

NOTES FROM THE LEGAL HOTLINE

Massachusetts Association of Realtors®

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Q. I'm relisting a property after a failed inspection – can I share the full inspection report with subsequent buyers?

A. Probably not. While you may be obligated to disclose some of the information contained within the inspection report, the report may not be shared without the permission of the buyer who purchased that report. Chapter 93A states that it is an unfair or deceptive act if a person acting in trade or commerce “fails to disclose to a potential buyer or prospective buyer any fact, the disclosure of which may have influenced the buyer or prospective buyer not to enter into the transaction.” Failure to disclose any material defect of which you, as the Realtor®, are aware, exposes you to liability.

Q. When can a tenant be charged for water?

A. A residential tenant may only be charged for water if all the conditions contained in [Massachusetts General Laws Chapter 186, Section 22](#) are satisfied. Failure to abide by any one of these conditions makes it illegal to charge the tenant for water usage.

1. Submeters are installed on the unit that measure the actual water used.
2. Low-flow fixtures must be installed on faucets, showerheads, and toilets.
3. The tenancy began *after* March 16, 2005.
4. The unit only becomes eligible to charge the tenant for water usage upon the commencement of a new tenancy in that unit and the previous tenant was not forced out.
5. There must be a written agreement signed by the landlord and tenant that clearly states that the tenant is responsible for water usage.
6. The Landlord must file a [certificate](#) with the local Board of Health that certifies that all the conditions have been satisfied.

Additionally, a landlord may not shut off or refuse water service to a tenant with an outstanding water charge.

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