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## January Newsletter from Pusateri & Pusateri, P.C.



### Landlord Not Liable for Tenants' Mold Losses

A Landlord sued Tenants for back rent and possession of a leased apartment. The Tenants counterclaimed and alleged personal property damages and losses allegedly caused by mold within their leased apartment.

A Housing Court judge found that the Landlord was not negligent and the Tenants could not recover for the alleged losses. The Judge reasoned that the Tenants were in a far better position that the Landlord to inspect the apartment and guard against damage that might have been caused by the mold. He felt that the Tenants own negligence was greater than that attributable to any negligent act or omission by the Landlord.

If you are involved in a landlord/tenant

### Annual Reports Due for Existing Massachusetts Corporations

It's that time of year again. If you are an existing Massachusetts corporation, your annual report must be filed with the Corporations Division of the Massachusetts Secretary of State **no later than March 15, 2012**. If the annual report is filed later than March 15, there is a late fee assessed.

An annual meeting must take place according to the bylaws of the corporation. Someone present should record minutes of the meeting, and the minutes should be stored at the corporation's principal place of business.

If you are an existing corporation that needs to update your annual report, please contact our office. If you are thinking of forming a corporation, please contact our office as well.

### Estate Planning: Probate Law Changes Pushed to March 31

In January 2009, the Massachusetts Legislature enacted the new Uniform Probate Code (MUPC). Although certain provisions of the MUPC pertaining to guardians and conservators came into effect on July 1, 2009, most changes were scheduled to take effect on January 2, 2012. However, House lawmakers have voted to push back the start date to March 31, 2012.

The MUPC has an impact on the probate process and is designed to simplify the process of settling a decedent's affairs in a manner consistent with the decedent's intent.

If you are interested in developing or revising your estate plan to take advantage of the new MUPC, please contact our office.

### How to Determine if You Have a Public Water Supply at Your Business

The Massachusetts DEP is responsible for ensuring that the people of the Commonwealth have clean drinking water, among other things. If you have a business, you may not realize that your business qualifies as a public drinking water facility. These are the steps to determine whether your facility is a private or a public drinking water facility:

dispute, please contact our office.

### In the News...

#### Woman Settles \$100,000 Water Bill with City

A Brockton woman who received an \$100,000 water bill from the city two years ago has settled for \$3,400. The high bill was the result of the city's practice of estimating water bills rather than basing them on meter readings. New procedures and equipment have been put in place to prevent future problems.

1. **Population served daily** - on average, does the system serve 25 or more persons daily or possess 15 or more service connections?

- If no, you have a private system and must comply with the local Board of Health requirements.
- If yes, go to step 2.

2. **Number of days per year** - does the system operate 60 or more days per year?

- If no, you have a private system and must comply with the local Board of Health Requirements.
- If yes, go to step 3.

3. If you answered yes to both questions above, your facility has a public water system and you must comply with the Massachusetts Drinking Water requirements.

The Massachusetts Drinking Water regulations and the Federal Safe Drinking Water Act are complex. Please contact our office for more information if you believe your business qualifies as a public drinking water facility.

### Advertise Here!

Looking to promote your business or event? Do you have a special offer that you would like to promote with a coupon? Send our office an email at [pusateripc@pusaterilaw.com](mailto:pusateripc@pusaterilaw.com) with your advertisement and we may put it in our next newsletter. We reserve the right to approve all advertisements.

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