



## **SUDBURY WATER DISTRICT ABATEMENT POLICY**

**Revised 11/12/2024**

**The Sudbury Water District grants abatements under limited circumstances for (a) leaks and (b) financial hardship.**

**All abatement applications must be filed as follows:**

By EMAIL: [customerservice@sudburywater.com](mailto:customerservice@sudburywater.com)

Or By USPS:

Sudbury Water District  
P.O. Box 111  
Sudbury, MA 01776

Or by Hand Delivery:

Sudbury Water District  
Administration Building  
199 Raymond Road  
Sudbury, MA 01776

### **I. Leak Abatement Policy**

A customer may file an application for abatement based upon discovery of a leak within the property (property side of curb stop) and subsequent repair of the leak ("Leak Abatement Application"). Prior to the District's consideration of any Leak Abatement Application, the customer shall:

- (i) Pay no less than 100% of the invoiced amount or 50% of the invoiced amount if the invoiced amounts exceed five (5) times the average of the three previous same billing cycles and shall have paid all prior water bills, and
- (ii) Complete and submit a Leak Abatement Application together with supporting documentation within 45 days of the date of the District's invoice. Supporting documentation shall include a detailed invoice for leak detection and services rendered by a plumber licensed by the Commonwealth of Massachusetts or a lawn irrigation specialist, as applicable. Submission of photographs as evidence of leak and repair is highly recommended. Leak Abatement review based on self-leak detection and repair, or leak detection and repair by anyone other than a licensed plumber or irrigation specialist, as applicable is at the discretion of the Executive Director of the District.

No Leak Abatement Application shall be deemed to be complete and accepted for review by the Executive Director unless the customer has complied with both (i) and (ii) above.

For the avoidance of doubt:

- (a) leaving water running out of any fixture is not considered to be a leak which can serve as the basis of a Leak Abatement; and
- (b) the burden of proof by clear and convincing evidence is on the applicant; and
- (c) unexplained high-water usage shall not be grounds for an abatement.

**Review:** The Executive Director shall act upon each Leak Abatement Application within 30 days of the complete submission.

Prior to acting on a Leak Abatement Application, the Executive Director shall review the Application with the Executive Administrator and the District's Foreman.

**Abatement Limitations:**

- (i) The Executive Director shall only grant an Abatement based upon leak detection and repair if usage is approximately 100 percent higher than that of the average use. Average usage by the same-three-preceding-quarterly-periods. Usage exceeding 100 percent above average use shall be calculated at Tier 1 water rate;
- (ii) A customer shall only be entitled to a Leak Abatement once during their ownership of the property; and
- (iii) In no event shall a Leak Abatement exceed 50% of the actual invoiced amount.

**Appeal:** If a customer is not satisfied with the decision of the Executive Director, the customer shall be permitted to appeal the Executive Director's Leak Abatement Application decision to the Board of Water Commissioners. This appeal will be posted as an agenda item for a bi-weekly Board of Water Commissioners public session meeting, for consideration by the Commissioners.

**Further Appeal:** If the Board of Water Commissioners denies the appeal, an owner may proceed in one of two ways.

**Paid water bills:** If the owner has timely paid the disputed charge, the owner may file a civil action to recover excess water bill payments in either the District Court under G.L. c. 218, § 19 (where the amount of expected recovery does not exceed \$2,500) or the Superior Court under G.L. c. 212 § 4. See *Epstein v. Executive Secretary of Bd. of Selectmen of Sharon*, 22 Mass. App. Ct. 135 (1986).

**Unpaid water bills:** If a water charge remains unpaid, the District reserves the right to lien outstanding balances and/or terminate water service at the curb box/stop until such time as the outstanding balance is paid in full together with the applicable turn on fee in accordance with Section 6.4.1 of the Sudbury Water District Rules and Regulations. The unpaid balance will become a lien on the property, and the Appellate Tax Board will have jurisdiction over the unpaid charge. See General Laws chapter 40, sections 42A through 42F. An owner whose appeal to the District has been denied or deemed denied may file an appeal at the Appellate Tax Board upon the same terms and conditions as a person aggrieved by the refusal of the assessors to abate a tax (see General Laws chapter 59, section 65).

## **II. Financial Hardship Abatement Policy**

[The Board of Water Commissioners have established an Abatement policy in recognition of customers who may be experiencing severe financial hardship.

**PROCESS:**

1. Within 45 days of the invoice date, the customer shall complete and submit an Abatement application together with an explanation and documentation evidencing the extreme financial hardship. This application shall be executed under the pains and penalties of perjury.
2. The request will be posted as an Agenda item for a scheduled Board of Water Commissioners Executive Session meeting for consideration of an Abatement by the Commissioners.

**Note:**

- Payment extension may be granted on a case-by-case basis.