

## **TRANSFER OF TITLE INSPECTIONS: A Brief Overview for Buyers and Sellers**

### **What is a transfer of title?**

Transfer of title refers to the sale of property that is served by an on-site wastewater treatment system (OWTS, popularly referred to as a septic system). In a transfer of title, responsibility for maintenance and operation of the OWTS transfers from a seller to a buyer along with ownership of the property.

### **What is the transfer of title inspection requirement?**

Beginning January 1, 2019, most OWTS that are involved in a transfer of title in Archuleta, La Plata and San Juan Counties will need to be inspected by a certified inspector to identify any malfunctions and confirm the system configuration. These inspection reports must be submitted to San Juan Basin Public Health (SJBPH) so SJBPH can issue an Acceptance Document for the transfer. Transferring most property with an OWTS without an Acceptance Document will be illegal and subject to enforcement.

### **Why is this requirement being introduced?**

Malfunctioning OWTS are a serious risk to drinking water and surface water quality. Transfer of title inspections provide a route to discover and repair failing and inadequate systems before they can make people sick. The sale of the property is the perfect time to perform these inspections, because it gives buyers and sellers peace of mind that the system is properly permitted and functioning properly.

### **How do I get an inspection done of my OWTS?**

Transfer of title inspections will be done by certified third-party inspectors. Find inspectors at [sjbpublichealth.org/septic](http://sjbpublichealth.org/septic) or [nawt.org/search](http://nawt.org/search). Around the same time, you may need to have the septic tank pumped by a licensed System Cleaner (confirm this need, and any required timing considerations, directly with the inspector in advance of the inspection). SJBPH maintains a list of licensed System Cleaners at [sjbpublichealth.org/septic](http://sjbpublichealth.org/septic).

### **How do I get the transfer accepted by SJBPH?**

You will submit an application for acceptance to SJBPH along with an inspection report from the last twelve months and, if necessary, a septic tank servicing receipt. SJBPH will review the inspection report and all existing permits for the OWTS. If everything is performing acceptably and matches the permit(s) for the property, SJBPH will issue an Acceptance Document and the transfer may then be completed. Acceptance Documents will be valid for twelve months. SJBPH's fee for acceptance will be \$90, and SJBPH plans to issue Acceptance Documents within five business days if all items are satisfactory.

### **What happens if the system fails inspection or doesn't match its permit?**

The property owner must apply for a new permit to fix any problems or expand the system as necessary. The smallest repairs- adding a fence, replacing a tank lid, etc., do not require a new permit. SJBPH will inspect the repairs and a new Transfer of Title inspection does not need to be performed.

### **What about winter sales and inspections?**

If the inspection cannot be performed or repairs cannot be completed due to snow cover or frozen ground, SJBPH can issue a Conditional Acceptance Document if the buyer agrees in writing to complete the necessary inspections and/or repairs within a reasonable timeframe. SJBPH recommends getting inspections done in advance during fairer weather to avoid this possibility.

### **Are there any exceptions to the Transfer of Title Inspections requirement?**

Systems that are less than four years old, inheritance, adding a spouse, etc., and a few other situations are exempt from the requirement to have an inspection and Acceptance Document prior to sale.