billing or submeter billing.

   (B) If the ballot includes two choices, it must explain that a voter may either vote yes for only one choice or may vote no on both choices.

   (4) A landlord shall give the notices described in ORS 90.537 (2)(a) at least one month prior to holding a vote under subsection (3) of this section and shall hold a meeting described in ORS 90.537 (2)(c) at least one week prior to holding the vote. [↑](#footnote-ref-6)
7. Methods that reasonably apportion the cost among the tenants include, but are not limited to, methods that divide the cost based on:

   (A) The number of occupied spaces in the facility;

   (B) The number of tenants or occupants in the dwelling or home compared with the number of tenants or occupants in the facility, if there is a correlation with consumption of the utility or service; or

   (C) The square footage in each dwelling, home or space compared with the total square footage of occupied dwellings or homes in the facility **or the square footage of the facility**, if there is a correlation with consumption of the utility or service. [↑](#footnote-ref-7)