SENATE . . . . No. 40

To accompany the petition of Eugene B. Bowen and others that rates and charges of certain water companies be made a lien on the real estate supplied by such companies. Joint Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Four.

An Act making the Rates and Charges of Water Companies a Lien on the Real Estate supplied by Such Companies.

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 one hundred and sixty-five of the General Laws is hereby amended by inserting after section eleven, as appearing in the Tercentenary edition, the following five new sections:

5 Section 11A. If the rates and charges due to a company which accepts this and the five following sections by vote of its board of directors or officers exercising similar powers, for supplying water to any real estate at the request of the owner or tenant, including interest and costs thereon, as established by the regulations or by-laws of said company, are not paid within sixty days after their due date, the same shall be a lien upon such real estate in the manner hereinafter provided. This and the five following sec-
tions shall not take effect as to a company accepting
the same as aforesaid until the clerk of said company
files in the proper registry of deeds a certificate that
said sections have been so accepted. Each register
of deeds shall record such certificate in a book to be
kept for the purpose, which shall be placed in an
accessible location in the registry.

Section 11B. Such lien shall take effect upon the
filing for record in the registry of deeds for the county
where the real estate lies of a statement by the board
of directors, or officers exercising similar powers of the
company, that the rates and charges for water sup-
plied to the real estate therein described, including in-
terest and costs, to an amount therein specified, have
remained unpaid for sixty days after the due date,
and said lien shall continue for one year from the first
day of October next following. Such statement shall
contain the name of the owner of record of such real
estate and a description thereof sufficiently accurate
for identification. The register of deeds shall receive
and record or, in case of registered land, file and regis-
ter, said statement. Such lien may be dissolved by
filing for record in such registry of deeds a certificate
from the treasurer of said company that all rates and
charges for which such lien attached, together with
interest and costs thereon, have been paid or abated.

Section 11C. Unpaid accounts under sections eleven
A to eleven F, inclusive, shall bear interest at the rate
of six per cent per annum from the time demand is
made under the preceding section, or from such earlier
time after their due date as the company may by
regulation or by-law provide.

Section 11D. An owner of real estate who, in order
to prevent the imposition of a lien thereon or to dis-
49 charge the same, has paid charges for water furnished
50 to a tenant or other person who was bound to pay the
51 same, may recover from such tenant or other person
52 in an action of contract the amount of the charges so
53 paid with all incidental costs and expenses.
54 Section 11E. All the provisions of chapter two
55 hundred and fifty-four relative to liens for the erec-
56 tion, alteration, repair or removal of a building or
57 structure or for furnishing material therefor, shall
58 apply, so far as apt, to liens attaching under section
59 eleven A.