

Guidance Document  
2008-01 Second Revision<sup>1</sup>

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.

<sup>1</sup> 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.