

HOUSE No. 5702

By Mr. Wetherbee of Pepperell, petition of Bruce E. Wetherbee that general contractors be held responsible for the availability of water for a period of five years from the time of consummation of the contract for the erection or repair of residential property. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT HOLDING GENERAL CONTRACTORS RESPONSIBLE FOR THE AVAILABILITY OF WATER.

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 225 of the General Laws is hereby amended by inserting
- 2 after section 12F the following section: —
- 3 *Section 12F½.* Any person who, as part of a written contract
- 4 with the owner of a residential property for the whole or any part of
- 5 the erection, alteration, repair or removal of a building or structure
- 6 upon such property, or for furnishing material or services therefor
- 7 and has represented, warranted or otherwise indicated that water
- 8 will be available for the local municipality shall remain responsible
- 9 or liable for the water supply being available as represented, war-
- 10 ranted or otherwise indicative for a period of five years from the
- 11 time of consummation of the contract. Such person shall include a
- 12 recital in the contract relative to his responsibility and liability for
- 13 the availability of the water supply. The provisions of this section
- 14 cannot be waived or altered by contract. Failure to comply with the
- 15 provisions of this section shall constitute an unfair or deceptive act
- 16 or practice under the provisions of chapter ninety-three A.

