

DRAFT Property Transfer Inspection Requirement – for early community review

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**CHAPTER 5.60
ON-SITE SEWAGE SYSTEM REQUIREMENTS FOR REAL ESTATE
TRANSACTIONS**

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5.60.10 Authority and purpose.

A. *Authority.* The board of health adopts these regulations under the authority granted in RCW 70.050.060 and chapter 246-272A WAC. WAC 246-272A-0270, authorizes the health officer to require inspections of on-site sewage systems (OSS) at the time of property transfer and to establish standards for such inspections, including requirements for addressing identified deficiencies.

B. *Purpose:* The purpose of this chapter is to protect public health and the environment by ensuring all real estate transactions involving properties served by an OSS include a valid report of property transfer issued by the health department. This process verifies if the OSS is functioning properly and in compliance with this title and establishes requirements for addressing any identified deficiencies of the OSS at the time of property transfer.

5.60.020 Applicability.

A. *Applicability.* This chapter shall apply to all real estate transactions involving properties served by on-site sewage systems within Snohomish County.

B. *Exemptions.* This chapter does not apply to the following properties served by an OSS:

1. Properties where the OSS was installed within 12 months from the date of the real estate transaction;
2. Properties with new construction that has never been occupied, provided the property seller submits proof of vacancy to the health department;
3. The OSS has been abandoned and the property is now connected to a public sewer system;
4. The property will be connected to a public sewer system, provided the property seller submits a letter from the applicable sewer utility to the health department; or
5. Properties that meet any of the criteria under RCW 64.06.010.

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5.60.030 Definitions.

In addition to the definitions found in chapter 246-272A WAC, the following shall apply to this chapter:

“On-site sewage system contractor” or “OSS contractor” or “Contractor” means a person who is in possession of an installer, monitoring and maintenance specialist, or pumper certificate of competency.

“Property buyer” means the person who acquires ownership of real property as a result of a real estate transaction.

“Property seller” means the person who holds ownership of real property immediately prior to a real estate transaction.

“Real estate transaction” or “property transfer” means a change in ownership of real property, including sale or deed transfer.

“Report of Property Transfer” means a document issued by the health department that verifies the OSS inspection, pumping, and system status prior to a real estate transaction.

“Site plan” means a graphic and written record of the approximate location of all system components of an undocumented OSS relative to existing structures and prominent site features for a developed property; typically an unofficial record for informational purposes only.

5.60.040 Seller requirements prior to real estate transactions.

A. *General.* No transfer of real property served by an OSS shall be completed without a report of property transfer issued by the health department to the property seller, except for exempt properties as provided under SCBHC 5.60.020(B).

B. *Report of property transfer requirements.* To obtain a report of property transfer from the health department, a property seller shall complete the following prior to the closing of any real estate transaction involving a property served by an OSS:

1. *OSS inspection.* Obtain a full inspection of the OSS conducted by an OSS contractor within 12 months prior to property transfer;
2. *Pumping requirements.* Ensure the septic tank has been pumped by a certified pumper within 12 months prior to property transfer;
3. *Record drawing of OSS.* Confirm there is a record drawing (as-built) of the OSS serving the property. If no as-built is on file, the OSS contractor must create a site plan, as defined in SCBHC 5.60.030, at the time of inspection or pumping; and

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4. *Submit application for report of property transfer.* An application for a report of property transfer, along with the application fees as set forth in chapter 1.40 SCBHC, shall be submitted to the health department after the requirements of subsections B(1) through (B3) of this section have been met.

5.60.050 Report of property transfer-application review.

Upon receipt of a complete report of property transfer application and payment of all applicable fees as set forth in chapter 1.40 SCBHC, the health department shall verify compliance with the requirements as set forth in SCBHC 5.60.040 and upon review of the OSS inspection report, determine the status of the OSS. Based on this review the health department may determine one of the following outcomes:

A. No deficiencies on OSS inspection report. If the OSS is functioning properly and no deficiencies are identified on the OSS inspection report, the health department will accept the application and issue the report of property transfer with no conditions to the property seller. The report is valid for 12 months from the date the report is issued from the health department to the property seller.

B. Minor deficiencies identified on OSS inspection report. If minor deficiencies are identified on the OSS inspection report, the health department may conditionally accept the report of property transfer along with a written notice to the property seller. The notice shall list all deficiencies requiring correction. The property seller must ensure that all listed deficiencies are corrected by a certified OSS contractor prior to closing the real estate transaction.

C. Failure of OSS identified on OSS inspection report.

If failure of the OSS is identified on the OSS inspection report and a permit is required to repair or replace the existing OSS, the health department shall deny the report of property transfer application until the following requirements are met:

1. The property seller must contact a licensed on-site wastewater treatment system designer or professional engineer to prepare and submit the applicable permit application to the health department, along with all applicable fees as set forth in chapter 1.40 SCBHC; and
 - a. The health department shall require a 90-day compliance schedule for correction of an OSS failure. All required OSS repairs or replacements must be approved, completed, and verified by the health department before the real estate transaction; or
 - b. If the failing OSS cannot be repaired or replaced prior to the real estate transaction, the property seller may transfer responsibility for completing the required corrections to the property buyer by submitting a contractual compliance agreement to the health department. The contractual compliance agreement shall be on a template provided by the health department and must be signed by both the property seller

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and the property buyer. The health department must receive the completed and signed agreement prior to the real estate transaction.

When the property seller has met the requirements set forth in subsection (C)(1)(a) or (C)(1)(b) of this section, the health department shall issue a report of property transfer to the property seller prior to the completion of the real estate transaction.

D. Immediate safety hazard identified on OSS inspection report. If surfacing sewage or any condition posing an immediate safety hazard to the public or the environment is identified in the OSS inspection report, the health department shall conduct a site visit and may initiate enforcement action on the property owner until the OSS is in compliance with this title.

Once the immediate safety hazard has been corrected, the health department may issue a report of property transfer, based on the applicable criteria set forth in subsections (A), (B), or (C) of this section.

5.60.060 Report of property transfer-issuance and expiration.

A. Report of property transfer issuance. A report of property transfer shall be valid for 12 months from the date of issuance. Each report of property transfer is only valid for one on-site sewage system and a single, identified property owner.

B. Report of property transfer expiration. An expired report of property transfer shall not be renewed. Upon expiration, the property owner must submit a new report of property transfer application, pay all required fees in accordance with chapter 1.40 SCBHC, and comply with all applicable provisions of this chapter.

C. Pending report of property transfer applications. Report of property transfer applications submitted to the health department are retained for 12 months from the original date of submission. Failure to complete the application requirements and resolve identified issues within that time frame shall require the property owner to submit a new report of property transfer application, pay all required fees in accordance with chapter 1.40 SCBHC, and comply with all applicable provisions of this chapter.

5.60.070 Violations.

It shall be a violation of this chapter to transfer title to a property served by an on-site sewage system without obtaining a valid report of property transfer from the health department. Violations are subject to enforcement under applicable provisions of the Snohomish County Board of Health Code.