



## Property Transfer Regulation

Section 4.N of Boulder County Onsite Wastewater Treatment System (OWTS) regulation refers to the property transfer requirements.

### N. Transfer of Title Inspections.

1. The purpose of a transfer of title inspection is to verify the adequacy of the existing OWTS at the time of property transfer (i.e. sale of property), if it was previously approved and permitted, or to assure that an unapproved OWTS will be permitted and approved within one (1) year of the property transfer.
  - a. At the time of property transfer, properties with an approved OWTS will need to pass another inspection to ensure that the OWTS continues to operate properly. If the OWTS 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 identified deficiencies. Agreements must be completed using approved BCPH forms.
2. Applicability. Prior to the sale or transfer of ownership of a property served by an OWTS, the owners of the dwelling or occupied building shall obtain, or have in their possession, a transfer of title certificate and subsequent certificate of operation for that system unless exempted or waived as noted below.
3. If the OWTS serving the dwelling or structure was installed and given final approval by BCPH five (5) years or less prior to the date of closing on the property sale, a property transfer certificate shall not be required.
4. A property transfer certificate will be issued to any owner of a property with an OWTS upon completion of a transfer of title inspection application and submission of the required documents verifying compliance with these regulations.
5. All properties must have an existing approved OWTS permit from BCPH. Property owners without an existing permitted and approved OWTS 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.
  - a. Verification and repair of an unapproved OWTS 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 OWTS must apply for a major repair permit to either verify that the OWTS works adequately or have it replaced.
6. Property owners that have a permit for their OWTS but did not receive final approval from BCPH will need to contact BCPH to determine the necessary steps to obtain the OWTS approval.
7. The following additional situations will not require a property transfer certificate:
  - a. The change in ownership is solely to include or exclude a spouse.
  - b. The transfer is creating or ending a joint ownership if at least one person is an original owner of the property and/or the spouse of an original property owner.
  - c. The transfer of property contains a building or buildings connected to an OWTS that will be demolished (or already has been), and the building/buildings will not be occupied after the property transfer has occurred.
  - d. The transfer of property is to a trust in the same name as the owner.
  - e. The transfer of property is to effect foreclosure or forfeiture of real property.

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- f. The owner of the property or the person acquiring title has signed an enforceable agreement with BCPH to upgrade the system.
  - g. The owner of the property will connect the dwelling or occupied building to a sanitary sewer or a shared system within the next two (2) years following the transfer of title, provided that such agreement has been disclosed to and is binding on the subsequent owner(s).
  - h. The property owner is part of a community plan or management district for which their OWTS has been approved, in writing by BCPH, and the system has been inspected as required by the plan.
8. If the system is not functioning according to design, the system must be repaired so that it is functioning.
9. Applications for transfer of title shall be made on the appropriate form furnished by BCPH and must include:
- a. Name, address, and phone number of current owner.
  - b. Name, address, and phone number of current occupant, if different from owner.
  - c. Address of the property.
  - d. Legal description of the property.
  - e. Size of the property in acres, rounded to the nearest tenth (1/10) acre.
  - f. Type of water supply.
  - g. Type of existing building or structure (if commercial, list all uses or tenants).
  - h. Number of bedrooms in the dwelling.
  - i. Statement from the current property owner regarding the present operational status of the OWTS.
  - j. A non-refundable certificate fee, as established by BCPH.
  - k. A septic tank pumping receipt from a licensed cleaner and a BCPH OWTS inspection report form from a certified inspector, as identified in this section.
  - l. 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.
  - m. 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 twelve (12) months prior to the date of the transfer of title application and must contain the following:
    - (1) 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.
    - (2) An inspection report for the OWTS 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.
    - (3) Any other information as required by BCPH.
    - (4) If the property is unoccupied, a statement of when the vacancy occurred.

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10. All reports shall be submitted on Boulder County Public Health OWTS inspection report forms that have been provided by BCPH.
11. Minimum Criteria.
  - a. The existing system must meet, at a minimum, the following criteria and conditions:
    - (1) All tanks must be structurally sound and in good working order and provided with suitable lids.
    - (2) All internal devices and appurtenances, such as tees, effluent screens, and baffles, that were originally provided with the tank or added later must be intact and in working order.
    - (3) Alarms, control devices, and components necessary for the operation of the system must be present and in good working order.
    - (4) A soil treatment area, other means of subsurface wastewater treatment, evapotranspiration, or treatment system other than those discharging through a soil treatment area or sand filter must be present and in good working order.
    - (5) There are no unapproved wastewater discharges from the system.
    - (6) Any deficiencies noted in the inspection report(s) have been corrected with the necessary permits and inspections.
12. Issuance of a Property Transfer Certificate.
  - a. When the criteria set forth above have been met, BCPH shall issue a property transfer certificate, using terminology adopted by BCPH, setting forth the terms and conditions of approval, including, as appropriate:
    - (1) Statement of the size, type, and capacity of the system and an as-built drawing, either from BCPH records or the inspection reports.
    - (2) Evidence of past failures, as shown in BCPH records.
    - (3) Circumstances or factors that may have affected the ability of the inspector to evaluate the system.
    - (4) Whether the system meets the permitting requirements of BCPH.
    - (5) The existence of any permits in BCPH files.
    - (6) Any other information as deemed appropriate by BCPH.
13. The property transfer certificate shall remain valid until the date of real estate closing or for a period of six (6) months, whichever comes first. Once the real estate closing has been completed, the property transfer certificate need not be renewed.
14. Renewal of Property Transfer Certificate.
  - a. Provided it has not expired, a property transfer certificate may be renewed once for a period of six (6) months upon completion of the appropriate form and payment of the required fee.
15. Waiver of a Property Transfer Certificate.
  - a. If it is determined by BCPH that an OWTS does not meet the requirements for issuance of a property transfer certificate, a conditional property transfer certificate may be issued, provided that the purchaser of the property agrees to obtain a permit and complete all necessary repairs to the system (or connect to a sanitation district, if appropriate) within ninety (90) days of occupancy of the structure. The agreement must be provided on BCPH forms.
  - b. If conditions, such as frozen ground, limit the ability to complete all necessary repairs, the ninety (90) days allowed the purchaser may be extended by BCPH.
16. Revocation of a Property Transfer Certificate.

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- a. A property transfer certificate must be revoked if it is determined that the system is no longer functioning in accordance with this regulation or that false or misleading material statements were made on the application or inspection reports.

17. Penalties.

- a. Failure to obtain a property transfer certificate for a covered transaction as provided by this regulation shall subject the owner who failed to obtain the document to a penalty assessed under section 25-10-113, C.R.S.

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