



199 Raymond Road | P.O. Box 111
Sudbury, Massachusetts 01776

**SUDBURY WATER DISTRICT
ABATEMENT POLICY
Effective Date: November 12, 2024**

The Sudbury Water District (the “District”) may, under limited and specific circumstances, authorize an abatement of water usage charges incurred by a customer. Abatements may be granted solely under the following circumstances:

- A. Verified leak (after the curb valve) and subsequent repair.
- B. Demonstrated financial hardship.

Customer’s seeking relief must submit a formal Abatement Application using one of the following delivery methods:

<u>Email Submission</u>	<u>U.S. Mail</u>	<u>Hand Delivery</u>
customerservice@sudburywater.com	Sudbury Water District P.O. Box 111 Sudbury, MA 01776	Sudbury Water District Administration Building 199 Raymond Road Sudbury, MA 01776

I. LEAK ABATEMENT POLICY

A property owner or their authorized agent may file an application for an abatement for excess water charges resulting from a leak occurring after the curb valve and subsequent repair.

The owner of the property is solely responsible for all water infrastructure beyond the curb valve including the service line (pipe), interior and exterior plumbing and fixtures, and underground irrigation systems.

Exception: The first valve and meter are owned and maintained by Sudbury Water District. However the owner of the property is responsible for ensuring their protection from damage, freezing, tampering, or obstruction. If either the first valve or meter is damaged due to negligence (e.g., exposure to freezing conditions) the owner of the property shall be liable for cost of repair or replacement, including water consumption.

The District shall not consider any request for abatement unless the following conditions are satisfied in full:

i. PAYMENT REQUIREMENT

The applicant must remit either:

- One hundred percent (100%) of the invoiced amount; or
- Fifty percent (50%) of the invoiced amount, if the invoice is greater than five (5) times the average consumption established by the same three preceding quarterly billing periods.

- In all cases, the applicant must have paid all previously issued water bills in full.

ii. APPLICATION AND SUPPORTING DOCUMENTATION

The applicant shall submit a completed Abatement Application within forty-five (45) calendar days from the date of the contested water bill, accompanied by the following documentation:

- A detailed invoice identifying the cause of the leak and repair services rendered by a plumber licensed by the Commonwealth of Massachusetts, or by a lawn irrigation specialist, as applicable.
- Photographic documentation of both the leak and the subsequent repair is strongly encouraged.
- Applications based on self-detection and repairs conducted by individuals not licensed or specialized in the fields described above shall be reviewed solely at the discretion of the District's Executive Director.

No application shall be deemed complete, nor shall it be accepted for review, unless the applicant has fully complied with both conditions (i) and (ii) above.

FOR THE AVOIDANCE OF DOUBT:

- a. Negligent water use (e.g., unintentionally leaving a fixture running) does not constitute a leak and is not eligible for abatement;
- b. The burden of proof rests entirely on the applicant, who must establish eligibility for abatement by clear and convincing evidence;
- c. Unexplained or uncharacteristic high water usage, without evidence of a verified leak, does not constitute grounds for an abatement.

REVIEW PROCESS

The Executive Director shall render a determination of a completed Leak Abatement Application within thirty (30) calendar days of submission. Prior to issuing a decision, the Executive Director shall review the application and supporting documentation in consultation with the Executive Administrator and the District Foreman.

LIMITATIONS ON LEAK ABATEMENT

The following limitations apply:

- i. Leak abatement may be granted only where consumption during the billing cycle at issue is approximately one hundred percent (100%) or more above the average usage recorded during the same-three-preceding- billing periods. Water use in excess of the established average consumption shall be re-calculated at the Tier 1 water rate;
- ii. Only one (1) leak abatement may be granted per property ownership tenure;
- iii. Under no circumstances shall the amount of any leak abatement exceed fifty percent (50%) of the invoiced amount.

APPEAL RIGHTS

In the event the applicant is dissatisfied with the determination of the Executive Director, the applicant may submit a written appeal to the Board of Water Commissioners. Said appeal shall be scheduled for discussion during the next regularly scheduled public session Board of Water Commissioners bi-weekly meeting and shall be listed as an official agenda item.

FURTHER LEGAL REMEDIES

If the appeal is denied by the Board of Water Commissioners, the applicant may pursue one of the following remedies:

Where the disputed charges have been paid in full:

The property owner may initiate a civil action for recovery of overpayment in either the District Court, pursuant to G.L. c. 218, § 19 (where the amount in controversy does not exceed \$2,500); or the Superior Court, pursuant to G.L. c. 212, § 4. See: Epstein v. Executive Secretary of Bd. of Selectmen of Sharon, 22 Mass. App. Ct. 135 (1986).

Where the disputed charges remain unpaid:

The District reserves the right to: Record a municipal lien for the unpaid balance; and/or terminate water service at the curb stop until payment in full is rendered, including any applicable fees, in accordance with Section 6.4.1 of the Sudbury Water District Rules and Regulations. The unpaid amount shall become a lien on the property, and the Appellate Tax Board shall have jurisdiction over the matter pursuant to G.L. c. 40, §§ 42A–42F.

An aggrieved owner may appeal to the Appellate Tax Board under the procedures applicable to a person aggrieved by a denial of a tax abatement, as set forth in G.L. c. 59, § 65.

II. FINANCIAL HARDSHIP ABATEMENT POLICY

The Board of Water Commissioners recognizes that certain customers may experience extraordinary financial hardship and has adopted a policy to provide relief in such cases.

APPLICATION PROCEDURE:

1. The applicant must submit a completed Abatement Application within forty-five (45) calendar days of the invoice date, along with;
2. A written statement describing the hardship, and;
3. Supporting documentation evidencing the financial condition.
4. The application must be signed under the pains and penalties of perjury.

The abatement request shall be posted as an agenda item for a closed Executive Session Board of Water Commissioners meeting for formal deliberation.

ADDITIONAL PROVISION:

- A payment extension may be considered on a case-by-case basis, subject to approval and at the discretion of the Board of Water Commissioners.