
**CITY OF NEWARK
STORMWATER UTILITY PROGRAM****POLICY: DUPLEXES****DISCUSSION:**

A duplex (two-family) property can be treated as either a single-family residential property type or as a non-residential property type for stormwater billing purposes. A decision must be made by the City of Newark as to how they will classify a duplex (two-family) property type for their stormwater utility program.

There are generally four combinations of occupancy that may occur with respect to a duplex (two-family) property type. The four combinations are as follows:

- Owner occupied with a tenant and a single water meter (serves both units);
2. Owner occupied with a tenant and two water meters (each unit has own meter);
3. Tenant occupied in both units with a single meter; and,
4. Tenant occupied in both units with two water meters.

In situations where there is only one water meter, and the owner occupies one of the units, the stormwater charges are simply added to the owner's current utility bill (#1 above). In the situation where there are tenants occupying both units and a single meter serving the property, the stormwater charges are simply added to the one account (#3 above). In situations where the property is served by two water meters, and the owner occupies one of the units, a decision must be made on how to bill stormwater charges (see below). A decision must also be made on how to handle the two tenants, two meters situation. The options that exist for billing stormwater charges under these situations are as follows:

- . Choose one of the current accounts and assign it to be the master account, making the other account a sub account;
2. Create a stormwater only account in the name of the owner of the property, and bill only the stormwater charges to the owner;
3. Bill one-half of the stormwater charges to each tenant on their own utility bill.
4. Bill each tenant for one whole ERU.

If one of the accounts is randomly chosen as the master account and billed the stormwater charges for the property, sooner or later the tenant will discover this and complain. Why should one tenant

get billed for stormwater charges and not the other? Customer Service personnel will not have options available to them to resolve this type of complaint.

Creating a stormwater only bill in the name of the owner seems like a logical solution to this issue. The City will have leverage (See Billing Policy Paper #4 – Priority Billing And Collection System) for collecting this charge from the owner.

If the option to bill one-half of the stormwater charges to each tenant is chosen, or if the option to bill one whole ERU to each tenant is the chosen alternative, other issues arise as a result. The issues are as follows:

The duplex property must be designated as a non-residential property, and the impervious area for each duplex must be measured. This is a result of the definition of a single-family property (See Billing Policy Paper #2 – Definition of Single-family Residential and Non-Residential Property), whereby a single-family residential property is charged for a minimum/maximum of one whole ERU.

2. Duplex property types will not be included in the random sample selected to determine the Equivalent Residential Unit (ERU). This may or may not affect the size of the ERU.

The issue of how to treat a tenant occupied duplex (two-family) property for stormwater purposes is much more complicated than it may first appear. Since there is more than one occupant in a duplex, there must be a protocol defined with respect to whom and where to send the bill.

RECOMMENDATIONS:

The Project Team recommends treating duplex properties as a single-family residential property and that the following protocol be observed in handling duplexes:

If there is a single water meter for a duplex unit and the account is in the name of the owner, the stormwater bill should be assigned to the existing account.

2. If there is a single water meter for a duplex unit and the account is not in the name of the owner, create a stormwater only billing account in the name of the owner, and bill the stormwater charges to the property owner.
3. If there are two water meters (two billing accounts) for a duplex and one of the accounts is in the name of the property owner, the stormwater bill will be assigned to the property owner's account.
4. If there are two water meters (two billing accounts) for a duplex, and neither account is in the name of the owner, create a stormwater only billing account in the name of the owner, and bill the stormwater charges property owner.

ACTION:

The Technical Advisory Committee reviewed, discussed, revised and approved this Billing Policy Paper on April 20, 2005.

Approved: Tim Weisert

Date: 3/17/2004

Tim Weisert
Director of Public Service
Newark, Ohio 43055