



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

phone 978-443-6602  
web sudburywater.com

## **Sudbury Water District - Water Abatement Policy**

Rev. August 5, 2025

### **Water Abatement Policy**

The Sudbury Water District (the District) may, under limited and specific circumstances, authorize an abatement of water charges incurred by a customer. Abatements may be granted only under the circumstances outlined below:

1. A verified water leak occurring after the curb stop, followed by documented repair; or
2. Demonstrated financial hardship.

Customers seeking relief must submit a formal **Abatement Application** using one of the following delivery methods:

#### **USPS**

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

#### **Hand Delivery**

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

#### **Email**

customerservice@sudburywater.com

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## **Categories of Water Abatement**

1. Administrative Abatement; and
2. Financial Hardship Abatement.

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### **1. Administrative Abatement**

#### **a. Eligibility and Payment Requirement**

The registered owner of property (legal title holder), or their authorized designee, may submit a formal Abatement Application for water charges resulting from a verified water leak (after the curb stop) and subsequent repair.

Eligibility is contingent upon strict compliance with the following conditions and the provisions of the District's Abatement Policy:

- The invoiced amount must be paid in full (100%), however if the invoiced amount exceeds five (5) times the average consumption, as determined by the same three

preceding quarterly billing cycles, the applicant must remit at least fifty percent (50%) of the invoiced amount at the time of application.

- The applicant must be in full compliance with all prior billing obligations, with no outstanding balances at the time the application is submitted.
- The registered owner of property or their authorized designee may request that their water meter be tested by a company specializing in meter testing and approved by the District. If the meter is found to be inaccurate in accordance with American Water Works Association (AWWA) standards, the District will pay for the testing and adjust the bill accordingly. If the meter is determined to be accurate, the customer shall be responsible for the testing costs and will not be eligible for an abatement unless a verified leak is documented.
- The registered owner of property is responsible for all water infrastructure beyond the curb stop, including the service line, interior and exterior plumbing and fixtures, and in-ground irrigation systems.

**Exception:** The first valve and water meter shall remain the property of, and be maintained by, the District. The registered owner of the property shall be responsible for protecting these components from damage, freezing, theft, tampering, or obstruction. Any damage resulting from negligence, including exposure to freezing conditions, shall be the sole responsibility of the registered owner. All repairs and replacements shall be performed exclusively by District personnel. The registered owner shall bear all costs, including parts, labor, taxes, and any resulting water consumption, which shall be billed directly by the District to the registered owner of property.

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## **b. Application and Supporting Documentation**

To be considered for an Administrative abatement, the registered owner of property or their authorized designee shall complete, sign and submit an abatement application together with all required supporting documentation within forty-five (45) calendar days of the original invoice date.

Required documentation shall include:

- A detailed invoice identifying the cause of the leak and the repair work executed by a plumber licensed by the Commonwealth of Massachusetts, or by a certified in-ground irrigation specialist, as applicable.
- Photographic evidence of the leak and completed repair (strongly recommended).
- If the repair was self-detected and completed without a licensed or certified professional (i.e., a DIY repair), the application shall be reviewed solely at the discretion of the Executive Director. In such cases, detailed receipts for all materials and parts must be provided.

No application shall be deemed complete or accepted for review unless the applicant has fully satisfied the payment requirement and submitted a completed Abatement Application with all required documentation.

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## **c. Clarifying Conditions (For the Avoidance of Doubt)**

- Water loss resulting from user negligence (e.g., unintentionally leaving a fixture running) does not constitute a leak and is not eligible for abatement.

- The burden of proof rests solely with the applicant, who must demonstrate eligibility by clear and convincing evidence.
  - Unexplained or uncharacteristic high-water usage, without verifiable evidence of a leak, does not constitute grounds for abatement.
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#### **d. Review Process**

Complete applications will be reviewed by the Executive Director, in consultation with the Executive Administrator and the Foreman. A written determination shall be issued within thirty (30) calendar days of receipt of a complete application.

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#### **e. Leak Abatement Limitations**

- An abatement may be granted only when water usage during the affected billing period exceeds **one hundred fifty percent (150%)** of the average consumption, determined by the same three preceding quarterly billing cycles.
  - Water usage exceeding one hundred fifty percent (150%) of the established average shall be recalculated at the Tier 1 water rate. Usage up to one hundred fifty percent (150%) of the established average shall be billed in accordance with the District's current tiered rate structure.
  - Only one (1) abatement may be granted per property during a continuous ownership tenure.
  - The abatement shall not exceed fifty percent (50%) of the invoiced amount.
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#### **f. Right to Appeal**

If an applicant is dissatisfied with the determination of the Executive Director, the applicant may submit a written appeal to the Board of Water Commissioners. The appeal shall be placed on the agenda for discussion during an open public meeting of the Board of Water Commissioners.

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#### **g. Further Legal Remedies**

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

##### **Where disputed charges have been paid in full:**

The registered owner of property or their authorized designee may pursue a civil action for recovery of overpayment in District Court pursuant to G.L. c. 218, § 19 (for amounts not exceeding \$2,500), or in Superior Court pursuant to G.L. c. 212, § 4. See *Epstein v. Executive Secretary of the Board of Selectmen of Sharon*, 22 Mass. App. Ct. 135 (1986).

##### **Where disputed charges remain unpaid:**

The District may 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 turn-on fees, in accordance with Section 6.4.1 of the District's Rules and Regulations.

In such cases, jurisdiction lies with the Appellate Tax Board pursuant to G.L. c. 40, §§ 42A–42F. An aggrieved owner may appeal under G.L. c. 59, § 65.

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## **2. Financial Hardship Abatement**

The Board of Water Commissioners recognizes that some customers may experience extraordinary financial hardship. In such cases, discretionary relief may be considered under the Financial Hardship Abatement Policy.

### **a. Application Procedure**

To be considered for a Financial Hardship abatement, the registered owner of property or their authorized agent shall complete, sign and submit an abatement application together with any supporting documentation within forty-five (45) calendar days of the original invoice date.

Required documentation shall include:

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

Financial Hardship Abatements shall be scheduled as an agenda item for deliberation during a closed executive session of the Board of Water Commissioners.

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### **b. Additional Provision**

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