

When Can a Tenant Be Billed Directly for Water?



The New Water Submeter Law

On March 16, 2005, a new law went into effect in Massachusetts that allows landlords to bill tenants starting **new tenancies** directly for water if the property meets the law's requirements for submetering and water conservation.

This booklet answers basic questions about landlords' and tenants' rights and responsibilities under this new law.

Table of Contents

Who Pays for Water 4

1. When can a tenant be billed directly for water?..... 4
2. When can't a tenant be billed directly for water? 5
3. Do public housing tenants have to pay for water? 5
4. Can a landlord shut off a tenant's water? 5
5. Are sewer charges included in water charges?..... 6

How Submetering Works7

6. How does submetering of water work? 7
7. How does submetering work if I rent a single-family house?..... 8
8. What certificate must a landlord file before billing a tenant for water? 8
9. What water conservation measures must a landlord take before billing for water?..... 9
10. Who pays for the installation of the submeter and water conservation fixtures?..... 9

Paying the Water Bill10

11. Who sends the water bill to the tenant?..... 10
12. What charges related to water cannot be passed on to tenants?..... 10
13. How often can a tenant be billed? 10
14. What if a tenancy begins in the middle of a billing period for water? 10
15. What if a tenancy ends in the middle of a billing period for water?..... 11
16. What information must a water bill have on it? 11

17. How much will a water bill cost a tenant?	11
18. What happens if a tenant does not pay the water bill?	12
19. What happens if a landlord does not pay the water bill?	12
20. What happens if a tenant cannot afford the water bill?.....	13
Plumbing Problems.....	14
21. What should a tenant do if there is a water leak?.....	14
22. What can a tenant do if the submeter is not accurate?	15
More About the Law.....	16
23. Where is the actual text of the water submetering law?.....	16
24. Where can tenants go for help?	16
Directory.....	17
Consumer Councils.....	17
Community Action Programs	19
Legal Services.....	21

Who Pays for Water

1. When can a tenant be billed directly for water?

If you are a tenant, a landlord can bill you directly for water only if the following requirements are met:

1. Submeters Are Installed

The landlord has certified to the local board of health that a licensed plumber installed a submeter that measures and bills for water going only to your unit and checked that the submeter is accurate;¹

2. Low-Flow Water Fixtures Are Installed

The landlord has installed low-flow, water-conserving faucets, showerheads, and toilets in your unit and the low-flow toilets were installed by a licensed plumber;²

3. There Is a Written Rental Agreement

You have signed a written rental agreement that clearly states that you are responsible for a separate water bill and provides in plain language the billing arrangements for payment of water; and

4. Your Tenancy Started After March 16, 2005

You moved into your apartment on or after March 16, 2005 (when the new water law went into effect).³ You cannot be billed for water separately if your tenancy began before March 16, 2005.

5. Previous Tenant Was Not Forced Out

If the previous tenant—who was not required to pay for water—left involuntarily, a landlord cannot bill the new tenant for water. The law seeks to prevent landlords from forcing existing tenants out in order to bring in new tenants who would be required to pay for water. (This is not easy to find out.)

6. Landlord Files Certification

Landlords billing separately for water must file a certificate with the local board of health or inspectional services department that certifies they have done all of the above. **See Question 8.**

If the landlord has failed to meet any one of the above requirements, he or she cannot bill you directly for water.

2. When can't a tenant be billed directly for water?

If a landlord has failed to meet any of the requirements in **Question 1**, he or she cannot bill you directly for water,

In addition, landlords **cannot bill existing tenants** directly for water. If the apartment you are currently in is the same one that you were in before March 16, 2005 (when the new submetering law went into effect), you are protected by the law. You are an existing or current tenant and cannot be billed directly for water.

Although a landlord may not bill you directly for water because you are the current tenant, he or she may install a water submeter during your tenancy so the next tenant can be billed directly.⁴

3. Do public housing tenants have to pay for water?

Under the new Massachusetts water law, public housing authorities cannot bill state public housing tenants for water.⁵ The law also protects all federal public housing tenants who resided in their apartment before March 16, 2005, when the new water law went into effect. Federal regulations provide additional protections for federal public housing tenants.⁶

If you have a Section 8 voucher or you live in housing that is privately owned and subsidized by the government, the law protects you only if you are a current tenant. In other words, if you are now living in the same place where you were living before March 16, 2005, you cannot be charged for water. If, however, your tenancy started on or after March 16, 2005, a landlord can charge you for water, but only if he or she has met all other requirements under the law. See **Question 1**.

4. Can a landlord shut off a tenant's water?

The new law prohibits landlords from shutting off your water or refusing you water service even if you are late in paying the water bill or have not paid your water bill.⁷ This is in recognition of state policy that water service is essential to the health of the occupants.⁸

5. Are sewer charges included in water charges?

The new law allows landlords to bill for sewer services only if the sewer charges are calculated from the submeter that measures the tenant's water use. In most cities and towns in Massachusetts, sewer services are determined based on the amount of water used, so in these cities and towns, the water and sewer charges are billed together. However, if the city or town does not calculate sewer charges based on the amount of water used, tenants cannot be billed for sewer charges.

How Submetering Works

6. How does submetering of water work?

Water going into any residential property first goes through a **primary meter**, which measures all the water going into the property. The *water provider* (which in most cases is the city or town where the property is located) is responsible for providing water through the primary meter and for setting the cost of the water (and, in many places, the cost of the sewer service, as well).

In Boston, for example, water is provided through the Boston Water and Sewer Commission. In Cambridge, the water company is the Cambridge Water Department. Worcester provides water through its Department of Public Works. The landlord is the customer of record with respect to the water bill and is responsible for its payment.

Under the new water law, water use for individual apartments must then be measured by **submeters**. The landlord is responsible for having the submeters read and for billing tenants for their water use.

In residential property with more than one rental unit, common areas, such as shared laundry facilities, outdoor faucets, and water used in common heating systems must be separately submetered. Water used in these common areas cannot be charged to any tenant.⁹

A tenant can be billed only for actual water usage as measured by the submeter for his or her unit.¹⁰ **If the landlord has not installed submeters, you cannot be billed directly for water.**

7. How does submetering work if I rent a single-family house?

If you are renting a single-family house instead of an apartment, a landlord may bill you for water directly. In such a case, the landlord is not required to install a submeter if the primary meter measures only water that goes to an area used exclusively by you. The primary meter cannot, however, also measure water that goes to a common area or area not in your exclusive use. For example, if the landlord uses an outdoor faucet to water the lawn, you cannot be billed for water measured by the primary meter because you do not have exclusive use over the area. In order to bill you directly for water, the landlord is required to install a submeter to measure the water used exclusively by you and must meet all the other requirements of the law (see **Question 1**).¹¹

8. What certificate must a landlord file before billing a tenant for water?

Before a landlord can bill a tenant directly for water, a landlord must file a certification with the local board of health (or other municipal agency that enforces the State Sanitary Code). This certification must include a statement that:¹²

1. The water submeter was installed by a licensed plumber and meets certain standards as provided by the law;
2. All showerheads, faucets, and toilets in the unit are water conservation fixtures meeting the standards of the law;
3. All toilets were installed by a licensed plumber; and
4. The tenant in the rental unit can be charged for water either because the unit is being occupied for the first time on or after March 16, 2005, or because the previous tenant was evicted for nonpayment of rent, or was evicted for breach of the rental agreement on or after March 16, 2005 or left *voluntarily*. In other words, the landlord did not harass a tenant to get him or her to move out so that the landlord could bill the next tenant for water.

The landlord must sign this certification under the “penalties of perjury,” which means that he or she swears the information is true. If a landlord has not filed this certification for a unit, he or she cannot charge the tenant for water. To find out whether your landlord has filed, check with your local board of health and ask whether they have the certification. To find your local board of health, contact your city or town hall. In Boston, Cambridge, and Worcester, contact the Inspectional Services Department.

9. What water conservation measures must a landlord take before billing for water?

Before billing a tenant directly for water, a landlord must install water conservation fixtures (faucets, showerheads, and toilets) in an apartment. These fixtures must meet certain low-flow standards set out in the law.¹³

These low-flow standards have been required by federal law for new construction and renovation since 1994. So, it is likely that fixtures purchased and installed by the landlord after 1994 will meet the low-flow requirements of the law.¹⁴

The landlord is also responsible for making sure that these water conservation fixtures are fully functioning at the beginning of every new tenancy.¹⁵

10. Who pays for the installation of the submeter and water conservation fixtures?

The landlord must pay to install submeters and must pay for the cost of installing water conservation fixtures.¹⁶ These costs cannot be passed on to tenants.

The landlord must also certify that he or she has had the water-conserving toilets installed by a licensed plumber and must file this certification with the local board of health (or municipal agency responsible for enforcing the State Sanitary Code).

Paying the Water Bill

11. Who sends the water bill to the tenant?

The landlord is responsible for sending the bill for water charges to the tenant. The landlord may contract with a separate company to take water submeter readings and to prepare, send, and collect bills.

12. What charges related to water cannot be passed on to tenants?

If a landlord bills you directly for water, he or she cannot pass along to you any fees related to submetering, such as:

1. Fees for taking submeter readings or preparing or collecting bills;
2. Fees for installing, maintaining, or servicing the submeter; or
3. Cost of testing the submeter;¹⁷ (except in certain circumstances, see **Question 22**).

13. How often can a tenant be billed?

A tenant can be billed for water charges as often as the water company bills the landlord. Typically this is every three months. If you and your landlord agree, your lease or a written rental agreement may provide for monthly billing.

If a landlord bills you on a monthly basis, the payment is due 15 days after the bill is mailed to you. If you are billed less often than every month—for example, if you are billed four times a year—the bill is due 30 days after it is mailed.¹⁸

14. What if a tenancy begins in the middle of a billing period for water?

If your tenancy begins in the middle of a billing period for water, the landlord must mail you on the first day of your tenancy the reading of the submeter for the unit as of that day. You can be billed only for water measured on the submeter after this reading.¹⁹

15. What if a tenancy ends in the middle of a billing period for water?

If your tenancy ends in the middle of a billing period for water, the landlord must give you on the last day of your tenancy the reading on the submeter as of that day with a final bill for water used since the last prior reading of the submeter.²⁰

16. What information must a water bill have on it?

Each bill for submetered water must clearly state all charges and all other relevant information, including:

1. Current submeter reading and date reading was done;
2. Previous submeter reading and date reading was done;
3. Amount of water consumed since last reading;
4. How much you are being charged for each unit of water;
5. Total charge; and
6. Payment due date.²¹

17. How much will a water bill cost a tenant?

It is estimated that in a residence that has installed water-conserving fixtures, typical water usage is about 45 gallons per person per day. This figure assumes that the house or apartment has its own laundry facilities. If laundry facilities are not present, typical usage is less, about 37 gallons per person per day.

The cost of this amount of water depends where you live. In Boston, a family of four using 45 gallons per person per day will spend about \$602 yearly. In Cambridge, this amount of water will cost \$724. In Springfield, it will cost \$271. These figures all include sewer charges as well as water charges.

Your *water provider* (in most cases this will be the city or town where you live), can tell you the unit price of water, so you can figure out how much your water bill should be.²²

18. What happens if a tenant does not pay the water bill?

If a tenant does not pay a water bill, the landlord may consider this nonpayment to be a “material” or significant breach of the written rental agreement. This means that a landlord could try to evict you.

However, by law you are allowed to “cure” nonpayment of a water bill and pay it **any time** prior to a court hearing on the eviction case.²³ If nonpayment of a water bill is the only reason your landlord is trying to evict you and you pay the bill prior to the eviction court hearing, your case must be dismissed.

The landlord may also deduct unpaid water bills from your security deposit when you leave the apartment.²⁴

Note: To evict you for nonpayment of a water bill, a landlord must send you a notice called a *notice to quit*. You do not have to move if you get this notice. To actually evict you, a landlord must file a court case and get a judge’s permission to move you out. If the landlord has in any way violated the written rental agreement or the law (for example, has refused to repair a leaky toilet), you can tell the judge about it in order to prevent your eviction.

19. What happens if a landlord does not pay the water bill?

Under the law, the landlord is considered the *water provider’s* “customer” and is responsible for paying the water bills. (Most *water providers* are cities and towns, not private water companies.) If the landlord does not pay, the water provider may take legal action against the landlord, but cannot take legal action against individual tenants.²⁵

While a water provider can shut off the water if a landlord does not pay the bill, usually it does not. Instead, it puts what is called a *lien* on the property as part of the real estate tax bill.²⁶ Before shutting off the water, however, the law requires a water provider first to send a tenant a notice about the date that the water will be shut off. This notice must also state that the occupants have a right to pay the amount owed or a portion of the amount owed to prevent the shutoff.²⁷

20. What happens if a tenant cannot afford the water bill?

Currently, there is no statewide program that provides water assistance to low-income renters or homeowners. However, some cities and towns, including Boston and Cambridge, do provide assistance in paying water bills to elderly and disabled homeowners. All cities and towns should be encouraged to offer discounts to tenants paying for their own water and sewer charges.

Plumbing Problems

21. What should a tenant do if there is a water leak?

Landlords are required by law to keep the entire water system for a rental unit in good working order.²⁸ If there is a water leak in any faucet, showerhead, or toilet, or any pipes or parts of the plumbing system are not fully functioning, you must first request that your landlord repair the problem. **It is best to make this request in writing so you have proof that you made it.** A short handwritten note, which has the date on it, is fine. Before you give the note to the landlord, make a copy of it for your records so you have proof that you made this request.

If a landlord does not respond to your request and repair the leak in a timely manner, you have a right to withhold your rent or your water bill or a portion of the rent or water bill until the repair is made.²⁹ The State Sanitary Code requires that defects with the plumbing system be repaired within 5 days (or sooner if the violation creates an immediate hazard).³⁰

You also have the right to make the repair and deduct the cost from your rent.³¹ To do this, however, you need to follow all of the requirements of the repair and deduct law; you cannot simply make the repair and deduct it from your rent. For more information about the repair and deduct law, go to www.MassLegalHelp.org and click on “Housing.”

If there is a leak, the law also requires a landlord to determine as accurately as possible how much water leaked out of your system. To do this, the landlord must consult with a licensed plumber and review billing records. The landlord is then required to reduce your water bill or give you a refund for the overcharge **from the date that you gave the landlord notice about the leak.**³² This is why it is very important to **send your landlord a short written notice with a date on it (and keep a copy for your records)** so you have proof of this date.

22. What can a tenant do if the submeter is not accurate?

The law requires that submeters meet certain standards of accuracy.³³ If you feel that your submeter is not accurately measuring the water usage for your unit, you can have your submeter tested. The person testing your submeter must have no relationship, financial or otherwise, with the landlord. The person testing the submeter is required to determine the amount of water that was improperly measured by the submeter in the current billing period and any prior billing periods.

If the submeter is measuring more water than is being used by your unit, the landlord must install a new submeter and must also pay for the cost of the test. The landlord must then calculate the amount you have been overcharged and either reduce your current bill or give you a refund.

If the submeter is found to be accurate, you must pay for the cost of testing. If you do not, the landlord may add this cost to your next water bill.³⁴

Under the Attorney General's landlord-tenant regulations, any violation by the landlord of the water submetering law may be a violation of the Consumer Protection Laws.³⁵

More About the Law

23. Where is the actual text of the water submetering law?

The water submetering law was signed on December 16, 2004, and went into effect on March 16, 2005.³⁶ To get the actual text of the law, go to: www.mass.gov/legis/laws/seslaw04/sl040417.htm.

24. Where can tenants go for help?

If you are facing an eviction because of nonpayment of a water bill, you may, depending on your income, be eligible for legal assistance at a legal aid or legal services office.

If you are facing issues related to billing, certifications, accuracy of submetering, or other consumer types of issues, contact your local Consumer Council or Community Action Agency.

A list of these agencies is in the Directory at the end of this booklet.

Directory

Consumer Councils

The Consumer Protection Division of the Office of the Attorney General funds the following 20 local consumer programs to mediate complaints from individual consumers, including complaints involving landlord-tenant issues. Look for the program nearest you.

Berkshire County Consumer Advocates, Inc.413-443-9128
150 North St., Suite 34, Pittsfield MA 01201

Bentley Consumer Action Line, Bentley College800-273-9494
Lindsay Hall, 175 Forest St., Waltham MA 02452

Boston Consumer Affairs and Licensing Division617-635-3834
City Hall, Room 817, Boston MA 02201

Cambridge Consumers' Council617-349-6150
831 Massachusetts Ave., Cambridge MA 02139

Consumer Assistance Council, Inc.800-867-0701
149 Main St., Hyannis MA 02601

Fall River Consumer Program508-324-2672
One Government Center, Fall River MA 02722

**Consumer Protection Office,
District Attorney's Office**413-774-5102
238 Main St., 4th fl., Greenfield MA 01301

District Attorney's Office413-586-9225
One Gleason Plaza, Northampton MA 01060

**Consumer Protection Program
Haverhill Community Action, Inc.**978-373-1971
25 Locust St., Haverhill MA 01830

Greater Lawrence Community Action, Inc.978-681-4990
350 Essex St., Lawrence MA 01843

Middlesex Community College Law Center.....978-656-3342
33 Kearney Square, Room 117, Lowell MA 01852

Medford Consumer Advisory Commission781-393-2460
90 Main St., Medford MA 02155

Consumer Assistance Office of Metro West, Inc.508-651-8812
209 West Central St., Natick MA 01760

**Newton-Brookline Consumer Office,
Newton City Hall**.....617-796-1292
1000 Commonwealth Ave., Newton MA 02459

**Consumer Protection Division
Norfolk District Attorney's Office**.....617-769-6100
1515 Hancock St., 4th fl., Quincy MA 02169

**MassPIRG Consumer Action Center,
Whipple Center**781-335-0280
182 Green St., Weymouth MA 02191

Consumer Affairs Office, Revere City Hall.....781-286-8114
150 Beach St., Revere MA 02151

**Consumer Aid Program
South Shore Community Action Council**508-747-7575
265 South Meadow Rd., Plymouth MA 02360

Mayor's Office of Consumer Information.....413-787-6437
1600 East Columbus Ave., Springfield MA 01103

**Consumer Council of Worcester County
Worcester Community Action Council, Inc.**508-754-1176
484 Main St., 2nd fl., Worcester MA 01608

Community Action Programs

Community Action Programs (CAPs) provide information, counseling, and advocacy to tenants and landlords on a variety of issues related to housing. Many provide housing search assistance. For more information about and a direct link to each of these agencies, go to: www.masscap.org.

Action for Boston Community Development, Inc...... 617-357-6000
178 Tremont St., Boston MA 02111

Action, Inc...... 978-283-7874
24 Elm St., Gloucester MA 01930

Berkshire Community Action Council, Inc...... 413-445-4503
16 Oak St., Pittsfield MA 01201

Cambridge Economic Opportunity Committee, Inc. 617-868-2900
11 Inman St., Cambridge MA 02139

Citizens for Citizens, Inc. 508-679-0041
264 Griffin St., Fall River MA 02724

Community Action Agency of Somerville..... 617-623-7370
66-70 Union Sq., #104, Somerville MA 02143

Community Action Committee of Cape Cod & Islands 508-771-1727
115 Enterprise Rd., Hyannis MA 02601

Community Action, Inc. 978-373-1971
25 Locust St., 2nd fl., Haverhill MA 01832

Community Action Programs Inter-City, Inc...... 617-884-6130
100 Everett Ave., #14, Chelsea MA 02150

Community Teamwork, Inc. 978-459-0551
167 Dutton St., Lowell MA 01852

Franklin Community Action Corp...... 413-774-2318
393 Main St., Greenfield MA 01301

Greater Lawrence Community Action Council, Inc. 978-681-4900
350 Essex St., Lawrence MA 01840

Hampshire Community Action Commission..... 413-582-4200
56 Vernon St., Northampton MA 01060

Lynn Economic Opportunity, Inc. 781-581-7220
113 Munroe St., Lynn MA 01901

Montachusett Opportunity Council, Inc. 508-342-7013
66 Day St., Fitchburg MA 01420

North Shore Community Action Program, Inc...... 978-531-0767
98 Main St., Peabody MA 01960

PACE, Inc...... 508-999-9920
166 Williams St., New Bedford MA 02742

Quincy Community Action Program, Inc. 617-479-8181
1509 Hancock St., Suite 310, Quincy MA 02169

Self-Help, Inc...... 508-588-0447
Crowley School, Fagan Dr., Avon MA 02322

South Middlesex Opportunity Council, Inc. 508-620-2300
300 Howard St., Framingham MA 01701

South Shore Community Action Council, Inc...... 508-747-7575
265 S. Meadow Rd., Plymouth MA 02360

Springfield Partners for Community Action, Inc...... 413-263-6500
619 State St., Springfield MA 01109

Tri-City Community Action Program, Inc...... 781-322-4125
110 Pleasant St., Malden MA 02148

Valley Opportunity Council, Inc. 413-552-1554
300 High St., Holyoke MA 01040

Worcester Community Action Council, Inc. 508-754-1176
484 Main St., 2nd fl., Worcester MA 01608

Legal Services

The agencies below provide free legal services for civil cases involving landlord-tenant issues, government benefits, elder issues, domestic relations, and other non-criminal matters. Most agencies have geographic and income limitations. To find out what program covers your community, go to: www.MassLegalHelp.org.

Boston College Legal Assistance Bureau 781-893-4793
24 Crescent St., Suite 202, Waltham MA 02453

Cambridge & Somerville Legal Services 617-603-2700
432 Columbia St., Cambridge MA 02141

Center for Public Representation..... 617-451-0855
246 Walnut St., Newtonville MA 02460

Center for Public Representation..... 413-587-6265
22 Green St., Northampton MA 01060

Children’s Law Center of Massachusetts 781-581-1977
298 Union St., 2nd fl., Lynn MA 01903

Community Legal Services & Counseling Center 617-661-1010
One West St., Cambridge MA 02139

Disability Law Center 617-723-8455
11 Beacon St., Suite 925, Boston MA 02108

Greater Boston Legal Services..... 617-371-1234
197 Friend St., Boston MA 02114

Hale & Dorr Legal Services Center 617-522-3003
122 Boylston St., Jamaica Plain MA 02130

Harvard Legal Aid Bureau 617-485-4408
1587 Mass. Ave., Cambridge MA 02138

Legal Advocacy & Resource Center 617-603-1700
197 Friend St., 9th fl., Boston MA 02114 800-342-5297

Legal Assistance Corporation of Central Mass...... 508-752-3722
405 Main St., 4th fl., Worcester MA 01608

Legal Services for Cape, Plymouth & Islands..... 508-775-7020
460 W. Main St., Hyannis MA 02601

Legal Services for Cape, Plymouth & Islands	508-746-2777
18 Main St. Ext., 3rd fl., Plymouth MA 02360	
Mass. Advocacy for Children	617-357-8431
100 Boylston St., Suite 200, Boston MA 02116	
Mass. Justice Project	413-533-2660
57 Suffolk St., Suite 401, Holyoke MA 01040	
Mass. Justice Project	508-831-9888
332 Main St., 6 th fl., Worcester MA 01068	
Mass. Law Reform Institute	617-357-0700
99 Chauncy St., Suite 500, Boston MA 02111	
Mental Health Legal Advisors Committee	617-338-2345
294 Washington St., Suite 320, Boston MA 02108	
Merrimack Valley Legal Services	978-687-1177
170 Common St., Lawrence MA 01840	
Merrimack Valley Legal Services	978-458-1465
35 John St., Lowell MA 01852	
National Consumer Law Center	617-523-8010
77 Summer St., 10 th fl., Boston MA 02110	
Neighborhood Legal Services	978-686-6900
170 Common St., Suite 300, Lawrence MA 01840	
Neighborhood Legal Services	781-599-7730
37 Friend St., Lynn MA 01902	
Neighborhood Legal Services/ Essex Family Legal Aid Center	978-740-6688
70 Washington St., Salem MA 01970	
New Center for Legal Advocacy	508-979-7160
257 Union St., New Bedford MA 02740	
Northeastern University School of Law Clinic	617-373-4000
716 Columbus Ave., Suite 212, Roxbury MA 02120	
South Middlesex Legal Services	508-620-1830
354 Waverly St., Framingham MA 01701	

Southeastern Mass. Legal Assistance Corp...... 508-586-2110
231 Main St., Suite 201, Brockton MA 02301

Southeastern Mass. Legal Assistance Corp...... 508-676-6265
30 Third St., 3rd fl., Fall River MA 02720

Southeastern Mass. Legal Assistance Corp...... 508-979-7150
21 South Sixth St., New Bedford MA 02740

Suffolk University Legal Services..... 617-884-7568
350 Broadway, Chelsea MA 02150

Tenant Advocacy Project 617-495-4394
Harvard Law School, Austin Hall, Room 9
1515 Massachusetts Ave., Cambridge MA 02138

Volunteer Lawyers Project 617-423-0648
29 Temple Pl., Suite 300, Boston MA 02111

Western Mass. Legal Services 413-584-4034
20 Hampton Ave., Suite 100, Northampton MA 01060

Western Mass. Legal Services 413-499-1950
152 North St., E-155, Pittsfield MA 01201

Western Mass. Legal Services 413-781-7814
127 State St., Springfield MA 01103

Endnotes

- ¹ Massachusetts General Laws, Chapter 186, § 22(c). The law adds section 22 to Chapter 186 of the Massachusetts General Laws.
- ² M.G.L. Chapter 186, § 22(c) and (e).
- ³ M.G.L. Chapter 186, § 22(d).
- ⁴ M.G.L. Chapter 186, § 22(d).
- ⁵ M.G.L. Chapter 186, § 22(s).
- ⁶ While federal regulations allow for a housing authority to directly bill a federal public housing tenant for water (24 C.F.R. 966.4 and 990.102, definition of "utilities"), there are many requirements that make it difficult for this to happen. A housing authority must install meters that measure actual usage (24 C.F.R. 965.401), provide a tenant with a water utility allowance (24 C.F.R. 965.405), and go through a very involved lease negotiation process to include this new charge (24 C.F.R. 965.405 and 966).
- ⁷ M.G.L. Chapter 186, § 22(l).
- ⁸ Department of Public Health Advisory Ruling on the Responsibility of Property Owners to Pay for Water and Sewer Charges Under the State Sanitary Code, July 3, 1990, page 2.
- ⁹ See definition of "common area" and "submetering" in M.G.L. Chapter 186, § 22(a).
- ¹⁰ M.G.L. Chapter 186, § 22(b) and (e).
- ¹¹ M.G.L. Chapter 186, § 22(p)
- ¹² M.G.L. Chapter 186, § 22(c).
- ¹³ See definition of "water conservation device" in M.G.L. Chapter 186, § 22(a). Showerheads cannot exceed 1½ gallons of water per minute; faucets cannot exceed 2 2/10 gallons of water per minute; and toilets cannot exceed 1 6/10 gallons of water per minute.
- ¹⁴ 42 U.S.C. § 6295 (j) and (k).
- ¹⁵ M.G.L. Chapter 186, § 22(e).
- ¹⁶ M.G.L. Chapter 186, § 22(b).
- ¹⁷ M.G.L. Chapter 186, § 22(j).
- ¹⁸ M.G.L. Chapter 186, § 22(f).
- ¹⁹ M.G.L. Chapter 186, § 22(h).
- ²⁰ M.G.L. Chapter 186, § 22(i).
- ²¹ M.G.L. Chapter 186, § 22(f).
- ²² Some municipalities use a unit of measurement for water of 100 cubic feet (abbreviated as Ccf). One hundred cubic feet equals 750 gallons.
- ²³ M.G.L. Chapter 186, § 22(f) last two sentences.
- ²⁴ M.G.L. Chapter 186, § 22(p).

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- ²⁵ M.G.L. Chapter 186, § 22(k).
- ²⁶ A lien is the legal use of a piece of property as security for the owner's debt. If the debt is not paid, the entity that holds the lien can take the property in order to pay off the debt.
- ²⁷ M.G.L. Chapter 165, §11E.
- ²⁸ State Sanitary Code, 105 C.M.R. 410.351. See also 105 C.M.R. 410.180.
- ²⁹ M.G.L. Chapter 186, § 22(m).
- ³⁰ 105 C.M.R. 410.750(O)(3).
- ³¹ M.G.L. Chapter 186, § 22(m).
- ³² M.G.L. Chapter 186, § 22(o).
- ³³ The law requires that submeters meet standards of accuracy and testing as set by the American Water Works Association or similar accredited association. M.G.L. Chapter 186, § 22(b). The landlord must verify the accuracy of the submeters by determining that the amount of water measured by all submeters in a building does not exceed the amount of water measured by the primary meter, and the landlord must also verify that the submeter is functioning properly at the beginning of each tenancy. M.G.L. Chapter 186, § 22(g) .
- ³⁴ M.G.L. Chapter 186, § 22(n).
- ³⁵ See 940 C.M.R. § 3.16(3), § 3.17(1)(c), and § 3.17(1)(d).
- ³⁶ Chapter 417 of the Acts of 2004.

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