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SUDBURY WATER DISTRICT ABATEMENT APPLICATION

complete and submit this application together with supporting documentation within 45 days of the original invoice date

DATE	BILL AMOUNT
ACCOUNT NUMBER	FOR THE BILLING PERIOD OF

SERVICE ADDRESS

STREET NO UNIT NO STREET NAME

APPLICANT INFORMATION

NAME		CONTACT PERSON/TITLE	
STREET ADDRESS		MOBILE PHONE	OTHER PHONE
CITY	STATE	ZIP CODE	EMAIL ADDRESS

ABATEMENT TYPE check applicable box

- ☐ **LEAK ABATEMENT**
- ☐ **FINANCIAL HARDSHIP ABATEMENT**

SECTION I – LEAK ABATEMENT

PAYMENT REQUIREMENT

A registered property owner or their authorized designee may file this completed application for an abatement for excess water charges incurred due to a verified water leak (after the curb valve) and subsequent repair. Eligibility is contingent upon strict adherence to the following conditions and the provisions of the Sudbury Water District's Abatement Policy.

- The total invoiced amount has been paid in full (100%) or in cases where the invoiced amount exceeds five (5) times the average consumption, as determined by the same three (3) preceding quarterly billing cycles, the applicant must remit no less than fifty percent (50%) of the invoiced amount.
- The applicant must be in full compliance with all prior billing obligations, with no outstanding balances at the time of submission.

APPLICATION AND SUPPORTING DOCUMENTATION

To be deemed eligible for consideration, an abatement application must be duly executed by the registered owner of property or their designee and be submitted to the District within forty-five (45) calendar days of the date of the original invoice. An application shall not be considered complete unless it includes the following:

- A detailed invoice identifying the cause (with specificity) of the leak and repair services rendered by a plumber duly licensed by the Commonwealth of Massachusetts, or, where applicable, a certified lawn irrigation specialist.
- Photographic documentation evidencing both the leak and the completed repair is strongly encouraged.
- Applications based on self-detected leaks and subsequent repairs performed by individuals not duly licensed or certified (i.e., do-it-yourself repairs) shall be reviewed solely at the discretion of the Executive Director of the Sudbury Water District. In such cases, itemized receipts for all parts and materials purchased in connection with the repair shall be required as a condition of consideration.

CLARIFYING CONDITIONS - FOR THE AVOIDANCE OF DOUBT

- Water loss attributable to user negligence (e.g., failure to shut off a fixture or faucet) shall not be deemed a compensable leak for purposes of abatement.
- The burden of proof shall rest solely with the applicant, who must establish eligibility by clear and convincing evidence.
- Elevated or atypical water usage, in the absence of corroborative evidence of a verified leak, shall not constitute grounds for an abatement.
- No application shall be accepted for review or consideration unless the applicant has demonstrated full compliance with both the **Payment Requirement** and a **completed Application together with Supporting Documentation**.

DESCRIPTION OF LEAK AND REPAIR

Please provide a brief description identifying the cause of the leak and the repair services rendered:

REVIEW PROCESS

The Executive Director shall issue a determination on a leak abatement application within thirty (30) calendar days of receipt. Prior to issuing a decision, the Executive Director shall review the completed Application together with Supporting Documentation in consultation with the Executive Administrator and the District Foreman.

LEAK ABATEMENT LIMITATIONS

The following limitations shall apply to all leak abatement applications:

- Leak abatement may only be granted where water consumption during the billing cycle in question exceeds one hundred percent (100%) of the average usage recorded during the same three (3) preceding billing quarters. If approved, usage in excess one hundred percent of the established average shall be recalculated at the Tier 1 water rate.
- Only one (1) leak abatement shall be granted per property during each continuous period of ownership.
- 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 at the next regularly scheduled public session of the Board and shall be included as an official agenda item.

FURTHER LEGAL REMEDIES

If the Disputed Charges Have Been Paid in Full:

The registered property owner may initiate a civil action for recovery of the alleged overpayment in either the District Court, pursuant to G.L. c. 218, § 19 (for claims not exceeding \$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).

If the Disputed Charges Remain Unpaid:

The Sudbury Water 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 received, including any applicable fees, pursuant to Section 6.4.1 of the Sudbury Water District Rules and Regulations.

The unpaid amount shall become a lien upon the property, and jurisdiction shall lie with the Appellate Tax Board pursuant to G.L. c. 40, §§ 42A–42F. An aggrieved property owner may appeal to the Appellate Tax Board under the procedures applicable to a tax abatement denial as set forth in G.L. c. 59, § 65.

ADDITIONAL PROVISION

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

SECTION II – FINANCIAL HARDSHIP ABATEMENT

POLICY STATEMENT

The Board of Water Commissioners recognizes that certain customers may experience extraordinary financial hardship. To address such circumstances, the Board has adopted a Financial Hardship Abatement Policy to provide discretionary relief.

APPLICATION PROCEDURE

A registered property owner or their authorized designee may apply for a Financial Hardship Abatement, within forty-five (45) calendar days of the original invoice date by submitting:

- A completed abatement application.
- A signed written statement describing the nature of the hardship, and
- Supporting documentation substantiating the applicant's financial condition.

Applications for a Financial Hardship Abatement shall be scheduled as an official Agenda item for deliberation during a closed executive session Board of Water Commissioners meeting.

If the Charges Remain Unpaid:

The Sudbury Water 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 received, including any applicable fees, pursuant to Section 6.4.1 of the Sudbury Water District Rules and Regulations.

The unpaid amount shall become a lien upon the property, and jurisdiction shall lie with the Appellate Tax Board pursuant to G.L. c. 40, §§ 42A–42F. An aggrieved property owner may appeal to the Appellate Tax Board under the procedures applicable to a tax abatement denial as set forth in G.L. c. 59, § 65.

ADDITIONAL PROVISION

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

FINANCIAL HARDSHIP ABATEMENT REQUEST

Please provide a written statement detailing the hardship, attach supporting documentation evidencing the financial condition, and sign and date below:

Signature: _____

Date: _____

This application shall be signed under the pains and penalties of perjury

SECTION III – ABATEMENT APPLICATION SUBMISSION

Submit this signed application together with all supporting documentation using one of the below delivery methods:

ELECTRONICALLY

customerservice@sudburywater.com

MAIL

SUDBURY WATER DISTRICT
P.O. BOX 111
SUDBURY, MA 01776

HAND DELIVERY

SUDBURY WATER DISTRICT - ADMINISTRATION OFFICE
199 RAYMOND ROAD
SUDBURY, MA 01776