

WATER AND SEWER CHARGES FOR ADULT FAMILY HOMES

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Due to our aging population, many homes are becoming licensed as adult family homes and developers are building new adult family homes. An adult family home is defined by RCW 70.128.175 to be a regular family abode in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults. An adult family home may have more than six bedrooms because staff must live at the home in addition to the residents that need care.

RCW 70.128.175 was amended in 1995 to provide that an adult family home is considered to be a residential use of property for zoning and public and private utility rate purposes. Some developers of adult family homes believe this language means that the home must be charged as one single family residence or residential equivalent (ERU) for purposes of water and sewer monthly rates and connection charges.

While the statute is not clear and there are no reported cases regarding the meaning of residential use, cities and counties are allowing adult family homes in single family residential neighborhoods. This indicates that residential use has been interpreted to mean single family residential use.

Can a district charge a six or seven bedroom adult family home as more than one ERU? This issue has not been addressed by the courts so the answer is not clear. The answer will depend in part on how a district levies its rates and charges. I do not mean to imply that flow rates applied uniformly to all residential structures are suspect.

A district must develop a uniform system of rates. RCW 57.08.081. If a district wishes to address the impact of adult family homes, RCW 70.128.175 must be taken into account. Federal anti-discrimination laws should be considered as well.

If you are interested in learning more about this subject, please contact Michael Jonson at mike@jonson-jonson.com or Richard Jonson at richard@jonson-jonson.com

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