

Wastewater Management Division

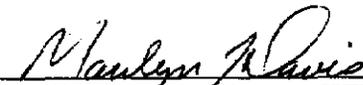
Practice Related to Implementation of the
Wastewater System and Potable Water Supply Rules, Effective August 16, 2002

Reconstruction of Single Family Dwellings

This practice deals with the issue of status under the Rules of single family dwellings for replacement or reconstruction of dwellings that have been voluntarily removed. During the past 20 years there has been a presumption that an existing single family dwelling could be removed and replaced without loss of exempt status under the rules. This was most common with mobile homes that were replaced with a newer model or homes that were destroyed by fire, but occasionally a building was removed and replaced with an equivalent building. While a time period was not specifically determined, there was a presumption that the building would be replaced within one to two years in order to maintain the exemption. The rules effective August 16, 2002 specifically dealt with dwellings destroyed by fire or other "acts of God" in §1-403(c) but did not deal with dwellings that are voluntarily removed. The rules also allow dwellings on lots covered by the exemptions in §1-403(a)(1) and (2) to be replaced without loss of the exemption until July 1, 2007. If, on a lot with a dwelling that had been removed prior to 6-14-2002, the dwelling is replaced prior to 11-1-2002 and the dwelling and its associated water supply and wastewater systems are substantially complete by 11-1-2002, the lot will continue to be exempt under §1-403(a)(2). The only category not specifically addressed in the rules is a lot with a dwelling that would have been covered under §1-403(a)(1), had the dwelling remained in place, but the dwelling was voluntarily removed prior to 6-14-2002 and not replaced prior to 11-1-2002.

Practice

It must first be determined that the lot would otherwise qualify for the exemption in §1-403(a)(1). If so, the single family dwelling may be removed and replaced, provided it is replaced within two years of the time when it was removed. A single-family dwelling will be considered replaced when it meets the definition of being substantially completed. If the dwelling is replaced in accordance with this practice, the lot will continue to qualify for the exemption in §1-403(a)(1).


Marilyn Davis, Director WWMD

effective: September 27, 2002
Date