AMENDATORY SECTION (Amending WSR 15-13-091, filed 6/15/15, effective 7/16/15)

**WAC 246-358-990** **Fees.** (1) ((**~~Licensing fee.~~** ~~An operator shall submit to the department of health a licensing fee according to Table 1 of this section~~)) The department shall charge the following fees prior to ((~~the department of health~~)) issuing a TWH operating license((~~. Except as provided in subsections (2) and (3) of this section, the licensing fee consists of two portions:~~

~~(a) An administrative portion according to Table 1 of this section; and~~

~~(b) A facility portion, based on the maximum occupancy of the TWH, according to Table 1 of this section. For purposes of this section, maximum occupancy is the greatest number of occupants that reside in the TWH during the calendar year.~~

~~(2)~~ **~~Self-survey program.~~** ~~If an operator is a participant of the self-survey program described in WAC 246-358-027, the operator may pay the administrative portion only of the licensing fee according to Table 1 of this section. The operator may pay this fee only during the years the operator is approved to conduct the self-survey.~~

~~(3)~~ **~~Minimum licensing fee.~~** ~~The minimum licensing fee is ninety dollars.~~)):

(a) $170 for the administrative portion of licensing plus $14 per occupant at maximum annual occupancy for the facility portion. The maximum annual occupancy is the greatest number of occupants approved to reside in the TWH during the calendar year; or

(b) $310 for the operating licensing fee for TWH with 10 or fewer occupants.

(2) If the department approves a self-survey program as outlined in WAC 246-358-027, the operator shall pay $170.

(3) The department shall charge $232 for preapplication technical assistance. This includes two hours of assistance time. Additional time will be billed at the rate of $116 per hour.

(4) ((**~~Late fees.~~**)) The department ((~~of health may~~)) shall charge a $340 late fee ((~~according to Table 1 of this section~~)) in addition to the licensing fee when:

(a) ((~~For a new license,~~)) The application and licensing fee for a new license are not received by the department ((~~of health~~)) at least ((~~forty-five~~)) 45 days prior to the new TWH opening operation date; or

(b) ((~~For a previously licensed TWH, the application~~)) The renewal form and licensing fee for a previously licensed TWH are not received by the department ((~~of health~~)) by February ((~~twenty-eighth~~)) 28th of the year the operator intends to operate the TWH.

(5) ((**~~Occupancy increase adjustment.~~**)) The operator shall submit additional funds to the department in the amount of $14 for each additional occupant and a $170 administrative processing fee when the following occurs:

(a) If, at any time, the operator or the department ((~~of health~~)) determines there are more occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025((~~, the operator shall submit additional funds to the department of health in the amount of four dollars for each additional occupant.~~));

(b) If the operator requests additional occupants that do not exceed the maximum capacity; or

(c) If the operator requests to increase occupants based on the maximum capacity.

(6) Funds for the occupancy adjustment increase outlined in subsection (5)(a) of this section must be submitted to the department ((~~of health~~)) within ((~~thirty~~)) 30 calendar days of the operator being made aware of the discrepancy.

((~~(c)~~)) (7) Additional occupants accounted for in ((~~this~~)) subsection (5) of this section may not contribute to exceeding the maximum capacity of the TWH according to WAC 246-358-029.

((~~(6)~~ **~~Refunds.~~**

~~(a) The operator shall submit a written request to the department of health for any refund; and~~

~~(b) If the operator provides documentation to the department of health that the TWH was not occupied during the license period, the department of health shall refund fees paid by the operator according to the following conditions:~~

~~(i) The department of health will refund the licensing fees paid, less a fifty dollar processing fee, if an application has been received but no prelicensure inspection has been performed by the department of health; or~~

~~(ii) The department of health will refund two-thirds of the licensing fees paid, less a fifty dollar processing fee, if an application has been received and a prelicensure inspection has been performed by the department of health.~~

~~(c)~~)) (8) To request a refund from the department, the operator must submit a written request and provide documentation that the TWH was not occupied during the license period. The department shall refund:

(a) Two-thirds of the licensing fees paid, minus $170 refund processing fee, if an application or renewal form was received but no prelicensure inspection was performed by the department; or

(b) One-third of the licensing fees paid, minus $170 refund processing fee, if an application or renewal form was received and a prelicensure inspection was performed by the department.

(9) The department shall refund fees paid by the operator if the operator provides documentation of fewer occupants than the maximum occupants identified on the application or renewal form for an operating license according to WAC 246-358-025, according to the following conditions:

(a) If an application or renewal form has been received and no prelicensure inspection has been conducted, the department will refund the amount of $14 for every occupant fewer than the maximum number of occupants identified on the application or renewal form; or

(b) If an application or renewal form has been received and a prelicensure inspection has been conducted, the department will refund the amount of $7 for every occupant fewer than the maximum number of occupants identified on the application or renewal form.

(10) The department ((~~of health~~)) will not refund ((~~applicant~~)) facility licensing fees ((~~under subsection (1)(b) of this section~~)) if:

((~~(i)~~)) (a) The department ((~~of health~~)) has performed more than one on-site inspection for any purpose; ((~~or~~

~~(ii)~~)) (b) One year has elapsed since a license application was received by the department ((~~of health~~)), but no license was issued because ((~~the applicant failed~~)) of failure to complete licensing requirements ((~~for licensure~~)); or

(c) The department has performed more than one on-site visit for any purpose.

((~~(d) If the operator provides documentation to the department of health of fewer occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025, the department of health shall refund fees paid by the operator according to following conditions:~~

~~(i) The department of health will refund the amount of four dollars for every occupant fewer than the maximum number of occupants identified on the application, if an application has been received and no prelicensure inspection has been conducted;~~

~~(ii) The department of health will refund the amount of two dollars for every occupant fewer than the maximum number of occupants identified on the application, if an application has been received and a prelicensure inspection has been conducted; or~~

~~(iii) The department of health will not refund any amount under subsection (1)(b) of this section if the department of health has performed more than one on-site inspection for any purpose.~~

~~(7)~~ **~~TWH civil fine.~~**)) (11) The department ((~~of health~~)) may assess an operator a civil fine according to RCW 43.70.335.

((**~~Table 1~~**

**~~Fees, Temporary Worker Housing~~**

| **~~Fee Type~~** | **~~Administrative Portion~~** | **~~Facility Portion~~** |
| --- | --- | --- |
| ~~Licensing~~ | ~~$50~~ | ~~$4 per occupant, at maximum annual occupancy~~ |
| ~~($90 minimum total fee)~~ | |
| ~~License, Self-Survey Program~~ | ~~$50~~ | ~~$0~~ |
| ~~Late~~ | ~~$100 (Late fees are in addition to licensing fees)~~)) | |

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-990, filed 6/15/15, effective 7/16/15. Statutory Authority: RCW 43.70.340, chapter 70.114A RCW and 2012 2nd sp.s. c 7, § 219(32). WSR 14-12-049, § 246-358-990, filed 5/30/14, effective 7/1/14. Statutory Authority: RCW 43.70.340 and 2010 c 37. WSR 11-13-124, § 246-358-990, filed 6/22/11, effective 7/23/11. Statutory Authority: RCW 43.70.340. WSR 99-24-095, § 246-358-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 43.70.340 and 43.70.040. WSR 93-03-031 (Order 324), § 246-358-990, filed 1/12/93, effective 2/12/93. Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-358-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. WSR 87-24-074 (Order 2564), § 440-44-100, filed 12/2/87; WSR 86-05-029 (Order 2342), § 440-44-100, filed 2/19/86.]