

Massachusetts House of Representatives Bill Summary

Bill #: H.3899

Title: An Act authorizing reserved capacity billing in the town of Norfolk

Sponsor: Rep. Marcus Vaughn and Sen. Rebecca Rausch

Committee: Municipalities and Regional Government

Hearing Date: July 22, 2025

Current Law: Chapter 83 of the MGL concerns sewers, drains and sidewalks.

- Section 16 of this chapter outlines the process for which the aldermen of any city, sewer commissioners, selectmen, or road commissioners may establish just and equitable annual charges for the use of common sewers and main drains, and related stormwater facilities.
- Sections 16A-16F details the process for establishing and enforcing sewer usage charges within a municipality, including the requirement for a formal acceptance of these provisions by the local sewer department, the power to set annual charges based on water usage or other factors, procedures for billing and collection of charges, and the right of property owners to appeal any disputed charges to the relevant local board or officer overseeing the sewer system.

Chapter 354 of the Acts of 2022 established a Norfolk Town Center wastewater service area and authorized the town to charge the users of the sewer system.

- Section 4 of this special act authorized the sewer commission of Norfolk to allow property owners who did not prepay to nevertheless connect to the sewer if they pay a surcharge in addition to annual sewer use charges. The surcharge shall be proportionate to the prepayment charge, shall be over such term of years as the select board shall determine to be just and equitable, with the objective that those owners who made such prepayment shall enjoy a proportionate reduction in their annual sewer use charges.
- Section 6 of this special act holds that this special act does not reduce or remove powers of the sewer commission under Chapter 83 of the General Laws to assess betterments, special assessments, privilege fees, sewer connection fees, and annual sewer use charges in addition to or instead of the prepayment and sewer use surcharges authorized by the special act.

Summary:

Section 1 amends Chapter 354 of the Acts of 2022 by authorizing the select board to allow property owners who did not initially connect to the sewer and prepaid to do so as established in section 3 of this special act to connect to the common sewer; provided, however that such subsequent connectors shall be assessed a surcharge upon and in addition to the annual sewer use charges authorized under section 16 of said chapter 83 and in Chapter 354 of the Acts of 2022.

Section 2 amends section 6 of Chapter 354 of the Acts of 2022 that authorizes the select board, exercising the powers of a sewer commission, to assess and collect annual charges to all customers with reserve capacity for the Norfolk wastewater treatment plant on a pro rata basis, based upon such allocation of capacity, not whether a property is connected to a common sewer system or its actual use. It also adds a provision requiring that the town have all collection remedies for such charges as it would for any rate or charge under 16A to 16F, inclusive of chapter 83 of the General Laws.

Section 3 adds a new section to Chapter 354 of the Acts of 2022, Section 9A. This new section allows a property owner to sell or transfer their allocation of capacity to another parcel of land located within the town center wastewater service area, subject to the approval of the select board exercising the powers of a sewer commission.

Notes:

Language approved as Article 15 at the May 15, 2024 Annual Town Meeting; passed by majority vote.

According to the warrant article description, this bill seeks to amend Chapter 354 of 2022 to authorize the town to also charge those property owners who have reserved capacity in the sewer system but are not yet connected to it. The language in this bill makes two changes: First, this bill would allow the Town to charge the parcels that were parties to the original agreements that governed the system when it was privately held and which originally contributed to the operation of the system but have ceased making payments, since their legal obligations ceased when the district was created.

Second, this bill would allow reserve capacity holders to sell their capacity to other parties. This would enable existing capacity holders who are not utilizing the system to sell their capacity, thereby allowing new users to join and presumably use the system.

An allocation of capacity refers to the process of assigning a specific amount of wastewater flow capacity to a particular property or development, essentially determining how much sewage that location can discharge into the sewer system based on its design and available

treatment capacity. This process often involves a permit or agreement with the local governing body managing the sewer network.

Reserved capacity billing in sewer systems refers to a fee charged to a property owner or business based on the amount of potential wastewater flow their property could generate, even if they aren't currently using that full capacity, essentially paying for the "reserved" space within the sewer system that is allocated to them for future use.

A pro-rata basis is a proportional distribution of an amount or benefit based on a specific factor, like time or quantity.