



# Washington County Planning and Parks Department

## **WISCONSIN FUND FINANCIAL ASSISTANCE PROGRAM GUIDELINES**

February, 2012

### **TO ALL INTERESTED PARTIES:**

Washington County has participated in the Wisconsin Fund Financial Assistance Program since 1980 for the rehabilitation or replacement of failing Private Onsite Wastewater Treatment Systems (POWTS). Information in this letter applies to the program in effect as of February 2012. The maximum possible amount of reimbursement is 60% of the total cost of replacement. **There are no guarantees that funding will be available.** Please note that application may be submitted for reimbursement within the 3-year period from the date the enforcement order was issued. **However, work on the replacement system must be completed within 1 year of the date of the enforcement order to maintain funding eligibility.** If you have questions, please contact our office.

### **PROGRAM ELIGIBILITY CRITERIA**

For those who wish to apply for the Wisconsin Fund Financial Assistance Program, the following criteria must be met according to state law:

1) The annual income based on the adjusted gross income for the eligible homeowner(s) as computed for federal tax purposes in the year prior to the year of the enforcement order or the year of the enforcement order may not exceed \$45,000 regardless of the date of condemnation.

2) If the annual income of any eligible person(s) (a person who owns a principal residence that is served by a Category 1 or 2 failing Private Onsite Wastewater Treatment System (POWTS) is greater than \$32,000, the amount of the financial assistance under this section is limited to the amount determined less 30% of the amount by which the person's income exceeds \$32,000.

To be eligible, the homeowner must provide a copy of the designated income tax return(s) for the taxable year prior to the year of the enforcement order or for the taxable year in which the enforcement order was issued. If the owner is married and filing separately, a copy of the spouse's return must be provided as well. If there are multiple owners, the combined income of the owners and their spouses cannot exceed the income levels noted above.

For small commercial establishments, the limit is based upon annual gross revenue of the business as computed for federal tax purposes for the taxable year prior to the year of the enforcement order or the year in which the enforcement order was issued. Gross revenue as shown on the business profit & loss statement cannot exceed \$362,500. Small commercial establishment includes a farm, including a residence on a farm, if a person who is an operator of the farm occupies the residence.

For small commercial establishments owned by a nonprofit corporation, the nonprofit corporation shall provide a profit and loss statement for the commercial establishment for the tax year prior to the year in which the enforcement order was issued or for the tax year in which the enforcement order was issued.

3) Small commercial establishments must have a maximum daily sewage flow of 5,000 gallons per day or less. Maximum daily wastewater flow rate of a farm and the residence on the farm must be less than 5,000 gallons per day.

4) A written enforcement order must be issued by this Department against the failing system. The order must have been written for a Category 1 or 2 failing Private Onsite Wastewater Treatment System (POWTS).

**Category 1** - Discharge of sewage into surface water or groundwater or the introduction of sewage into a zone of seasonal saturation.

**Category 2** - Discharge of sewage to the surface of the ground (funding for this category is uncertain).

**Category 3** - Back-up of sewage into the building is currently not eligible.

**IMPORTANT:** Category 2 and 3 condemnations should contact Planning and Parks Department Staff regarding financial assistance eligibility before proceeding with soil testing or replacement of the system. Enforcement orders must be issued in writing prior to construction of the replacement system. (Work must be completed within 1 year from the date of the order to maintain eligibility).

5) In the case of selling or buying a principal residence or small commercial establishment, the following information must be provided:

a) a copy of the closing statement or other documentation which shows the date of sale of the property, and;

b) a copy of the sale contract, escrow agreement or other documentation which shows that the applicant has or will incur the cost of replacing the failing Private Onsite Wastewater Treatment System (POWTS).

A *seller* is not eligible for funding if the enforcement order is issued after the date of sale. A *buyer* is not eligible for funding if the Private Onsite Wastewater Treatment System (POWTS) is replaced prior to the date of sale.

6) The failing system must serve a residence or small commercial establishment where the system was installed prior to July 1, 1978.

7) The owner of a principal residence or small commercial establishment who meets all of the eligibility requirements may replace the structure served by the failing Private Onsite Wastewater Treatment System (POWTS) and be eligible for financial assistance to replace the failing system if the following additional conditions are met:

a) The Private Onsite Wastewater Treatment System (POWTS) was constructed prior to July 1, 1978.

b) The original principal residence was owned and occupied or the small commercial establishment was owned and occupied by the applicant when the enforcement order was issued. (In the case of fire or storm damage rendering the building uninhabitable, the enforcement order may be issued up to 6 months after the building was last occupied).

c) The replacement structure was or will be constructed in a location that would be accessible to the failing Private Onsite Wastewater Treatment System (POWTS).

d) The maximum state share shall be limited to the minimum Private Onsite Wastewater Treatment System (POWTS) capacity that would have been necessary to serve the original structure. Any increase in capacity required to serve a larger replacement structure is not eligible for financial assistance.

8) A residence must be occupied at least 51% of the year by the owner.

9) Public sewer must not be available to the property.

10) The residence or commercial establishment must not have received previous financial assistance under this program.

### **PROGRAM PROCEDURE**

Those persons wishing to make application for funding to rehabilitate or replace their failing Private Onsite Wastewater Treatment System (POWTS) must follow these application guidelines:

1) The failure must have been observed by a Washington County Land Use Inspector, followed by a written order condemning the failing system and ordering the replacement. (Only Category 1 and 2 failures are eligible. Funding for Category 2 failures is uncertain.)

2) Soil tests must be conducted by a Certified Soil Tester (hired by the property owner) to determine the type of replacement system necessary. **If you have a Category 2 or 3 condemnation, contact Planning and Parks Department staff prior to having soil testing done to discuss eligibility for financial assistance.** All experimental systems approved by the Wisconsin Department of Safety and Professional Services are included in the program on a case-by-case basis.

3) Only eligible work necessary to meet the minimum requirements of the state plumbing code by the least costly methods may be allowable in determining financial assistance funding under this chapter.

4) State plan approvals for mound systems, at grade systems, in-ground pressure systems, public and experimental systems must be obtained.

**5) A Washington County Sanitary Permit must be applied for and issued prior to the County's application to the Department of Safety and Professional Services.**

6) A financial assistance application form and a \$269.00 administration fee (made out to Washington County Planning and Parks Department. Personal checks requires a drivers license number and date of birth written on the check) must be completed and submitted to the Washington County Planning & Parks Department.

7) The financial assistance application form and all supporting documents, including the Private Onsite Wastewater Treatment System (POWTS) inspection report, must be submitted to the Department of Safety and Professional Services by our office within 3 years of the condemnation order to remain eligible for financial assistance funds.

Washington County must submit all of the above noted information to Department of Safety and Professional Services by **January 31, 2013** for the applicant to be eligible for the 2014 fiscal year funding. Do not wait until the last week of January to apply. The Department can only handle the final processing of applications during this period.

At the beginning of the program year (February), the Department of Safety and Professional Services will review all individual projects submitted by each participating governmental unit. Actual issuance of checks will not take place until fall 2013. The Department of Safety and Professional Services will allocate available funds for financial assistance to each participating governmental unit according to the total amount of the state financial assistance share for all eligible applications received by that unit. Department of Safety and Professional Services may pro-rate available funds if funds are not sufficient to fully fund all applications. A pro-rated payment will be deemed full payment of the financial assistance. If your financial assistance is denied because funds are not available in a particular year, you may not reapply in a later year. Prior to submittal to the State, if an applicant does not qualify for the financial assistance program, a portion of the administrative fee may be refunded.

If you have any questions, please do not hesitate to contact this office. Thank you for your consideration and patience with this program.

Washington County  
Planning & Parks Department