

General Information for Time of Transfer

Iowa's Time of Transfer Inspection Program

Iowa's time of transfer septic system inspection law (SF261) was passed by the Iowa legislature in April of 2008 and took 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 for the home/building. The purpose of the law is to eliminate sub-standard or polluting septic systems. A sub-standard septic system is one that has no treatment (secondary treatment) following the septic tank or has a secondary treatment system that has failed. These sub-standard septic systems pose an environmental and public health hazard and require repair. If you have a septic system with a septic tank AND a secondary treatment system such as a seepage (leach) field, sand filter or other approved device, and it is not creating a public health or environmental hazard, it does not have to meet current code. All inspections must be conducted by an inspector that has been certified by the department.

Frequently Asked Questions about Septic System Inspections

- When did the law take effect?

Iowa's time of transfer inspection law (SF261) was passed in April of 2008 and took effect July 1, 2009. That means that any property that has a septic system and will transfer title on or after July 1 must be inspected.

- What does the law require?

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. Those systems that are inadequate must upgrade at time of sale or transfer.

- What is the purpose of the law?

Iowa has an estimated 100,000 buildings with septic systems that do not function adequately. The primary purpose of the program is to eliminate systems with no secondary treatment. These are the septic systems that have a septic tank, but do not have a leach field, sand filter or other secondary treatment device. Generally, these are the systems that pipe raw sewage directly into a road ditch or tile drain that flows to a ditch or stream. These systems are illegal and have been for many years.

- Why are properly functioning septic systems important?

A single septic system can deliver between one million and 100 million colony-forming units of bacteria per 100 milliliters of effluent. Put another way, extremely high levels of bacteria come from inadequately performing septic tanks. If discharged directly into a stream or road ditch, these high levels have the potential to expose people, primarily children, and pets to possible pathogens carried in the fecal material. The material coming from poorly functioning septic systems are also high in organic matter. As this material enters a stream it pulls oxygen out of the water as it decomposes, posing a hazard to fish and other aquatic life. As the material is diluted and carried downstream, it is also a potential pollutant for drinking water supplies that draw water from that stream.

- What if my system is working, but it is old and not up to code?

If your septic system is working properly when inspected, it will not have to be upgraded to meet today's code. Older systems may not have adequate capacity to meet current code, but still have a leach field or other secondary treatment that is working. These systems are less hazardous than those that have no secondary treatment and carry raw sewage to a ditch or stream.

- Are there any exceptions to the requirement?

There are some exemptions in the law for foreclosure, father to son family transfers, divorce settlements and administration of an estate. For specifics, contact your attorney.

- Who can do inspections?

A person with the appropriate experience and training can become a Certified Time of Transfer Inspector. To ensure uniformity of inspections, inspectors must be certified through a DNR training program. For more information about upcoming trainings, see www.wastewatertraining.com.

- How do I know that inspections will be uniform from county to county?

As part of the certification training, inspectors are taught to use a uniform inspection procedure. They must also use a standard inspection worksheet throughout the state. The inspection law requires that all inspections are conducted according to Department procedures.

- How many inspectors are there?

DNR has been working hard to prevent delays in sales and ensure that there are enough inspectors to complete all needed inspections. As of July 1, 2011, there were 367 certified inspectors.

- Where can I find a list of inspectors?

Check the following Web sites maintained by the DNR and the Onsite Wastewater Training Center of Iowa: www.onsiteiowa.com or www.wastewatertraining.com

- Can I check an inspection report for a property that I am interested in buying?

Inspection reports must be provided to the 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. Contact your county environmental health office.

- What if I am buying a home that has an inadequate septic system? Will that hold up the sale?

There are basically two options if a property you are buying has a septic system that is not adequate. Option 1 is for the seller to fix the problem by upgrading the system prior to the sale. Option 2 is for buyer and seller to negotiate on price and who will fix the system. The sale can still go forward if there is a binding acknowledgment between the buyer and the County Board of Health that the system will be inspected and updated if necessary.

- What if weather has caused a delay in the inspection?

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 acknowledgment 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.