

Johnson County Wastewater
Deferment of Annual System Availability Charge
Frequently Asked Questions (FAQ)

Q1. Which properties qualify for a deferment?

A1. Only those properties for which the **owner did NOT sign the petition** for a sanitary sewer district which includes the subject property, and which meet one of the following descriptions are eligible for deferment:

- Agricultural property (as determined by the County Appraiser)
- Residential property (as determined by the County Appraiser) which:
 - is used as a single family residence
 - is not connected to sewers
 - cannot be easily connected to sanitary sewer service

Property owners **must apply** for the deferment in order to obtain one.

Q2. How does someone apply for a deferment?

A2. Deferment application forms are mailed to all eligible property owners following the district's creation.

Q3. What is the amount of the deferred charges?

A3. Please refer to the Summary of Wastewater Charges Fact Sheet for further details.

Q4. Is the deferment permanent?

A4. No. The initial deferment is for a period of ten (10) years from the date of inclusion in JCW.

Q5. Can the deferment be extended or reinstated?

A5. Yes, under the following conditions:

- Agricultural properties may be granted an additional five (5) year deferment period upon expiration of the initial ten (10) year deferment. That five (5) year deferment may be reinstated for an additional five (5) year deferment period. The additional five (5) year deferment periods are contingent upon the property satisfying the following four (4) conditions.
 - The property is not owned by a person or entity whose business or purpose is the investment in land or the subdivision or development of land, AND
 - The property has been under the same, or essentially the same, ownership continuously for at least ten (10) years prior to the date of the original deferment, AND
 - The owners, either themselves or through a related entity, have not subdivided land for development or developed tracts of land within the metropolitan area during the past ten (10) years, AND
 - The property has been continuously committed to an economical and viable agricultural use or devoted to a use which substantially limits development or demonstrates a clear intent not to develop the property.
- Agricultural properties of five (5) acres or less, used as a single family residence, may be granted an additional ten (10) year deferment.
- Residential properties, used as a single family residence, may be granted an additional ten (10) year deferment.

Q6. Is it possible that a deferment previously granted will ever be terminated?

A6. Yes, when one of the following applies:

- The owner of the property has signed a petition for the property, requesting creation or enlargement of a sanitary sewer district of any kind; (provided that creation or enlargement occurs).
- A structure on the property is connected to the sanitary sewers.
- The use of the property, as determined by the County Appraiser, changes to a use not eligible for deferment.
- The property becomes divided or platted.

- The property is transferred, except through an inheritance upon the death of the property owner or a divorce judgment. Deferment termination due to property transfer may be reinstated under certain conditions as noted in the following question/answer.

Q7. If my deferment was terminated due to a sale or transfer of the property, can it be reinstated?

A7. Yes, under certain conditions:

- The sold property remains fully eligible for a deferment as described in answer “A1” of this FAQ, AND
- Both the seller and buyer are real persons and not business entities, AND
- The property was used continuously as the primary residence of the seller or member of the seller’s family and will be used as the primary residence of the buyer or the buyer’s family, AND
- The property is not further subdivided prior to or as a part of the transaction.

Q8. Do I have any recourse if my deferment ends?

A8. Property owners will be notified upon expiration of deferment. Property owners may also appeal a denial, termination, or expiration of deferment. The appeal process begins by obtaining an appeal form from JCW.

Q9. What are the costs to the property owner when a deferment terminates?

A9. Upon termination of deferment, the current system availability charge will begin, but there is no requirement for payment of system availability charges that otherwise would have applied to the property during the deferment period.