

# ABATEMENT POLICY FOR WATER, SEWER AND TRASH FEES

## Policy Number 2005-1 Revision-4

The Board of Public Works (Board) at its regularly scheduled meeting on March 28, 2022 voted to approve the Water, Sewer and Trash Abatement Policy revision as detailed below, clarifying the responsibilities of landlords in regards to excessive water and sewer usage by their tenants:

### Policy Statement

It is the intention of the Board to create a Water, Sewer and Trash Abatement Policy related to charges affiliated with the Town of Marshfield's Water, Sewer and Trash Enterprise Accounts that is fair and equitable to all participants of the Water, Sewer and Trash Enterprise Accounts.

The costs associated with the operation of these Enterprise Accounts are paid for by the user fees collected from property owners participating in the program under the Enterprise Accounting System. It is the premise of the program that all users pay their share of the fees based on the amount of services consumed, for example; the amount of water units used, the amount of sewerage processed and/or the collection of household trash and recyclables. Participants are also charged for miscellaneous services such as meter replacement (damaged by homeowner), connection fees and other occasional services.

The Abatement program is in no way meant to be used to subsidize a homeowner's income, but instead is intended to correct billing errors related to usage and/or interest charges, major water leaks and on a case-by-case basis allow for a "one-time only" financial hardship adjustment. A request for abatement due to financial hardship for a residence that is a *second home* or *rental property* does not qualify for abatement. In addition, landlords are not entitled to seek out abatements for excessive water and sewer usage incurred by their tenants. It is the sole responsibility of a landlord, in regards to this Policy, that their property is operating in an economical and efficient manner.

The Superintendent of Public Works is authorized by the Board to act as its Agent in approving abatement requests, valued at \$2,000.00 or less, that conform to this policy. Abatement requests greater than \$2,000.00 must be presented to the Board by the petitioner during Regular Session at a scheduled Board of Public Works hearing. The Superintendent will provide the Board with a listing by name, location of home, amount of request and recommend approval or denial of abatements within this policy.

Appeals of the Superintendent's decision will be to the Board during Regular Session at a scheduled Board of Public Works hearing. **All "one-time only" financial hardship abatement requests will automatically be presented, by the petitioner, to the Board during Regular Session at a scheduled Board of Public Works hearing and that decision will be Final.** The Board may redact the name and personal identifying information in acting on an appeal.

The Board will decide abatement requests not identified within this policy.

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### **Financial Hardship**

Financial hardship abatements are a "one-time only" abatement. If, after receiving a "one-time only" abatement, a homeowner continues to experience financial hardship as it relates to payment of Water, Sewer and Trash fees, it will be incumbent upon that homeowner to contact the Treasurer / Collector's office and establish a payment plan to avoid any future service shutoffs and/or legal issues.

A request for an abatement due to financial hardship will only apply to those Water, Sewer and Trash participants who:

- (a) Meets the annual Financial Hardship Guidelines (as example, see attached – current DPW 2015-01), and
- (b) Have reached sixty-five (65) years of age or are participants who meet all the financial qualifications for hardship due to total disability or medical condition as outlined in the current year abatement policies for financial hardship within the current non-farm poverty income level, but is under the age of sixty-five (65).

Abatements related to financial hardship will only be for 50% of Water (up to 35,000 gallons per approved household resident), 50% of corresponding Sewer as it relates to water usage and 50% of Trash unless otherwise approved by the Board of Public Works.

### **Military**

A request for abatement due to a call to active duty for a resident of the Town who is a member of the military reserve will only apply to those Water, Sewer and/or Trash customers who:

- (a) Are called to active duty for a period of ninety (90) days or more, and
- (b) Are enlisted personnel grade E-8 and below with less than twelve (12) years of service and officer personnel grade O-3 and below with less than three (3) years of service.

Abatements for active duty call up will be for no more than 75% of Water, 75% of corresponding Sewer as it relates to water usage and 75% of Trash unless otherwise approved by the Board of Public Works.

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### Water

Abatements may be granted for Water use charges under the below listed circumstances:

- If a house were burned down to the foundation, water billing would commence when a rough plumbing permit is issued. The abatement applicant would need to have a fire record attached to the abatement request.
- For new construction, water billing would commence when a rough plumbing permit is issued.
- If water were not connected to a house. Disconnection from house service at a curb stop.

### Sewer

Abatements may be granted for Sewer use charges when sewer service is not available.

### Trash

Abatements may be granted for Trash fee charges under the below listed circumstances:

- Annual *12-month contract* with a private hauler. An abatement request will be considered with adequate documentation and must include a signed copy of an annual *12-month contract* with a waste haul vendor that is permitted by the Town of Marshfield Board of Public Health for the removal of trash and recyclables. Also, there must be verification that a Marshfield Transfer Station sticker has not been issued for the residence. The approved abatement shall be for 100% of the trash fee.
- Unoccupied structures must include objective evidence from the Board of Health or the Building Department certifying that all structures on the property are unable to be occupied. The abatement will be for 100% of the trash fee.
- Unserviceable areas may be granted partial abatements for properties that cannot be accessed by collection vehicles due to reduced level of service. The Board of Public Works will authorize the level of abatement on a case-by-case basis. Roads that are not open to the public and common driveways are not considered unserviceable areas and receive service at their nearest intersection with the nearest public road.

### Interest

Interest charges reflected on the utility bill will be abated if there is adequate documentation provided showing that the abatement is warranted. The account must be paid in full to prevent accrual of further interest charges. Abatements will be for 100% of the interest.

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### Seasonal/Partial Year Usage

In accordance with Town of Marshfield Bylaw:

Article Fifty-Five that requires trash removal "of every parcel of land upon which there exists a structure which is occupied by human beings, or which is susceptible of such occupancy, or which for any other reason generates solid waste of any nature, shall make arrangements satisfactory to the Board of Health for the removal and lawful disposal of the waste generated from such parcel."

Abatements will not be given based upon *seasonal* or *partial* year usage of the property.

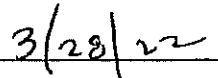
#### Note:

All abatement requests must be submitted in writing using the DPW Abatement Request form and include all required back-up documentation.

Approved by:



Robert Shaughnessy – Chairman BOPW



Date