

Amendment ID: S2372-76

Amendment 76

Increasing Water Conservation through Submetering

Mr. Moore moves to amend the bill by inserting at the end thereof the following three new sections:-

SECTION_. Subsection (a) of section 22 of Chapter 186 of the General Laws is hereby amended by striking the definition, ‘water company’, and replacing it with the following new definition:-

‘water company’, a company, as defined in section 1 of chapter 165 or a municipal utility or any other waterworks system owned, leased, maintained, operated, managed or controlled by any unit of local government under any general or special law, which

company, utility or system supplies water to a landlord through metered measurement. Water company shall also include companies that lease, operate, maintain, treat, monitor and/or test private septic systems or private water wells. Any landlord imposing charges on tenants or otherwise engaging in any activity permitted under this section shall not be deemed thereby to be functioning as a water company as defined herein or to be subject to any laws or regulations regulating any such company.

SECTION_: Subsection (c) of said section 22 of Chapter 186 is hereby amended by inserting at the end thereof the following:-

If a landlord who is not the original owner when submetering began cannot locate the original certificate after a good faith effort he may verify such certification by filing a new form prior to January 1, 2017 and such certification shall apply as though it was obtained prior to the installation of the submeters. Any landlord that purchases a building shall have one year after the date of purchase to obtain verification of such certification (which, if an original certificate cannot be located after a good faith effort, may be done by filing a new) and such certification shall apply as though it was obtained prior to the installation of the submeters.

SECTION__: Subsection (g) of said section 22 of Chapter 186 is hereby amended by striking said section and replacing it with the following:-

(g)A landlord shall determine a calculated cost per unit of water consumption by dividing the total amount of any bill or invoice provided to the landlord from the water company for water usage, the customer service charge and taxes, but not including any interest for the late payment, penalty fees or other discretionary assessments or

charges, for all water provided to the premises through the water company meter in that billing period, by the total amount of water consumption for the entire premises. The total amount charged to each submetered dwelling unit for water usage for any billing period shall not exceed such calculated cost per unit of water multiplied by the number of units of water delivered exclusively to the particular dwelling unit for the same billing period, provided that the landlord has verified that the total costs of water usage billed to all dwelling units does not exceed the total costs of water usage charged by the water company to the landlord for the same period. In the event that a submeter read is not available, the landlord may estimate the dwelling unit consumption for no more than three consecutive months and at a consumption level no higher than 70% of the lesser of (1) the current resident's average historical consumption; or (2) the average historical consumption of all dwelling units during the prior twelve months.