



State of Massachusetts

COMPLIANCE MANUAL

Utility Sub Metering



*All that counts.*



Re: Massachusetts State Utility Compliance for Sub Metering

Dear Community Manager,

The State of Massachusetts requires that compliance standards are met and certification forms are completed for installation of sub meters and water conservation devices in a multi-family community.

Following are bullets of the information contained in this manual.

- Massachusetts Compliance Checklist
- Massachusetts Department of Public Health Submetering of Water & Sewer Certification Form
- Sample letter from community to Massachusetts Department of Public Health
- Sample letter with meter read for resident at time of move in.
- Massachusetts General Law

I would suggest first, that you discuss your program with your Minol Client Relations Manager (CRM). Your Utility Billing Lease Addendum should describe your specific billing method. If you are not certain, please request your property specific "Billing Method" worksheet from your Minol CRM.

Second, meet with your on site staff. As any experienced manager or trainer will attest, earning staff buy in is an educational process. When it comes to your utility billing program it means educating literally everyone. Every person on site, from Manager to Groundskeeper must understand WHY your program is crucial for conservation.

Once your staff is trained they, in turn, can effectively and accurately communicate with your residents. Keep in mind, most disputes can be avoided by providing thorough explanations of the program to your residents upon move in. Make sure each new resident reviews, signs, and understands the utility billing lease language or addendum. Feel free to contact your Client Relations Manager if you have questions regarding your utility billing lease paragraph or addendum.

This manual will provide you with information and material to educate your residents and ensure that together we comply with the State of Massachusetts requirements.

Sincerely,

Andrian Basson, CAM  
Vice President of Operation

# MASSACHUSETTS compliance checklist

## 1. Install water conservation devices.

Showerheads with maximum flow rate not to exceed 2 ½ gallons per minute (2.5 gpm)  
Faucets with maximum flow rate not to exceed 2 <sup>2</sup>/<sub>10</sub> gallons per minute (2.2 gpm)  
Ultra low flush water closets (toilets) not to exceed 1 <sup>6</sup>/<sub>10</sub> gallons per flush (1.6 gpf)  
(MDPH/CSP Submetering Certification Form)

## 2. Use a MA Licensed Plumber to meter all units AND the common areas.

A landlord may cause to be installed by a plumber licensed in the commonwealth, at the expense of such landlord, submetering equipment ... provided further, that a submeter is installed for each dwelling unit in the building and for the **common areas of the building**, so that all water used in a building is measured by both a primary meter and a submeter. M.G.L.A. 186 § 22(b)

## 3. File Massachusetts Department of Public Health Submetering of Water and Sewer Certification Form with local Health Department.

A landlord may charge a tenant of a dwelling unit for water usage as measured through the use of submetering equipment only in accordance with this section and only upon the landlord certifying that the dwelling unit is in compliance with this section to a board of health, health department or other municipal agency or department charged with enforcement of the state sanitary code. M.G.L.A. 186 § 22(c)

## 4. Provide details about billing program in lease.

A landlord may not charge the tenant separately, nor allow tenant to be charged separately, for submetered water usage unless the tenant has signed a written rental agreement that clearly and conspicuously provides for such separate charge and that fully discloses in plain language the details of the water submetering and billing arrangement between the landlord and the tenant. M.G.L.A. 186 § 22(f)

## 5. Provide a copy of Massachusetts Submetering Certification Form with each lease.

I will provide to the tenants of this dwelling unit, prior to occupancy, a written rental agreement that clearly provides for the separate charging of water and/or sewer service, and a copy of this certificate form. (MDPH/CSP Submetering Certification Form)

## 6. Before each new move-in, verify that water conservation equipment is functioning properly.

A landlord may not charge the tenant of a dwelling unit separately for water usage measured by a submeter, nor allow such tenant to be so charged, unless ... the landlord shall ensure that such water conservation devices are installed and functioning properly at the commencement of each subsequent tenancy in such dwelling unit. M.G.L.A. 186 § 22(e)

## 7. Provide a beginning meter read as of the move-in date.

Whenever a tenancy in a dwelling unit commences after the beginning, but before the end, of a billing period for which the landlord has not been billed by the water company, the landlord shall mail to the tenant on the first day of such tenancy the reading on the submeter for the dwelling unit as of that day. M.G.L.A. 186 § 22(h)

## MASSACHUSETTS compliance checklist

### 8. Bill only newly occupied units.

A dwelling unit shall become eligible for the imposition on the tenant of a charge for water usage only upon the commencement of a new tenancy in such dwelling unit and only if: (1) the dwelling unit is being occupied for the first time; or (2) the previous tenant vacated the dwelling unit voluntarily, or was evicted from the dwelling unit for nonpayment of rent or for breach of lease or noncompliance with a rental agreement for the dwelling unit. M.G.L.A. 186 § 22(d)

### 9. Bill tenants based upon an average rate per gallon.

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. M.G.L.A. 186 § 22(g)

### 10. Bill no additional fees.

A landlord shall not charge or recover, or allow to be charged or recovered, any additional servicing, administrative, establishment, meter-reading, meter-testing, billing, or submetering fee or other fee whatsoever, however denominated. M.G.L.A. 186 § 22(j)



Massachusetts Department of Public Health

Submetering of Water & Sewer Certification Form.

This form should be completed by a Massachusetts licensed plumber on behalf of the owner. Its purpose is to confirm that per regulations, water conservation devices have been installed ie. low flow showerheads, faucets and toilets.

It requires that your licensed plumber certify that they have installed sub metering equipment in accordance with accepted plumbing standards.

This completed form should be mailed to your local Health Department.

**MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH  
SUBMETERING OF WATER AND SEWER CERTIFICATION FORM**

In accordance with M.G.L. c. 186, § 22 and 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation (State Sanitary Code Chapter II), the following dwelling unit is eligible for the imposition on the tenants of a charge for water and/or sewer service.

<b>PROPERTY INFORMATION</b>										
Address:	Unit #	# Of units in bldg.								
City/Town:	MA	Zip Code:								
<b>EQUIPMENT INSTALLATION INFORMATION</b>										
<p>105 CMR 410.000 requires the installation of water conservation devices prior to a dwelling unit becoming eligible for the imposition on tenants of a charge for water and/or sewer. The devices must meet the following specifications:</p> <table style="width:100%; border:none;"> <tr> <td style="width:50%;">Showerheads with maximum flow rate not to exceed</td> <td>2 ½ gallons per minute (2.5 gpm)</td> </tr> <tr> <td>Faucets with maximum flow rate not to exceed</td> <td>2 <sup>2/10</sup> gallons per minute (2.2 gpm)</td> </tr> <tr> <td>Ultra low flush water closets (toilets) not to exceed</td> <td>1 <sup>6/10</sup> gallons per flush (1.6 gpf)</td> </tr> </table> <p>The submetering equipment used to measure the quantity of water used for each dwelling unit and common area must meet the standards of accuracy and testing of the American Water Works Association or similar accredited association. A licensed plumber must install the water closets and submetering equipment.</p> <p>Submetering equipment information: _____</p> <table style="width:100%; border:none;"> <tr> <td align="center" style="width:50%;">Manufacturer</td> <td align="center" style="width:50%;">Model #</td> </tr> </table>			Showerheads with maximum flow rate not to exceed	2 ½ gallons per minute (2.5 gpm)	Faucets with maximum flow rate not to exceed	2 <sup>2/10</sup> gallons per minute (2.2 gpm)	Ultra low flush water closets (toilets) not to exceed	1 <sup>6/10</sup> gallons per flush (1.6 gpf)	Manufacturer	Model #
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Manufacturer	Model #									
<b>Licensed Plumber Certification</b>										
Print Name of Plumber	License #	Date								
<p>I certify that I have installed the submetering equipment listed above in accordance with accepted plumbing standards. I also certify that I have (check one): <input type="checkbox"/> installed one or more water closets not exceeding 1.6 gallons per flush, or <input type="checkbox"/> determined that all existing water closets do not exceed 1.6 gallons per flush.</p> <p>The required plumbing permit issued by the city/town is attached.</p> <p>Signed under the pains and penalties of perjury, _____</p> <p align="right">Signature of Licensed Plumber</p>										
<b>Property Owner Certification</b>										
<p>I certify that: (1) This dwelling unit is eligible for the imposition on the tenants of a charge for water and/or sewer usage in accordance with the water submetering law (MGL c. 186, §22); (2) All showerheads, faucets, and water closets in this dwelling unit are water conservation devices that meet the standards specified above; (3) The water submeter measuring the use of water in the dwelling unit was installed by a licensed plumber and is in compliance with the standards specified above. I will provide to the tenants of this dwelling unit, prior to occupancy, a written rental agreement that clearly provides for the separate charging of water and/or sewer service, and a copy of this certificate form. I certify that all information included on this certification is true and accurate to the best of my knowledge.</p> <p>Signed under the pains and penalties of perjury, _____</p> <table style="width:100%; border:none;"> <tr> <td align="center" style="width:33%;">Print Name of Owner</td> <td align="center" style="width:33%;">Signature of Owner</td> <td align="center" style="width:33%;">Date</td> </tr> </table>			Print Name of Owner	Signature of Owner	Date					
Print Name of Owner	Signature of Owner	Date								
Received by Board of Health/Health Department	_____	_____								
	Name	Date								

SAMPLE LETTER TO CITY HEALTH DEPARTMENT REGARDING  
WATER/SEWER SUB METERING BILLING PROGRAM  
(Print on Community Letterhead)

*Date*

*Name*

*Title*

*City Name Health Department*

*Street Address*

*City, State Zip*

RE: Massachusetts Department of Health Submetering of Water and Sewer  
Certification Form for

*Community Name*

*Comm. Mgr. Name & Title*

*Street Address*

*City, State Zip*

Dear Mr. *Name*,

On behalf of the owner of *Community Name* and in accordance with the Massachusetts Department of Health Submetering of Water and Sewer Certification Form, this letter is to inform you of the certification forms completion and submittal to the Massachusetts Department of Health.

In Regards,

Community Manager Name

Community Management Company.

SAMPLE LETTER TO RESIDENT AT TIME OF MOVE IN  
REGARDING WATER/SEWER SUB METERING BILLING PROGRAM  
(Print on Community Letterhead)

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address:           **Apt. Street Address**           # \_\_\_\_\_  
          **City, State Zip**          

Delivered via:

Hand Delivered  
 Mailed

Move In: \_\_\_\_\_

Re: Water Billing & Conservation Program

Dear Resident:

Thank you for choosing **Community Names** as your new home. As you are aware, water is a precious natural resource. Water consumption has come under increased scrutiny by our local governments due to droughts and increasing demand. Conservation is a joint effort and our company has grown increasingly aware of the need to conserve water and promote conservation.

In accordance with our state's standards, your home has been equipped with water conservation devices, including showerheads, faucets and toilets. You can further help us conserve water and other resources by notifying management of leaky faucets, running toilets or other conditions which may be wasting water or other resources. Also attached are conservation tips you may find helpful.

On this note, studies have shown that by measuring and reporting individual consumption on a regular basis results in greater conservation efforts. Therefore, your home has been equipped with an individual water sub meter. Meters are equipped with wireless technology that allows meter readings to be collected without the need of someone entering your home or manually reading the meter. By monitoring consumption we also better detect leaks and plumbing concerns.

Around the **billing date** of each month, you will receive a regular monthly water billing statement from Minol. Minol collects the meter readings on all homes and based on the Department of Public Works water & sewer statement, calculates the resident bills. Your rate is calculated based on our cost of water and sewer and does not include any additional fees.

The current meter reading on your water meter is \_\_\_\_\_ (gallons). Your first Minol bill will only reflect consumption on and after your date of residency or move in.

Upon receipt of your first Minol billing statement, you may go on line at [www.minolusa.com](http://www.minolusa.com) and access your account on line. Should you have any questions regarding our Water & Sewer program, you may also call the Minol Resident Services center at 888-636-0493.

Thank you in advance for your cooperation and thank you for helping us conserve! If you should have a leak or plumbing concern, please report this to the management office for prompt repairs.



**Conservation Tips** - AWWA (American Water Works Association) recommends the following steps to help conserve water:

- Only run the dishwasher and clothes washer when they are fully loaded.
- Defrost frozen food in the refrigerator or in the microwave instead of running water over it.
- When washing dishes by hand, use two basins - one for washing and one for rinsing rather than let the water run.
- Repair dripping faucets and leaky toilets. Dripping faucets can waste about 2,000 gallons of water each year. Leaky toilets can waste as much as 200 gallons each day.



## INDOOR WATER CONSERVATION TIPS

### YOU MAKE A DIFFERENCE!

- Run your washing machine and dishwasher only when they are full and you could save 1000 gallons a month.
- Use the garbage disposal sparingly. Compost instead and save gallons every time.
- When you shop for a new appliance, consider one offering cycle and load size adjustments.
- When doing laundry, match the water level to the size of the load.
- Cut back on rinsing if your dishwasher is new. Newer models clean more thoroughly than older ones.
- If your shower can fill a one-gallon bucket in less than 20 seconds, then replace it with a water-efficient showerhead.
- Put food coloring in your toilet tank. If it seeps into the toilet bowl, you have a leak. It's easy to fix, and you can save more than 600 gallons a month.
- Plug the bathtub before turning the water on, then adjust the temperature as the tub fills up.
- Make sure your toilet flapper doesn't stick open after flushing.
- Make sure there are aerators on all of your faucets.
- Keep a pitcher of water in the refrigerator instead of running the tap for cold drinks, so that every drop goes down you not the drain.
- Wash your produce in the sink or a pan that is partially filled with water instead of running water from the tap.
- Collect the water you use for rinsing produce and reuse it to water houseplants.
- Time your shower to keep it under 5 minutes. You'll save up to 1000 gallons a month.
- Designate one glass for your drinking water each day. This will cut down on the number of times you run your dishwasher.
- Don't use running water to thaw food.
- Teach your children to turn the faucets off tightly after each use.
- Soak your pots and pans instead of letting the water run while you scrape them clean.
- Turn off the water while you brush your teeth and save 4 gallons a minute. That's 200 gallons a week for a family of four.



COMMITTED TO  
CONSERVATION

Massachusetts General Laws Annotated  
Part II. Real and Personal Property and Domestic Relations  
Title I. Title to Real Property  
Chapter 186. Estates for Years and at Will

**§ 22. Definitions; submeter installation; testing; water use charges; public housing development exemption**

(a) For the purposes of this section the following words shall have the following meanings:

“Common area”, any portion of a building with more than 1 dwelling unit that is not incorporated within a dwelling unit.

“Customer service charge”, a fixed amount charged by a city or town or water company for providing water to a building.

“Dwelling unit”, any house or building, or portion thereof, that is occupied, designed to be occupied, or is rented, leased or hired out to be occupied, as a home or residence of one or more persons.

“Landlord”, the owner, lessor or sublessor of a dwelling unit, the building of which it is a part, or the premises wherein a customer receives water service through metered measurement.

“Submetering”, use of a meter by a landlord who receives water from a water company, which meter measures water supplied to a dwelling unit to enable the landlord to charge the tenant of the dwelling unit separately for water usage, or which meter measures water supplied to a common area.

“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. 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.

“Water conservation device”, for all showers, shower stalls, shower compartments or shower baths, a low-flow showerhead which shall have a maximum flow rate not exceeding 2 1/2 gallons of water per minute, for all faucets a maximum flow rate not exceeding 2 and 2/10 gallons of water per minute and for all water closets, ultra-low-flush water closets not exceeding 1 and 6/10 gallons of water per flush, contained within a dwelling unit.

(b) A landlord may cause to be installed by a plumber licensed in the commonwealth, at the expense of such landlord, submetering equipment in the landlord's building to measure the quantity of water provided for the exclusive use of each dwelling unit, provided that such equipment meets the standards of accuracy and testing of the American Water Works Association or a similar accredited association; and provided further, that a submeter is installed for each dwelling unit in the building and for the common areas of the building, so that all water used in a building is measured by both a primary meter and a submeter.

(c) A landlord may charge a tenant of a dwelling unit for water usage as measured through the use of submetering equipment only in accordance with this section and only upon the landlord certifying that the dwelling unit is in compliance with this section to a board of health, health department or other municipal agency or department charged with enforcement of the state sanitary code. All provisions of this section allowing landlords to charge tenants for water usage shall also be deemed to apply to sewer service charges calculated by means of the same primary meter or submeter. Certification by the landlord shall be provided under the penalties of perjury and shall include a statement that: 1) the dwelling unit is eligible for the imposition on the tenant of a charge for water usage in accordance with paragraph (d); 2) all showerheads, faucets, and water closets in the dwelling unit are water conservation devices and that all water closets were installed by a licensed plumber; and 3) the water submeter

measuring the use of water in the dwelling unit was installed by a licensed plumber and is in compliance with the standards of accuracy and testing referenced in subsection (b).

(d) A dwelling unit shall become eligible for the imposition on the tenant of a charge for water usage only upon the commencement of a new tenancy in such dwelling unit and only if: (1) the dwelling unit is being occupied for the first time; or (2) the previous tenant vacated the dwelling unit voluntarily, or was evicted from the dwelling unit for nonpayment of rent or for breach of lease or noncompliance with a rental agreement for the dwelling unit; provided, however, that a dwelling unit shall not be deemed eligible for submetering if the new tenant relocated involuntarily from another dwelling unit in the same building or building complex; and provided further, that once a tenant of a dwelling unit has been charged for the use of water in accordance with this section, such dwelling unit shall remain eligible for the imposition of a charge for the use of water in all subsequent tenancies; and provided further, that a licensed plumber employed by or under contract with the landlord may perform any work in a dwelling unit as is required by this section to allow for the imposition on a tenant of a charge for the use of water, even if such unit is occupied by a tenant upon whom a charge for the use of water cannot be imposed.

(e) A landlord may not charge the tenant of a dwelling unit separately for water usage measured by a submeter, nor allow such tenant to be so charged, unless the submeter measures only water that is supplied for the exclusive use of the particular dwelling unit and only to an area within the exclusive possession and control of the tenant of such dwelling unit and does not measure any water usage for any portion of the common areas or by any other party or dwelling unit; provided further, that a landlord shall not charge such tenant for water supplied through a submeter to the dwelling unit prior to the landlord installing fully functional water conservation devices for all faucets, showerheads and water closets in the dwelling unit; and provided further, that the landlord shall ensure that such water conservation devices are installed and functioning properly at the commencement of each subsequent tenancy in such dwelling unit.

(f) A landlord may not charge the tenant separately, nor allow tenant to be charged separately, for submetered water usage unless the tenant has signed a written rental agreement that clearly and conspicuously provides for such separate charge and that fully discloses in plain language the details of the water submetering and billing arrangement between the landlord and the tenant. Each bill for submetered water usage shall clearly set forth all charges and all other relevant information, including, but not limited to, the current and immediately preceding submeter readings and the date of each such reading, the amount of water consumed since the last reading, the charge per unit of water, the total charge and the payment due date. Such charges shall be billed to the tenant in at least as many periods as the landlord is billed by the water company providing such water to the building or such payments may be made on a monthly payment schedule as agreed to in the written rental agreement; provided, however, that if the landlord bills the tenant on a monthly basis, payment of the bill by the tenant shall be due 15 days after the date the bill is mailed to the tenant, but if the landlord bills the tenant at intervals greater than 1 month, payment of the bill by the tenant shall be due 30 days after the date the bill is mailed to the tenant. If the tenant fails to make such payment, such nonpayment shall be a material breach of the written rental agreement. Violation of such breach may be cured by payment of the water charges in full prior to any court hearing to adjudicate such violation.

(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 separately 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 amounts of water usage measured by all submeters in the building, including all submeters for common areas, does not exceed the total amount of water usage in the building for the same billing period as shown on such bill or invoice.

(h) Whenever a tenancy in a dwelling unit commences after the beginning, but before the end, of a billing period for which the landlord has not been billed by the water company, the landlord shall mail to the tenant on the first day of such tenancy the reading on the submeter for the dwelling unit as of that day. The landlord may thereafter bill the

tenant only for the water measured on the submeter subsequent to such reading.

(i) Whenever a tenancy in a dwelling unit terminates after the beginning, but before the end, of a billing period for which the landlord has not been billed by the water company, the landlord shall give to the tenant on the last day of such tenancy the reading on the submeter for the dwelling unit as of that day together with a final bill for water usage in the dwelling unit since the last prior reading of the submeter for such dwelling unit. The landlord shall charge the same rate for the water used by the tenant as the water company charged in the last bill issued to the landlord. Notwithstanding paragraph (f), the bill shall be immediately due and payable by the tenant. If the tenant does not pay the bill, the landlord may deduct the amount of the bill from any security deposit paid by the tenant in accordance with section 15B of chapter 186, prior to returning the balance of the security deposit, if any, to the tenant. If the landlord is not able to give the final reading on the submeter for the dwelling unit together with a final bill for water usage to the tenant on the last day of the tenancy, the landlord shall mail such reading and such final bill to the tenant no later than the day after the termination of the tenancy. If the water company subsequently charges the landlord a lesser rate than the landlord charged the tenant in the final bill, the landlord shall recalculate the bill forthwith based on the lesser rate and mail to the tenant the revised bill together with a rebate for any overpayment made by the tenant.

(j) A landlord shall not charge or recover, or allow to be charged or recovered, any additional servicing, administrative, establishment, meter-reading, meter-testing, billing, or submetering fee or other fee whatsoever, however denominated.

(k) Water usage separately charged to tenants pursuant to this section shall be delivered by the water company to the landlord and such landlord shall:-- (1) be the consumer; (2) for billing purposes, be the customer of record; (3) be responsible for payment of the water company bills; and (4) be subject to any actions of the water company for nonpayment.

(l) In the event of nonpayment of a bill to a water company by the landlord, such water company shall have all the remedies against the customer of the water company available pursuant to any law, rule or regulation. A landlord may not shut off or refuse water service to a tenant on the basis that the tenant has not paid a separately assessed submetered water usage charge.

(m) The landlord shall retain an affirmative obligation to maintain in good working order the water supply system to each dwelling unit and any component thereof, including any water conservation device and submeter installed pursuant to this section, and to respond in a timely manner to any request by the tenant for the repair of any defect or malfunctioning in such water supply system, including any leak. Such water supply system to any dwelling unit and any component thereof including, but not limited to, any water conservation device and submeter installed pursuant to this section, shall be governed by and maintained in accordance with the state sanitary code. In the event of any overcharge by the landlord or any violation of the state sanitary code, the tenant shall have all rights and remedies provided under law for such overcharges or such violations including, but not limited to, the rights and remedies provided under chapters 111, 186 and 239.

(n) Upon receipt of a bill for water usage from the landlord and within the time allowed for paying the bill, a tenant may request that a person or entity with expertise in the installation and operation of water submeters and with no financial or other relationship with the landlord, test the submeter for the dwelling unit leased by the tenant to determine whether it is accurately measuring the water being used in the dwelling unit. If the submeter is found to be measuring more water than is being used in the dwelling unit, the landlord shall install a new submeter at his own expense and shall also pay for the cost of the test. In addition, the person or entity conducting the test shall determine as accurately as possible the amount of water that was improperly measured by the submeter in both the prior and current billing periods. The landlord shall calculate the amount the tenant was overcharged for the prior billing period and reduce the bill by that amount, or, if the tenant has already paid the bill, give the tenant a rebate in that amount. Upon receipt from the water company of the bill for the current billing period, the landlord shall calculate the amount of the bill attributable to the excessive measurement by the submeter and reduce the bill to the tenant by that amount prior to sending it to the tenant. If the submeter is found to be measuring no more water than is being used in the dwelling unit, the tenant shall pay for the cost of the test; provided, however, that if the tenant does not pay for the cost of the test, the landlord may add such cost to the next bill sent to the tenant and such cost

shall be considered a part of the bill for purposes of paragraph (f) and clause (i) of subsection (4) of section 15B of chapter 186.

(o) In the event of a repair of a leak in the water supply system to a dwelling unit, the landlord shall determine as accurately as possible the amount of water that was measured on the submeter for the dwelling unit as a result of such leak, after a review of the billing records for the dwelling unit and consultation with the licensed plumber repairing the leak. The landlord shall then determine the amount of the bill for the billing period in which the leak occurred that was attributable to such leak and reduce the bill to the tenant by that amount or, if such bill has already been paid, grant the tenant a rebate in that amount; provided, however, that with regard to any leak about which the tenant knew or should have known, the landlord shall only be required to reduce the bill to the tenant, or to grant a rebate to the tenant, by or in an amount attributable to the water usage measured on the submeter as a result of the leak between the date the tenant gave notice to the landlord of the leak and the date the leak was repaired.

(p) A landlord may impose a charge for water use on the tenant of a dwelling unit that is connected directly to a meter installed by a water company; provided that the meter measures only water that is supplied for the exclusive use of the dwelling unit and only to an area within the exclusive possession and control of the tenant of such dwelling unit and does not measure water usage for any portion of any common area or by any other party or dwelling unit. The landlord and tenant shall have all of the same rights and obligations with respect to water charges for such dwelling unit that landlords and tenants have under this section with respect to water charges for any dwelling unit connected to a submeter; provided, however, that the landlord shall not be required to include in the certificate required by subsection (c) the information required by clause (3) of said subsection (c) for dwelling units connected to a submeter; and provided further, that subsection (n) shall not apply to dwelling units connected directly to a meter installed by a water company. Upon a request by the tenant of a dwelling unit connected directly to a meter installed by a water company, the landlord shall apply for a test of the meter to determine its accuracy in accordance with section 10 of chapter 165. The test shall be conducted in accordance with said section 10. The tenant shall reimburse the landlord for any cost incurred in connection with such test. If the tenant does not reimburse the landlord for such cost, the landlord may add such cost to the next bill sent to the tenant and such cost shall be considered to be part of the bill for purposes of subsection (f) and clause (i) of subsection (4) of section 15B of chapter 186.

(q) Nothing in this section shall be construed to increase or expand, change, eliminate, reduce or otherwise limit the liabilities or obligations of any water company that are set forth in any law, rule, regulation or order to the tenant of a dwelling unit who is receiving water provided to the building by the water company.

(r) Nothing in this section shall affect or impair the powers and duties of the department of environmental protection or the department of public health with respect to water supply under chapter 111.

(s) No charge for water usage may be imposed on the tenant of any dwelling unit in a public housing development pursuant to chapter 200 of the acts of 1948, chapter 667 of the acts of 1954, chapter 705 of the acts of 1966, or chapter 689 of the acts of 1974.

(t) The department of public health shall promulgate such additional regulations to the state sanitary code as it determines to be necessary to implement this section.