



Can Tenants Be Billed Directly for Water?

Has your landlord told you that you have to pay your own water bill because of a new law in Massachusetts? While rents have always included the cost of water, under this new law landlords may now bill tenants separately for water—**but only if all of the following happens:**

- 1. Submeters Are Installed**
The landlord must have a licensed plumber install meters (called *submeters*) that measure the actual water being used by each apartment.
- 2. Low-Flow Fixtures Are Installed**
The landlord must have installed low-flow, water-conserving faucets, showerheads, and toilets.
- 3. Your Tenancy Started After March 16, 2005**
You can be billed separately for water only if you moved into your apartment on or after March 16, 2005. You cannot be billed separately if your tenancy began before March 16, 2005—the date the new water law went into effect.
- 4. Previous Tenant Was Not Forced Out**
If the previous tenant—who was not required to pay for water—left involuntarily, a landlord cannot bill the new tenant for water. The law seeks to prevent landlords from forcing existing tenants out in order to bring in new tenants who would be required to pay for water. (This is not easy to find out.)
- 5. There Is a Written Rental Agreement**
You must have a written rental agreement signed by you and your landlord that clearly states in plain language that you are responsible for a separate water bill and what the billing arrangements are.
- 6. Landlord Files Certification**
Landlords billing separately for water must file a certificate with the local Board of Health or Inspectional Services Department that certifies they have done all of the above.

If the landlord has failed to follow any one of the above requirements, he or she cannot bill you directly for water. For a **free booklet** with more information about the water submeter law, go to your nearest legal services office or go on-line to:

www.MassLegalHelp.org/NewWaterLaw

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When Can a Tenant Be Billed Directly for Water under the New Water Law?

On March 16, 2005, a new water law went into effect in Massachusetts. This law allows landlords to bill tenants for water if the tenant moved into an apartment on or after March 16, 2005 and the property meets the law's requirements. Under the new water law, landlords may now bill tenants separately for water if **all of the following requirements are met**



- Landlord has installed submeters that measure actual water used in your apartment;
- Landlord has installed low-flow fixtures;
- Your tenancy started on or after March 16, 2005
- Previous tenant was not forced out;
- There is a written rental agreement that spells out water bill arrangements; and
- Landlord has filed proper certification.

If the landlord has failed to follow any **one** of the above requirements, he or she cannot bill you directly for water. To find out more about the new water law download the one-page flyer and booklet below.

- [One-page overview of the new water law in Chinese, English, Kreyole, Hindi, русском языке, Spanish and Tiếng Việt](#)
- [Booklet on the new water law \(English\)](#)

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