When are Single Family Residences considered to be in Year-round Use?

As of July 1, 2007, the conversion of a single family residence from seasonal to year-round use requires a permit. As of September 29, 2007 these conversions are subject to §1-315 of the Wastewater System and Potable Water Supply Rules.

A single family residence that was in existence as of midnight, December 31, 2006 will be considered to be a year-round residence if it has been occupied as a single family residence for at least 180 days in a one year period between December 31, 1986, and December 31, 2006.

If, after December 31, 2006, a year-round residence has been occupied for shorter periods of time, it shall maintain its status as a year-round residence unless there have been specific actions taken to limit the use to seasonal use or to convert the building to other than use as a single family residence. Examples of such limitation include, but are not limited to:

A. a deed restriction;
B. a legal agreement with the municipality in which the building is located to limit or convert the use; or
C. a building deteriorated to the point where it no longer meets the requirements for being substantially completed and which remains in such a state for a period beyond that allowed for reconstruction of buildings destroyed or voluntarily removed. When a year-round residence has been replaced subject to §1-304(a)(21) of the Rules, it will continue to be classed as a year-round residence.

Notwithstanding the preceding language, some single family residences remained exempt under §1-403(a)(1) and (2) of the January 1, 2005 version of the Rules until July 1, 2007. If such residences had been occupied for at least 180 days in a one year period between December 31, 1986 and July 1, 2007, they will be considered to be year-round residences provided that the conditions of the exemption were met between December 31, 2006 and June 30, 2007.
In addition to being considered as a year-round residence based on actual occupancy as described above, a single-family residence will be considered to be a year-round residence when:

A. The single family residence is subject to a permit under these Rules, unless:
   1. the permit limits the use;
   2. the application on which the permit is based states that the application is not for year-round use or
   3. the supporting information submitted as part of the application specifically indicates that the residence does not qualify for year-round use.

B. The single family residence is not permitted under these Rules, and was not occupied as a year-round residence prior to January 1, 2007, provided the residence, wastewater system and potable water supply are constructed in accord with §1-304(a)(3) of the Rules, or §1-403(a)(21) of the 2005 version of the Rules, unless:
   1. the municipal permit limits the use;
   2. the application on which the permit is based states that the application is not for year-round use or
   3. the supporting information submitted as part of the application specifically indicates that the residence does not qualify for year-round use.

Note: This exemption may cover some single family residences not yet constructed.

C. The single family residence is not permitted under these rules but was constructed in accordance with the permit exemption of §1-403(a)(3) of the Wastewater System and Potable Water Supply Rules, effective January 1, 2005.

D. The single family residence is connected to both a municipal water supply and a municipal wastewater system and owner(s) of the supply and system have not imposed any restriction against year-round use.

NOTE: The Agency will accept an affidavit from the owner of the residence that attests to the fact that the residence has been used on a year-round basis in accordance with this guidance as proof of year-round residence status unless contradictory evidence is submitted to the Agency.

1 This second revision was to correct a Rule reference in section B on page two from the 2002 version of the Rules to the 2005 version.