



Ohio Municipal Electric Association (OMEA)
Opponent Testimony on Substitute House Bill 92
Before the House Local Government Committee
November 19, 2025

Chair King, Vice Chair Kishman, Ranking Member Sims, and members of the House Local Government Committee, thank you for the opportunity to provide opponent testimony on Substitute House Bill 92, a measure which seeks to shift the cost associated with unpaid municipal utility services away from the property owner and onto all other ratepayers.

The Ohio Municipal Electric Association (OMEA) represents 80 Ohio municipal electric communities and American Municipal Power (AMP), the Columbus based, non-profit wholesale power supplier and services provider to more than 130 municipal electric systems in nine states. Ohio's municipal electric systems account for approximately 5% of the electric sales in Ohio and serve approximately 400,000 residential, commercial and industrial customers. Ohio municipal electric systems range in size from Cleveland Public Power with 73,000 meters to the City of Toledo with one meter. The majority of our member communities are villages. As non-profit entities, municipal electric systems exist to provide reliable, affordable electric service to their customer-owners. Ohio's municipal electric systems are locally owned, managed and governed.

Previously, the OMEA testified in opposition to House Bill 92 on May 21, 2025. Our comments below will focus on the substitute bill, which bears virtually no resemblance to the original legislation introduced earlier this year. However, as with the previous versions, Substitute House Bill 92 continues to shift liability from for-profit business ventures to municipal utilities. As non-profit utility service providers, any and all costs are ultimately borne by other ratepayers through increased utility rates.

The core issue raised by proponents of this legislation are situations where a property owner is unaware a tenant has accrued unpaid bills. Rather than addressing that notification issue, the substitute bill removes the landlord's responsibility for tenant contractual obligations at their property and shifts it exclusively onto non-profit municipal utilities and their customers. Electric service cannot 'follow the customer' as service is provided to a specific address where infrastructure investments have been made to provide service to that property.

Substitute House Bill 92 in practice does two things: it allows landlords to evict tenants who fall 30 days behind on their municipal utility bills and allows a municipal utility to shut off utilities on a tenant that has an unpaid balance after 30 days. We believe that these two approaches are fundamentally flawed for several reasons.

First, Substitute House Bill 92 permits a landlord to evict a tenant after 30 days of unpaid utility charges. The bill is silent on how a landlord would even know about the status of a customer's payment history, as customer information is not a public record and cannot be shared with anyone without a direct contractual relationship for the service provided. Additionally, because a landlord bears no responsibility for the payment of utility services, we do not see a scenario where they would utilize the eviction process for unpaid tenant utilities as described under Substitute House Bill 92.

Secondly, Substitute House Bill 92 creates a new provision directing a municipal utility to shut off service for unpaid utilities after 30 days. From a practical perspective, this provision would add administrative costs for constant shutoffs and reconnections while only potentially limiting unpaid charges that would still be absorbed by other customers.

More importantly, Substitute House Bill 92 would violate Home Rule provisions contained within the Ohio Constitution. Specifically, Article XVIII, Section 3 (related to impingement upon the contractual rights of municipalities) and Section 4 (related to the operation of utilities by municipalities and the contracts for such services) of the Ohio Constitution.

In closing, while Substitute House Bill 92 is a creative way to look at the issue of unpaid tenant utility bills, it does not address the fundamental problem. Additionally, it could further exacerbate the housing and affordability problems already facing the state and is likely to lead to higher utility rates for municipal utility customers. We continue to encourage you to oppose House Bill 92 and to seek solutions that do not penalize municipal utilities nor their customers.

Thank you once again, Chair King and members of the House Local Government Committee, for allowing us the opportunity to present opponent testimony to Substitute House Bill 92.