

WATER ABATEMENT PROCEDURE

Background:

There is a cost to the Town for all water passing through the Town's water system. The cost associated with the operation of the Town's water services are paid by user charges based on the amount of water consumed. All water used will be assessed whether used, wasted or lost to leakage. A user assumes responsibility for the water they consume when connected to the Town's system.

The Town of Wayland is not responsible for notifying residents /businesses of abnormally high-water usage. It is the responsibility of the user to properly maintain plumbing and pipes to avoid usage leaks.

The Town recognizes that a high-water bill resulting from an accidental, unpreventable water release, or other unforeseen circumstances can present financial hardship to a customer. While most water releases are preventable, there are certain circumstances when an accidental water release cannot be reasonably prevented. The intent of this policy is to establish a procedure to cover these circumstances.

An abatement is a reduction in the charge billed for water in a billing cycle. Abatements for water leaks, although possible, are rare and exceptional. The relief may be a forgiveness of a portion of the water bill for abnormal usage or reduction in the tier rate used to calculate the charge.

If you eliminate the possibility of any leaks you may request to have your meter tested. Based on MGL Chapter 40 section 39, if it appears that the meter has registered with substantial accuracy, the expense of the test shall be paid by the user.

Water Abatement Process

If you have found the source of the problem and it has been corrected (or for seasonal reasons will be corrected in the future) please write a letter to the Department of Public Works that includes:

- What you believe was wrong and what you did to correct it.
- How you fixed the problem or intend to fix the problem if it cannot be fixed immediately. (An abatement will not be considered unless corrective action has been completed).
- Request for an abatement and the amount you believe is reasonable. The maximum abatement request should represent the total amount billed minus the average billing for the last 3 same seasonal billings. For irrigation related abatement request the maximum allowed is 20% of the above formula. Attach copies of receipts for the work completed, applicable water bills for the disputed water usage and the 3 prior water billings for the same seasonal period and any statements from the contractor performing the work describing the problem and how it was repaired. The DPW can provide copies of the respective water bills if you do not have copies.

The DPW will inspect the repair work to ensure it has been completed as described prior to the abatement hearing.

The abatement request must be submitted within 6 months of the bill in dispute or the request will be denied. The requestor is required to pay the portion of the bill in question that represents the normal billing amount. Only one billing abatement is allowed per account holder. The DPW reserves the right to inspect the water meter for problems, readings and to ascertain that the meter has not been damaged or tampered with.

Your abatement request will be heard by the Director of Public Works for amounts less than \$5,000 and by Board of Public Works for request over \$5,000 (referred to as the Reviewing Authority). The reviewing authority will consider your request based on the following:

- The nature of the problem
- Whether the problem has existed in the past
- How long the problem existed and when you addressed the problem
- The efforts and timing to address and correct the problem
- The water usage before and after the problem was addressed
- The water usage in dispute vs. the usage in the prior 3 billings for the same seasonal period
- The age of the water meter
- Prior abatement request
- Your payment history

An abatement is normally only considered for the most recent water bill. The billing amount in question, less the requested abatement amount, must be paid prior to the request for abatement. Abatements may be granted by re-calculating the water usage at a lower tier rate or by forgiving a portion of the water used. An abatement is not effective until the unabated portion of the billing has been paid. If the unabated amount is not paid within 60 days of the hearing the abatement granted is canceled.

If the Reviewing Authority is the Director of Public Works, the user can appeal the abatement decision to the Board of Public Works. If the Reviewing Authority is the Board of Public Works and the abatement request is not granted, or the user does not agree with the amount of the abatement the user may:

- If the disputed charge has been paid, the owner may file a civil action to recover the excess water bill payments in either the District Court (if the amount expected to be recovered is less than \$2,500) or Superior Court.
- If the disputed charge has not been paid, the owner may file an appeal with the Appellate Tax Board (see General Laws Chapter 59, section 65).