

HOUSE No. 1236

By Mr. Hill of Ipswich, petition of Bradford Hill relative to authorizing the assumption of certain utility costs by residential tenants. Housing.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING THE ASSUMPTION OF CERTAIN UTILITY COSTS BY RESIDENTIAL TENANTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 186 of the General Laws is hereby amended by inserting
- 2 after Section 21 the following section 22:—
- 3 (a) A landlord may charge separately for gas, water, wastewater
- 4 or electricity, hereinafter sometimes referred to as a utility, by
- 5 installing a submetering system or by allocating the charges through
- 6 a ratio utility billing system.
- 7 (b) If a landlord charges separately for a utility pursuant to sub-
- 8 section (a) the landlord may recover the charges imposed on the
- 9 landlord by the utility provider plus an administrative fee for actual
- 10 administrative costs incurred by the landlord. The landlord shall not
- 11 impose any additional charges.
- 12 (c) If the landlord is not in compliance with this section, the
- 13 tenant shall first object in writing to the landlord regarding the utility
- 14 billing. If the dispute is not resolved, the tenant may file a civil com-
- 15 plaint to enforce this section.
- 16 (d) If the landlord uses a submetering or ratio utility billing
- 17 system, the format for each bill shall:—
- 18 1.) Separately state the cost of the charges for the period together
- 19 with (if applicable) the opening and closing meter readings and the
- 20 dates of the meter readings.
- 21 2.) Show the amount of any administrative fee charged.
- 22 (e) If a landlord does not use a submetering system and allocates
- 23 charges separately for gas, water, wastewater or electricity, the

24 landlord may allocate the costs to each tenant by using one or more
25 of the following ratio utility billing system methods:—

- 26 1.) Per tenant or occupant.
- 27 2.) Proportionately by occupied square footage.
- 28 3.) Per type of unit.
- 29 4.) Per number of utility fixtures.
- 30 5.) Any other method that fairly allocates charges.

31 (f) The applicable rental agreement shall contain a specific
32 description of any submetering or ratio utility billing system method
33 used to allocate utility costs and the nature of any related administra-
34 tive costs. Notwithstanding the foregoing, for any existing tenancies,
35 the landlord may provide such information in a notice given to the
36 tenant at least ninety days before the landlord begins using a subme-
37 tering system or allocating costs through a ratio utility billing
38 system.

39 (g) Any landlord imposing charges on tenants or otherwise
40 engaging in any activity permitted hereunder shall not thereby be
41 deemed to be functioning as a public or private utility company or
42 subject to laws regulating any such company.

43 (h) Notwithstanding any other provision in this section, nothing
44 shall be construed to prevent the occupants of a dwelling unit that is
45 individually metered by a gas company, water company, wastewater
46 company, and/or electric company for gas, water, wastewater, or
47 electric service, supplied for the exclusive use of the particular
48 dwelling unit and to an area within the exclusive possession and
49 control of the occupants of such dwelling unit and which does not
50 include any gas, water, wastewater or electric usage for any common
51 area or by any other party or dwelling unit, from (1) being the con-
52 sumer, (2) for billing purposes being the customer of record, (3)
53 assuming responsibility for the payment of gas, water, wastewater
54 and/or electric company bills, and (4) being subject to any actions of
55 the gas, water, wastewater and/or electric company for nonpayment.

56 (i) The provisions of this section shall in no event be deemed to
57 limit or otherwise regulate the payment of utility charges by tenants
58 of premises not intended to be used for residential dwelling pur-
59 poses.