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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 1013

Adopted 9 December 2008

**Procedures by which an Apartment Owner in a Residential Apartment House shall Pay for Services which are Related to Use of the Residential Property**

*Issued pursuant to*

*Section 50, Paragraph five of the law On Privatisation of State and Local Government Residential Houses*

1. The Regulation prescribes:

1.1. the procedures by which payment shall be made for the thermal energy, water supply, sewage, waste collection and municipal waste management services (hereinafter – the services) necessary for the maintenance of a residential apartment house (hereinafter – the residential house) if the service is provided with the intermediation of the administrator of a State residential house or the intermediation of the local government (hereinafter – the administrator);

1.2. the criteria according to which the payment share for the received services is specified for each owner of an apartment, non-residential premises, or artist’s workshop (hereinafter – the apartment owner) and also the procedures by which the apartment owners are informed of the conditions for the relevant service supply contract.

[*17 September 2013; 19 November 2019*]

2. The Regulation shall be applicable until the day when a society of apartment owners or a person authorised by a mutual agreement of apartment owners assumes the administration rights of a residential house with a delivery-acceptance deed and the apartment owners have not entered into a mutual agreement how the payment share of each apartment owner is specified for the service received and the procedures for the provision thereof.

2.1 In accordance with Section 50, Paragraph three, Clause 2 of the law On Privatisation of State and Local Government Residential Houses, the community of apartment owners is entitled, upon taking a relevant decision, to change the criteria specified both in this Regulation and by the administrator for the calculation of the payment share for the service necessary for the maintenance of the residential house (for example, Sub-paragraphs 17.4, 17.5, 17.51, 17.6, Paragraphs 17.1 and 19 of this Regulation) and the procedures for the provision of such service, and also the conditions which are related to the fulfilment of the obligations specified in this Regulation (for example, Paragraphs 14.2, 28, 29.1, 30, and 30.1 of this Regulation).

[*19 November 2019*]

3. The administrator shall organise the provision of services to the residential house by entering into a contract on behalf of the apartment owners for the supply and use of services.

4. The administrator has an obligation to:

4.1. acquaint each apartment owner with the conditions of the services contract entered into regarding the supply of services to the relevant residential house, indicating in writing the time and place for the provision of the relevant information;

4.2. inform each apartment owner in writing of changes to the contracts for the supply of the relevant services by sending the abovementioned information within one month from the day of the amendments entering into effect, if the following has been changed by the relevant amendments:

4.2.1. the procedures for the payment of the service;

4.2.2. the conditions for the supply of the service (for example, the frequency of the provision of the service, the parameters of the heat carrier);

4.2.3. the procedures for the recalculation of payment for the service which has not been ensured or has not been ensured in the quality or amount specified in the contract.

5. The procedures by which mutual accounts between the apartment owner and the administrator take place shall be determined in the administration and management contract (hereinafter – the administration contract). The abovementioned procedures shall be unified for the whole residential house.

6. The administrator shall perform accounting of the amount of the services provided and accounts with the services provider for each residential house separately.

7. The apartment owner may reach an agreement with the administrator regarding advance payments and deferral of payments, and also regarding other conditions of the services supply contract.

7.1 The administrator has an obligation to indicate the following in the invoices regarding thermal energy consumed:

7.1 1. the total thermal energy consumption of the residential house in the accounting period (in megawatt hours) and also the thermal energy consumption in the accounting period (in megawatt hours) attributable to the apartment, non-residential premises, or artist’s workshop (hereinafter also – the individual property), separately indicating the amount of thermal energy consumed for heating of the residential house and for preparation of hot water;

7.1 2. once a year:

7.1 2.1. the total thermal energy consumption of the residential house per year (in megawatt hours) and also the thermal energy consumption per year (in megawatt hours) attributable to the individual property, separately indicating the amount of thermal energy used for heating of the residential house and for preparation of hot water;

7.1 2.2. the specific thermal energy consumption of the residential house for the total heatable space of the house (including shared premises) (in megawatt hours per square metre per year), and also the specific thermal energy consumption in the residential house for the space of the individual property (in megawatt hours per square metre per year).

[*17 September 2013; 19 November 2019*]

8. The apartment owner has the right to request the following:

8.1. information on the readings on the meters installed in the residential house according to which, at the end of each accounting period, the payment for the relevant service is determined;

8.2. information according to which, at the end of each accounting period, the payment for the relevant service is determined if a meter has not been installed in the communications inlet of the residential house;

8.3. other information related to payments.

9. The administrator has an obligation to provide a written response to the request referred to in Paragraph 8 of this Regulation within seven working days.

10. The administrator or the authorised person thereof, or another person authorised according to a decision of the community of apartment owners has the right to inspect the readings, operation and the state of the seals of water meters installed in the individual property.

[*19 November 2019*]

11. [17 September 2013]

12. [17 September 2013]

13. [17 September 2013]

14. Water consumption shall be accounted, using meters which conform to the following requirements:

14.1. they have been subject to conformity assessment in accordance with the laws and regulations regarding the metrological requirements for water meters and measuring instruments and the procedures for their metrological control;

14.2. they have been verified in accordance with the laws and regulations regarding the list of measuring instruments subject to State metrological control and the periodicity of their verification and repeat verification, verification certificates, and verification marks of measuring instruments, taking into account the decision of the community of apartment owners or the administrator taken in accordance with Paragraph 14.4 of this Regulation on the periodicity of repeat verification (if such has been taken).

[*17 September 2013; 19 November 2019*]

14.1 The installation, replacement of water meters and their repeat verification in accordance with the laws and regulations regarding the uniformity of measurements in the individual property shall be ensured by the apartment owner if the community of apartment owners in accordance with Paragraph 14.3 of this Regulation or the administrator in accordance with Paragraph 30.2 of this Regulation has not specified other procedures.

[*19 November 2019*]

14.2 The administrator has the obligation, at least three months before expiry of the term of verification of the meter, to notify the apartment owner in writing of the necessity to perform repeat verification of the meter (Paragraph 14.1 of this Regulation) and, if repeat verification is not performed, to inform thereof in writing at least once within a month after expiry of the term of the verification of the meter. Concurrently the administrator has the obligation to notify of the procedures by which verification of water meters shall be performed, including of the sealing of the connection place of the meter in the presence of the administrator if it requests it in accordance with Paragraph 14.5 of this Regulation.

[*19 November 2019*]

14.3 The community of apartment owners may, by a decision, determine the procedures (including the requirements for the technical parameters, auxiliary equipment, and installation of water meters) by which the apartment owner or the administrator, or another authorised person shall ensure the installation, replacement of water meters and their repeat verification in the individual property in accordance with the laws and regulations regarding the uniformity of measurements. The abovementioned procedures shall be unified for the whole residential house.

[*19 November 2019*]

14.4 The community of apartment owners or, in the case referred to in Paragraph 30.2 of this Regulation, the administrator, upon taking the decision on the purchase of water meters jointly belonging to all apartment owners, their joint installation, replacement and ensuring of repeat verification, has the right to specify another period of repeat verification without conforming to the period indicated in laws and regulations, however, it may not exceed the duration of use referred to in the instruction of the manufacturer of the water meter (if such has been indicated).

[*19 November 2019*]

14.5 The administrator or another person who installed or replaced the water meter shall seal the connection place of the meter. If the water meter has been installed or replaced by another person, the administrator may request that the connection place of the meter is sealed in its presence, informing thereof in advance in accordance with Paragraph 14.2 of this Regulation. The administrator shall include the costs related thereto in expenditures of the maintenance and management of the residential house.

[*19 November 2019*]

15. [19 November 2019]

16. [17 September 2013 / See Paragraph 2 of amendments]

17. For services which cannot be measured or for the determination of consumption of which meters have not been installed calculations shall be performed as follows:

17.1. [19 November 2019]

17.2. [19 November 2019]

17.3. [19 November 2019]

17.4. for the municipal waste management and waste collection:

17.4.1. if the individual property is an apartment – in proportion to the number of persons declared in the apartment, dividing the amount that is formed after subtracting the payments performed by owners or lessees of the non-residential premises and artist’s workshops from the total payment of the residential house. If not one person is declared in the apartment, the calculation shall be performed as for one declared person. If information on the declared person has been cancelled, the re-calculation for the previous periods of settlement shall not be performed;

17.4.2. if the individual property is non-residential premises or artist’s workshop – for the management of municipal waste according to the conditions of the contract individually entered into with the service provider, however, until entering into such contract the amount of the payment share shall be determined by the administrator. The amount of the payment share for waste collection shall be determined by the administrator, taking into account the purpose of use of non-residential premises or artist’s workshop;

17.5. for sewage – in proportion to the amount of water consumed;

17.51 for storm drain – according to the number of the individual properties;

17.6. for electricity for illuminating shared premises, and also for the operation of equipment and engineering communication devices that are part of joint property – according to the number of the individual properties;

17.7. [17 September 2013 / See Paragraph 3 of amendments];

17.8. [17 September 2013 / See Paragraph 2 of amendments].

[*17 December 2013; 3 November 2014; 19 November 2019*]

17.1 The payment share for thermal energy shall be determined according to the methodology selected by the administrator, taking into account the possibilities of thermal energy accounting (distribution) and also the technical capabilities of the heating and hot water supply system of the residential house.

[*19 November 2019*]

18. If autonomous heating is installed in the individual property or if hot water that is centrally heated is not used in the individual property, the owner shall pay for the part of thermal energy consumed for the shared needs of the house which is attributable to the individual property according to the calculation developed by a certified heating supply specialist and coordinated with the administrator.

18.1 The administrator has an obligation to indicate in the invoices for the consumed water the total amount of water supplied to the residential house and also the difference between the reading of the joint water meter (meter for the commercial accounting) of the house and the water consumption specified by meters in the individual properties (hereinafter – the difference in water consumption).

[*19 November 2019*]

19. If the difference in water consumption forms, re-calculation of water consumption shall be performed. The apartment owners shall cover the difference in water consumption according to one of the following types of calculation selected by the administrator:

19.1. according to the number of the individual properties in the residential house;

19.2. in proportion to the water consumption of the individual property for the last month;

19.3. in proportion to the average water consumption of the individual property for the last three months;

19.4. in proportion to the amount of the undivided share of the joint property forming part of the individual property;

19.5. according to the number of persons residing (or declared) in the individual property if there are no non-residential premises and artist’s workshops in the residential house, concurrently specifying the procedures by which the number of persons residing or declared is ascertained and updated and also the procedures for the determination of the payment share if the administrator does not know the number of persons.

[*19 November 2019*]

19.1 The procedures for the division of the difference in water consumption indicated in Paragraph 19 of this Regulation shall not be applied and the difference in water consumption or its part shall be divided among such apartment owners to whom one of the following cases applies (if such are present in the residential house):

19.11. information on the reading of the water meter has not been submitted within the specified time period for at least three consecutive months and other procedures for taking the readings have not been specified in accordance with Paragraph 27 of this Regulation;

19.12. the water meter has not been installed, replaced, or re-verified and, in accordance with Paragraph 14.3 or 30.2 of this Regulation, other procedures for the installation, replacement, or repeat verification of water meters have not been specified;

19.13. the water meter has been installed without conforming to the requirements laid down in the laws and regulations regarding the uniformity of measurements or specified in the decision of the community of apartment owners or the administrator (Paragraphs 14.3 and 30.2 of this Regulation);

19.14. it has repeatedly not been allowed to perform the inspection of the water meters in the individual property (Paragraph 10 of this Regulation) if a notification regarding the performance of such inspection has been made in writing at least one week in advance by sending a notification to the individual property where the inspection of the meters is planned;

19.15. it has been detected in the inspection of the water meters (Paragraph 10 of this Regulation) that the connection place of the water meter has not been sealed or has not been sealed in the presence of the administrator in accordance with this Regulation or the water meter, its metrological security seal (seal), seal of the connection place has been damaged or arbitrarily replaced or removed, or the operation of the water meter has been affected;

19.16. the administrator or another person authorised by the community of apartment owners has repeatedly not been allowed to perform the installation, replacement of water meters in the individual property or to ensure their repeat verification if it is part of the obligations of the administrator or the authorised person of the community of apartment owners (Paragraphs 14.3 and 30.2 of this Regulation) and a notification regarding the performance of such inspection has been made in writing at least one week in advance by sending a notification to the relevant individual property;

19.17. the case referred to in Paragraph 23 of this Regulation.

[*19 November 2019*]

19.2 Upon applying the procedures for the distribution of the difference in water consumption specified in Paragraph 19.1 of this Regulation, the maximum quantity of water supplied shall be determined, using the following formula:

*Vkop.norma* = *Npers*. × *Vpers.norma* where:

Vkop.norma – the maximum quantity of water supplied per individual property per month (m3 per month);

Npers. – the number of declared persons or persons actually residing specified by the apartment owners in the individual property. The administrator shall take into account the information provided on the number of persons actually residing if it exceeds the number of declared persons. If the number of persons actually residing is not known and not one person is declared, the calculation shall be performed as for one person (number);

Vpers.norma – the water consumption norm per resident per month (per person m3 per month) which has been specified in the binding regulations of the local government regarding the provisions to be included in the public water management service contract.

[*19 November 2019*]

19.3 If after the application of the formula indicated in Paragraph 19.2 of this Regulation the difference in water consumption is not divided completely, the remainder shall be divided in accordance with Paragraph 19 of this Regulation, including such individual properties to which the procedures for the calculation of water consumption specified in Paragraph 19.2 of this Regulation are applied. If for any of the apartment owners indicated in Paragraph 19.1 of this Regulation the quantity of water supplied for longer than two consecutive months is calculated according to the formula indicated in Paragraph 19.2 of this Regulation, then, starting with the third month, the procedures for the calculation specified by the community of apartment owners shall be applied to him or her if such have been specified in conformity with Paragraph 22 of this Regulation.

[*19 November 2019*]

20. [17 September 2013 / See Paragraph 2 of amendments]

21. [19 November 2019]

22. The water consumption calculated for the apartment owners shall not exceed the amount of water supplied to the residential house.

23. The administrator has the right to perform the verification of the water meter with own resources and also request that the apartment owner provides access to the meter for the performance of early verification. If the apartment owner does not agree to the verification of the meter, the administrator shall calculate the water consumption for the apartment owner in accordance with Paragraph 19.1 of this Regulation.

[*17 September 2013; 19 November 2019*]

23.1 Upon coordination with the administrator, the apartment owner has the right to ensure, from his or her own resources, early verification of the water meter in order to ascertain the conformity of the water meter with the requirements laid down in the laws and regulations regarding repeat verification if it is not in contradiction with the procedures stipulated by the community of apartment owners or the administrator (Paragraphs 14.3 and 30.2 of this Regulation).

[*17 September 2013; 19 November 2019*]

24. If a meter has been installed without conforming to the requirements specified for water meters in laws and regulations, or the meter does not conform to the specified requirements, the expenditures related to repeat verification of the meter earlier than the term specified in the verification certificate or to a correct installation shall be covered by the relevant apartment owner, administrator, or service provider.

[*17 September 2013 / Amendments to Paragraph shall come into force from 1 October 2013. See Paragraph 2 of amendments*]

25. [19 November 2019]

26. [17 September 2013 / See Paragraph 2 of amendments]

27. The apartment owner shall take the water meter reading on a monthly basis according to the procedures and within the time period specified by the administrator and transfer it to the administrator for the performance of calculations. The meter reading shall be taken by the administrator or another person authorised by the community of apartment owners if a remote system for taking readings has been installed in the residential house or access to the water meters is from the shared premises of the residential house.

[*19 November 2019*]

28. If absence of the apartment owner is foreseeable during which the individual property will not be used by any person and taking of the readings of the water meter or the fulfilment of other obligations referred to in this Regulation for the apartment owner or administrator, or another authorised person will not be ensured, the apartment owner shall, at least one week in advance, inform the administrator thereof in writing or in the form of communication specified by the administrator, indicating the period of absence not exceeding three months. If absence exceeding three months is planned, the apartment owner shall repeatedly inform the administrator thereof.

[*19 November 2019*]

29. If the apartment owner has not submitted information on the readings of the water meter and also has not informed of his or her absence in accordance with the procedures laid down in Paragraph 28 of this Regulation, the water consumption shall be calculated, taking into account the average water consumption for the last three months for the particular individual property, however, for not longer than three consecutive months.

[*19 November 2019*]

29.1 The administrator has the obligation, until the next taking of the readings of the water meter, to inform the relevant apartment owner if he or she has not submitted readings of the water meter and to append information on the procedures for the calculation of the payment share in accordance with Paragraph 19.1 of this Regulation.

[*19 November 2019*]

29.2 The administrator has an obligation to perform re-calculation of payments for the water supply service (and the payment related thereto) for a period not exceeding six months if due to objective reasons the apartment owner was not able to notify of his or her absence (Paragraph 28 of this Regulation) or has died and not one person used the individual property during this period of time. The apartment owner who requests the performance of re-calculation shall, upon request of the administrator, ensure access for taking the readings of the water meter. Re-calculation may be performed by reducing or increasing the subsequent payments accordingly.

[*19 November 2019*]

30. If the difference in water consumption exceeding 20 % forms for three consecutive months in the calculation of water consumption distribution, the administrator has the obligation, within two months, to ascertain the causes of the difference in water consumption, to inform the apartment owners in writing of the necessary measures for the reduction of the difference in water consumption, and, together with the apartment owners, to evaluate the possibility of implementing them. If the administrator cannot fulfil the obligations specified in this Paragraph within two months, the apartment owners shall be informed thereof in writing, indicating the planned time period.

[*19 November 2019*]

30.1 If the difference in water consumption in the calculation of water consumption distribution exceeds the amount referred to in Paragraph 30 of this Regulation for more than three consecutive months, including the month after survey of the water supply system which the administrator has performed in order to ascertain the reasons for the difference in water consumption, the administrator shall perform repeat survey within two months after expiry of the time period referred to in Paragraph 30.2 of this Regulation if the community of apartment owners has not taken the decision on the measures for the reduction of the difference in water consumption.

[*19 November 2019*]

30.2 If the proposals prepared by the administrator determine that uniform requirements for water meters or other procedures for the installation, replacement, and ensuring of repeat verification thereof are necessary, however, the community of apartment owners has not taken a decision thereon within six months after receipt of the information specified in Paragraph 30 of this Regulation (Paragraph 14.3 of this Regulation), the decision on such measures for the reduction of the difference in water consumption shall be taken by the administrator.

[*19 November 2019*]

31. In order to use thermal energy more efficiently, and also to facilitate payments, the apartment owners may elect a representative who monitors the thermal energy regime, takes meter readings, and performs other obligations provided for in the contract (hereinafter – the energy administrator).

32. The apartment owners shall enter into a contract with the energy administrator for the performance of the obligations specified in Paragraph 31 of this Regulation. The rights, obligations, and liability of the energy administrator shall be determined in the relevant contract.

33. Expenditures related to the services of the energy administrator shall be covered by the apartment owners.

33.1 [19 November 2019]

33.2 [19 November 2019]

33.3 If the administrator, in the case referred to in Paragraph 30.2 of this Regulation, takes the decision on uniform requirements for water meters and their installation and hereinafter undertakes to ensure the installation, replacement, and repeat verification of water meters in the individual properties according to which the purchase of water meters jointly belonging to all apartment owners hereinafter will be performed, the administrator shall include the relevant costs in expenditures for the maintenance and management of the residential house.

[*19 November 2019*]

33.4 The administrator has the obligation to inform each apartment owner in writing of the decision taken in the case referred to in Paragraph 30.2 of this Regulation. If the administrator takes the decision referred to in Paragraph 33.3 of this Regulation, it has the obligation to inform each apartment owner thereof repeatedly in writing by sending a notification regarding the calculated payment for the administration and management of the residential house for the subsequent calendar year.

[*19 November 2019*]

33.5 The community of apartment owners, upon taking the decision to accept the calculated payment for the administration and management of the residential house for the subsequent calendar year, shall also accept the expenditures related to replacement or installation of water meters.

[*17 September 2013 / Paragraph shall come into force from 1 October 2013. See Paragraph 2 of amendments*]

33.6 Upon taking the decision on approval of the administration and management payment calculated for the residential house for the subsequent calendar year, the community of apartment owners is entitled to decline the decision of the administrator by which uniform requirements for water meters and their installation have been specified and by which the administrator undertakes to ensure the installation, replacement, and repeat verification of water meters in the individual properties if the community of apartment owners concurrently takes the decision on taking over of the administration rights of the residential house or on the procedures by which the payment part of the apartment owner for the service necessary for the maintenance of the residential house and the procedures for the provision of such service are determined.

[*19 November 2019*]

33.7 The rights of the community of apartment owners to decline the maintenance and management payment of the residential house offered by the administrator and the procedures for entering into effect of the maintenance and management payment shall be determined in the laws and regulations regarding the calculation of the maintenance and management payment of the residential house.

[*17 September 2013; 19 November 2019*]

33.8 Until 31 December 2013, for the apartment owners who have water meters not installed in their individual properties:

33.8 1.water consumption shall be determined no more than 10 m3 per month per each person living in the apartment;

33.8 2. the procedures for distributing the difference in water consumption referred to in Paragraph 19.1 of this Regulation shall not be applied.

[*17 September 2013 / Paragraph shall come into force from 1 October 2013. See Paragraph 2 of amendments*]

34. If autonomous heating has been installed in the individual property until the day of coming into force of this Regulation, until the development of the calculation provided for in Paragraph 18 of this Regulation the apartment owner shall pay for the part of the thermal energy consumed for shared needs of the house, in proportion to the total area of the individual property.

[*19 November 2019*]

35. The rights specified in this Regulation to inspect the readings, operation, and the technical state of seals of water meters installed in the individual property, to request the performance of early verification, and also the obligations arising from this Regulation to perform installation, replacement of water meters and their repeat verification in the individual properties, and also the obligation for the administrator to ascertain the reasons for the occurrence of the difference in water consumption, if it is intended to perform inspections in the individual properties, shall not be applied during the emergency situation declared by the Cabinet in relation to an epidemic or pandemic.

[*31 March 2020*]

36. If the term of the verification of a water meter in the individual property has expired before the Cabinet has declared the emergency situation in relation to an epidemic or pandemic or if it expires during the emergency situation, the verification of such water meters shall be performed within three months after the end of the emergency situation. If the abovementioned term expires within not full three months after the end of the emergency situation, the term for the performance of repeat verification of such water meters is extended accordingly so that verification could be ensured within three months. Upon calculating the payment share for a service received until verification, the reading of such water meters shall also be taken into account.

[*21 April 2020*]

37. If the procedures by which the installation, replacement, and repeat verification of water meters in the individual property have been specified by a decision of the community of apartment owners or the administrator, they shall be applied insofar as they are not in contradiction with Paragraphs 35 and 36 of this Regulation.

[*31 March 2020*]

38. If during the emergency situation declared by the Cabinet in relation to an epidemic or pandemic the apartment owner has not submitted information on the reading of the water meter according to the procedures (electronically or by phone) and within the time period stipulated by the administrator or such information cannot be submitted due to malfunctions in the operation of the water meter, and also the apartment owner has not informed of his or her absence in accordance with the procedures laid down in Paragraph 28 of this Regulation, the water consumption for the apartment owner shall be calculated, taking into account the average water consumption of the particular individual property for the last three months during which Paragraph 19.1 of this Regulation has not been applied.

[*21 April 2020*]

39. Paragraph 19.1 of this Regulation shall not be applied insofar as it applies to the cases referred to in Paragraphs 35, 36, and 38 of this Regulation.

[*21 April 2020*]

Prime Minister I. Godmanis

Minister for Economics K. Gerhards