



The Commonwealth of Massachusetts

Department of Public Health

Guidance for the Submetering of Water and Sewer

May 12, 2023

Submetering of water and sewer is a process available to rental property owners that allows them to separately charge tenants for the cost of their use of water and sewer. The statute, M.G.L. c. 186, §22, and the regulation 105 CMR 410.000: Minimum Standards of Fitness For Human Habitation (Housing Code) authorize submetering for water and sewer service costs if specific requirements for equipment installation, documentation, and calculations and billing are met.

This document outlines:

- Installation requirements of submetering equipment;
- Paperwork required to properly document submetering in accordance with M.G.L. c. 186, §22;
- How to calculate the cost of water and sewer for a tenant and bill accordingly
- Tenant's legal rights.

Requirements of M.G.L. c. 186, §22 and the Housing Code

In accordance with M.G.L. c. 186, §22 and 105 CMR 410.130(C), before a rental property owner can separately bill a tenant for water or sewer costs, they must meet the following requirements:

Installation of Equipment:

- A Massachusetts licensed plumber shall install:
 - a. A submeter for each unit that measures only the water supplied for the exclusive use of the tenant unless the unit is metered by a water meter installed by a Water Company, as defined in the law, which provides water exclusively to the unit; and
 - b. Ultra-low flush toilets, which use no more than 1.6 gallons per flush (gpf).
- The owner shall install or hire someone to install:
 - a. Low-flow shower heads with a maximum flow rate of 2.5 gallons per minute (gpm); and
 - b. Devices on all faucets with a maximum flow rate of 2.2 gpm.

Documentation - Written Rental Agreement:

- Only upon the commencement of a new tenancy may an owner submeter water and sewer. The owner cannot separately charge existing occupants for water and sewer use but may generally incorporate those costs in rent charges.
- The written rental agreement for a new tenancy must clearly state the tenant will be charged for water and sewer usage.
- The licensed plumber who installed the equipment and the owner, must complete a certification form provided by the Department. The certification form is available [HERE](#). If the original certification paperwork is no longer available, then a licensed plumber must inspect the equipment and complete the certification form. The form certifies both the rental property owner and a licensed plumber have completed (or confirmed) the equipment installation requirements above. Copies of the completed form must be:
 - o attached to the rental agreement; and
 - o submitted to the local health authority, who will keep the certification on file.

Calculating Cost and Bill Payment:

To calculate the cost, the owner must:

1. Determine the cost per gallon of water by dividing the total bill from the water company by the total gallons used for the billing period.
 - o Any interest or other charges for late payments assessed by the water company cannot be passed on to the tenant and must be subtracted from the total bill **before** calculating the cost per gallon.
2. Read the submeter to determine the number of gallons used by the tenant during the billing period
3. Multiply the cost per gallon (step #1) by the number of gallons used by the tenant (step #2) to calculate the cost for the tenant.
4. Send a bill to the tenant, which includes the cost per gallon and the number of gallons used. The bill must include the current reading and date and the prior reading and date:
 - o If the owner bills the tenant monthly, payment is due within 15 days from the date the bill was mailed.
 - o If the owner bills the tenant in periods greater than 1 month, payment is due 30 days from the date the bill was mailed.
 - o If the tenancy starts in between billing periods, the owner must provide a submeter reading in writing as of the first day of the tenancy.
 - o If a tenancy ends in between billing periods, the owner shall give the tenant the final bill based on the prior month's rate and the submeter reading as of the last day of the tenancy. The payment is due immediately. If the tenant does not pay the bill, then the owner can deduct the amount of the bill from the security deposit.
5. Pay the bill in full to the water company regardless of their ability to collect from a tenant.
6. Maintain the water supply system in good condition. In the event of a leak, the owner may be required to calculate and/or rebate the tenant for costs associated with a water leak.

The owner must not shut off the water service due to a tenant's failure to pay the bill; the owner must pursue alternative legal options to collect the debt.

Tenant's Rights:

- The owner must provide the tenant access to their submeter upon request for any reason.
- If the tenant believes they have been billed incorrectly based on the readings from the submeter, they may challenge the accuracy of the submeter and request that an impartial person (no financial or other relationship to the owner) with expertise in the installation and operation of water submeters test the submeter.
 - o If the submeter is found to be inaccurate, the owner must replace the submeter at their expense and shall also pay for the cost of the test. The professional who conducts the test must also determine, to the best of their ability, the amount of excess charges for the current and previous bills. The owner must either deduct the amount of overcharge in the current bill or reimburse the tenant if they have already paid the current bill.
 - o If the submeter is found to be working correctly, the tenant is required to pay for the test.
- The tenants of public housing may not be separately charged for water usage.

Regulations and Department Resources:

Housing Code - <https://www.mass.gov/lists/housing-community-sanitation>

Community Sanitation Program, <https://www.mass.gov/community-sanitation>

Massachusetts General Law - <https://malegislature.gov/Laws/GeneralLaws/PartII/TitleI/Chapter186/Section22>