

# Property Transfer Regulation



## Section 11 – PROPERTY TRANSFER CERTIFICATES

The purpose of a property transfer certificate is to, at the time of property transfer (i.e. sale of property), verify the adequacy of the existing onsite wastewater system (OWS) if it was previously approved and permitted, or assure that an unapproved OWS will be permitted and approved within one year of the property transfer. At the time of property transfer, properties with an approved OWS (i.e. septic system) will need to pass another inspection to ensure that the OWS continues to operate properly. If the OWS does not pass this inspection, the property owner will be required to obtain a repair permit to correct deficiencies or obtain an agreement signed by the new owners acknowledging they have accepted responsibility for repairing the deficiencies.

### 11.0 Applicability

- A. Effective September 1, 2008, prior to the sale or transfer of ownership of a property served by an onsite wastewater system (OWS, or septic system), the owners of the dwelling or occupied building shall obtain, or have in their possession, a property transfer certificate and subsequent certificate of operation for that system unless exempted or waived as noted below.
- B. If the onsite wastewater system serving the dwelling or structure was installed and given final approval by Boulder County Public Health (BCPH) ten (10) years or less prior to the date of closing on the property sale, a property transfer certificate shall not be required.
- C. A property transfer certificate and certificate of operation will be issued to any owner of a property with an OWS upon completion of a property transfer application and submission of the required documents verifying compliance with these regulations.
- D. All properties must have an existing approved OWS permit from BCPH. Property owners without an existing permitted and approved OWS will need to go through a verification process and/or apply for a repair permit, and therefore would not need to obtain a property transfer certificate. Verification and repair of an unapproved OWS are both done by way of a major repair permit. In order to be exempt from these property transfer certificate requirements, owners of a property with an unapproved OWS must apply for a major repair permit to either verify that the OWS works adequately or have it replaced.
- E. Property owners that have a permit for their OWS but did not receive final approval from BCPH will need to contact BCPH to determine the necessary steps to obtain the OWS approval.

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- F. The following additional situations will not require a property transfer certificate:
1. The change in ownership is solely to include or exclude a spouse.
  2. The transfer is creating or ending a joint ownership if at least one person is an original owner of the property and/or his/her spouse.
  3. The transfer of property contains a building or buildings connected to an OWS that will be demolished (or already has been), and the building/buildings will not be occupied after the property transfer.
  4. The transfer of property is to a trust.
  5. The transfer of property is to effect foreclosure or forfeiture of real property.
  6. The owner of the property or the person acquiring title has signed an enforceable agreement with BCPH to upgrade the system.
  7. The owner of the property will connect the dwelling or occupied building to a sanitary sewer or a shared system within the next two years following the transfer of title, provided that such agreement has been disclosed to and is binding on the subsequent owner(s).
  8. The property owner is part of a community plan or management district for his/her onsite wastewater system that has been approved in writing by BCPH, and the system has been inspected as required by the plan.

## 11.1 Application Requirements

- A. Applications for a property transfer certificate shall be made on the appropriate form furnished by BCPH and shall include:
1. Name, address, and phone number of current owner.
  2. Name, address, and phone number of current occupant, if different from owner.
  3. Address of the property.
  4. Legal description of the property.
  5. Size of the property in acres, rounded to the nearest tenth acre (1/10).
  6. Type of water supply.
  7. Type of existing building or structure (if commercial, list all uses or tenants).
  8. Number of bedrooms in the dwelling.
  9. Statement from the current property owner regarding the present operational status of the onsite wastewater system.
  10. A non-refundable certificate fee, as established by BCPH.
  11. A septic tank pumping receipt from a licensed cleaner and a BCPH OWS inspection report form from a certified inspector (as identified in #13 below).
  12. Where required, a copy of a maintenance contract and inspection report dated not more than thirty (30) days prior to the date of application if the system contains any mechanical components, such as an aeration or secondary treatment system, and an inspection report from the service provider.
  13. A report on the appropriate form provided by BCPH from an inspector who has been certified under the National Sanitation Foundation (NSF) Onsite Wastewater Inspector Accreditation Program, the National Association of Wastewater Transporters (NAWT) Onsite Wastewater Inspector Program, or equivalent level of training and experience as established by BCPH. The form cannot be dated more than ninety (90) days prior to the date of the property transfer certificate application and must contain the following:

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- a) A drawing showing the location of the dwelling or structure with two-point triangulated distance measurements to the septic tank lid(s) or global positioning system (GPS) coordinates. This requirement may be waived if such a drawing or data is already on file with BCPH.
  - b) An inspection report for the onsite wastewater system which states whether each component is in good repair and proper working order, and that the inspection was conducted to meet all BCPH requirements, as outlined in guidance provided by BCPH.
  - c) Any other information as required by BCPH.
  - d) If vacant, a statement of when the vacancy occurred.
- B. All reports shall be submitted on Boulder County Public Health onsite wastewater system inspection report forms that have been provided by BCPH.
- C. Unless a property transfer permit is issued, applications shall become void ninety (90) days from the date of application or at the time of closing on the property.

### 11.2 Issuance of a Property Transfer Certificate

- A. When the conditions in Section 11.1 have been met, BCPH shall approve the property transfer certificate and issue a certificate of operation, setting forth the terms and conditions of approval, including:
- 1. The existence of any permits in BCPH files.
  - 2. Determination of size, type, and capacity of the system.
  - 3. Evidence of past failures or malfunctions within the previous three years, as shown in BCPH records.
  - 4. Any circumstances, such as lack of occupancy, snow coverage, or other factors, that may have affected the ability of the inspector to evaluate the system.
  - 5. Any other information as deemed appropriate by BCPH.
- B. The property transfer certificate shall remain valid for a period of four (4) years from the date of issuance.

### 11.3 Waiver of Property Transfer Certificates

If it is determined that an onsite wastewater system does not meet any of the requirements in Section 11.2, the requirement for a property transfer certificate may be waived, provided that:

- A. The buyer has executed a written agreement with BCPH agreeing to repair or replace the onsite wastewater system within one (1) year of the closing date of the sale or transfer of the property.

### 11.4 Revocation of a Property Transfer Certificate

The health officer may revoke a property transfer certificate based upon a determination that the onsite wastewater system is no longer functioning in accordance with these regulations, or if any of the requirements noted in Section 11.2 are subsequently violated, or if false or misleading material statements were made on the application or inspection reports.

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