



**City of Framingham  
City Councilmen**

**Policy on Abatement or Adjustment of Water and/or Sewer Charges**

Issue date:

Type of policy: New ( ) Amendment (x)

Effective date:

Amendment date: January 2012

Level: Department ( ) Division ( ) City Wide (x) Policy Statement

**Policy Statement**

The costs associated with the operation of the City's water and sewer services are paid for by user charges pursuant to an Enterprise Accounting System. These charges, for the most part, are determined by the amount of the service consumed, i.e., the number of water units used or sewerage treated. Customers are also charged for miscellaneous services such as meter testing, connection fees and other occasional services. Since errors can occur in recording the meter readings, calculating charges for water and sewer services as well as the calculation of miscellaneous charges, it is the policy of the City to correct such errors and to make a corresponding adjustment in customer's bills.

For billing purposes the City assumes that sewerage use equals water use. When a customer can demonstrate that a quantity of water billed to the user did not go into the sewerage system, for example, a leak in a pool that requires it to be emptied and refilled completely, the City will make a reasonable adjustment in the user's bill.

This policy establishes a formal appeal process by which a customer can obtain a review of a determination regarding a customer's application for abatement or request for adjustment if the user is not satisfied by a decision by the Director of Public Works or if the user seeks an abatement or adjustment that is not within the power of the Director to grant.

**References**

M.G.L., Chapter 44, Section 53½F

M.G.L., Chapter 59, Section 5

## **Special Terms**

A) Abatement: A change in an issued utility bill for reasons not attributable to errors made in calculating the utility bill or demonstration of non-use of a service.

Grounds for an Abatement:

- 1) Major water leaks that result in a volume of water and/or sewer.
- 2) Filling of a new pool or complete refilling due to repair of an existing pool.
- 3) Abatements for reasons other than the above.

B) Adjustment: A change in an issued utility bill for reasons attributable to errors made in calculating the utility bill or because it was demonstrated that the service was not used.

Grounds for an Adjustment:

- 1) Billing errors that entitle a customer to an adjusted bill;
- 2) Reporting of the actual meter reading is incorrect;
- 3) Recordings on the inside and outside meters are different. The inside meter shall take precedence.
- 4) Estimated bill is higher than bill based on actual meter reading.
- 5) Customer's premises were not connected to the system during the billing period.
- 6) Incorrect number of dwelling units used to calculate bill for service at a multifamily dwelling with a single meter.
- 7) An error or miscalculation in a bill for miscellaneous services.

C) Billing Period: The period of time between one reading of a meter (either actual or estimated) and a second reading of a meter (either actual or estimated) when the difference between the meter readings is used to calculate consumption of a utility service.

## **Policy Description**

The Mayor or designee authorizes the Director of Public Works to implement this policy.

Requests for billing changes (adjustments or abatements) must be submitted within 30 days of the utility bill date. Applications received after 30 days will be evaluated at the discretion of the Mayor or designee. In general, no retroactive adjustments will be made for billing periods ending more than 24 months before the request was submitted.

Customers requesting an adjustment of water and/or sewer charges must contact the DPW Utility Billing Office.

Those customers requesting an abatement of charges must complete an Abatement Application signed by the property owner and submit it to the DPW Utility Billing Office. Customers seeking an abatement of charges due to a leak or pool filling must submit repair invoices and proof of payment with their application.

No application for abatement or adjustment will be accepted on any account unless all amounts due on that account, including interest and penalties, for all billing periods prior to the contested period covered by the abatement or adjustment application have been paid in full.

Customers are eligible to apply for abatement adjustments for specific incidents once every three years.

## **Submission of Applications for Abatements and Requests for Adjustments**

Applications for abatement and requests for adjustment that are on file at the time of adoption of this policy will be governed by this policy. Such pending applications or requests will be eligible for favorable action for all billing periods to which they relate.

### **Procedure for Submission of Requests for Adjustments and Abatements:**

Customers seeking abatements or requesting adjustments must contact, either orally or in writing, the Department of Public Works. They will be directed to an employee who has been designated by the Director of Public Works to process abatement applications and requests for adjustment (hereinafter the "Review Officer") If the customer has not submitted in writing a completed Application for Water and Sewer Abatement, and if the Review Officer thinks that such a formal application or request will be useful in reaching a decision on the matter, the Review Officer will assist the customer in completing the application or request. By so doing, the Review Officer undertakes no responsibility for the correctness or the completeness of the application or request except with regard to information furnished from the records of the Department of Public Works. Applications will be date stamped by the Department on the date they are completed and filed. Upon receipt of an abatement request or request for adjustment, the Review Officer shall review consumption history provided by billing software and meter reading program. The Review Officer will make a determination of eligibility of the request and take one of the following actions:

- 1) If the Review Officer determines that a billing adjustment or abatement as provided in this policy is necessary, the Review Officer will approve the amount and prepare a letter to the owner with the approved amount. The Review Officer shall be authorized only to decide applications for requests for adjustments or abatements in amounts not to exceed \$2,000.
- 2) If the Review Officer determines that an adjustment or abatement in excess of \$2,000.00 is necessary the request and pertinent supporting documentation will be submitted to the Director of Public Works for review and approval.
- 3) If the Review Officer determines that an adjustment or abatement is not due on the account the customer will be notified. The Review Officer will explain the grounds for denial of the request.

The Review Officer will endeavor to respond promptly to abatement applications and requests for adjustment and must do so within 30 days after the date the Department has received a completed application or request, unless both parties agree to an extension in writing.

## **Abatement Policy**

**Leak Abatements:** The total usage for the period in which the leak occurred will be compared to 1.5 times the averaged usage for the same period from the preceding three years, as determined by the Department of Public Works or the Mayor or designee. Any water and sewer usage above the determined average will be reallocated using the City's Massachusetts Water Resources Authority acquisition cost for the respective service(s).

**Pool Abatements:** A calculation will be performed (based on the size of the pool) to determine the amount of water used to fill the pool. The sewer charge for that volume of water will be abated. Customers requesting a pool abatement must provide details on the capacity and size of the pool and must state the billing period in which the filling of the pool occurred. This adjustment does not apply to seasonal refilling or topping off.

### **Recordkeeping:**

The Department of Public Works will maintain a log of all abatement applications and requests for adjustment that shall include the customer's name, account number, the reason for the abatement or adjustment and its resolution. The Department of Public Works will also maintain a file of all applications for abatement that shall include the written application, the results of any investigation, the action taken and the reasons therefore. The file shall be subject to the Public Records Law. The Department will provide quarterly reporting to the City Councilmen and the City Mayor of all abatements and adjustments in excess of \$5,000.00.

### **Interest Charges**

Customers are encouraged to pay the contested bill on or before the due date to avoid interest charges. Department of Revenue (DOR) Guidelines limit the amount of interest, charges and fees that can be waived on an account to a maximum of \$15.00. Furthermore, DOR guidelines demand that interest charges accrue on accounts with unpaid balances after the due date. The Director of Public Works and/or Review Officer do not have the authority to put an account on "No Finance Charge" status.

### **Abatement Application and Adjustment Request Decisions**

Should all or part of an abatement application or adjustment request be granted, any reimbursement to the customer, at the customer's option, would be credited against future bills or refunded. Refunds will be adjusted for any unpaid amounts due to the City (e.g. excise or property taxes).

### **Method of Giving Notice:**

Customers will be given an option to select their preferred method of communication regarding their request: electronic or US Postal Service. For the purpose of the time limitations in this policy, the date of the postmark on Post Office communications directed to or from the Department of Public Works or the email date/time for electronic communications will be conclusive.

## **Publications of Lists of Abatements and Certain Adjustments**

Pursuant to the By-laws of the City, adopted on December 10, 1997 under Article 19 of the warrant for the Special City Meeting Of December 9, 1997, the Department of Public Works will cause to be published in the annual City report, as a part of the annual report of the Board of Selectmen, a listing of all water and sewer abatements granted in the year covered by the report except those granted under Mass. Gen. Laws c. 59, Section 5, as amended (Ter Ed.) and except those adjustments resulting from the correction of errors in the billing process. The listing will include the names and addresses of the owner or owners of record; location of the property; the amount of the abatements; the reasons for such abatements; the number of abatements granted on the property in the last five years; and the name of the official granting the abatement.