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STATE OF IOWA

DEPARTMENT OF NATURAL RESOURCES
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Iowa's Time of Transfer Inspection Program

Iowa's time of transfer inspection law (SF261) was passed in April of 2008 and takes effect July 1, 2009. The new law requires that every home/building served by a septic system have that septic system inspected prior to the sale or deed transfer of the home/building. The law also requires the Iowa Department of Natural Resources (IDNR) to develop an inspection procedure and a time of transfer inspector certification program. The certification program will include an inspection training that covers the inspection procedure and reporting requirements. Inspection reports must be provided to the County Recorder, County Environmental Health staff (sanitarian) and the DNR. A copy of the inspection report must be attached to the Groundwater Hazard Statement before the deed can be transferred. There are some exemptions in the law for foreclosure, family transfer, divorce settlements and administration of an estate.

What This Means for Realtors

The Iowa Realtors Association provided a considerable amount of input for SF261. Realtors were concerned about the availability of county sanitarians and uniformity of inspections. To address this, the law included a Certified Time of Transfer Inspector Program. While county sanitarians may still do inspections, anyone with the appropriate experience and training can become a Certified Time of Transfer Inspector. This should provide a sufficient number of inspectors to minimize delays. The program also includes a uniform inspection procedure and the use of a standard inspection worksheet. Inspectors must follow this procedure to provide uniformity statewide.

Presently 21 counties have ordinances that require time of transfer inspections. These counties have seen an acceptance by Realtors of their requirements with few complaints about the process or time involved. Many residents have repaired or replaced septic systems prior to putting the home on the market in these counties.

The Department will maintain a list of Certified Inspectors on its website and on the Onsite Wastewater Training Center of Iowa website. The list will also be available from county sanitarians. Inspectors must follow the procedure outlined in the rules and the inspector training. The rules include a disciplinary procedure for inspectors who violate these procedures.

A home or building with a septic system will require an inspection prior to finalizing the sale or transferring the deed. The Groundwater Hazard Statement has been modified to include a disclosure of septic systems on the property and whether an inspection has been completed. Provisions have been included for weather delayed inspections. A binding acknowledgement between the buyer and the County Board of Health to conduct the inspection at the first possible opportunity must be attached to the Groundwater Hazard Statement.

Septic systems DO NOT have to meet TODAY'S code to pass an inspection. The primary purpose of the program is to eliminate systems with no secondary treatment: i.e.: a tank discharging to the ditch. These systems are illegal and have been for many years. They are not "grandfathered" into compliance. For example, a system installed under permit with a 1000-gallon tank and 200 feet of absorption field will pass if it is properly working the day of the inspection even if current code requires a 1500 gallon tank and 400 feet of fields.