

House Study Bill 81

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring certain water treatment and supply-related
2 inspections to be conducted when certain property is sold or
3 transferred.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1427DP 82
6 tm/gg/14

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1 1 Section 1. Section 455B.172, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 11. a. A building where a person
1 4 resides, congregates, or is employed that is served by a
1 5 private sewage disposal system shall have the sewage disposal
1 6 system serving the building inspected prior to any transfer of
1 7 ownership of the building. The requirements of this
1 8 subsection shall be applied to all types of ownership transfer
1 9 including at the time a seller financed real estate contract
1 10 is signed. Any type of on-site treatment unit or private
1 11 sewage disposal system must be inspected according to rules
1 12 developed by the department.
1 13 b. At the time of inspection, any septic tank existing as
1 14 part of the sewage disposal system shall be opened and have
1 15 the contents pumped out and disposed of as provided for by
1 16 rule. In the alternative, the owner may provide documentation
1 17 of the septic tank being properly pumped out within one year
1 18 prior to the inspection by a commercial septic tank cleaner
1 19 licensed by the department.
1 20 c. If a private sewage disposal system is failing to
1 21 ensure proper wastewater treatment or is otherwise improperly
1 22 functioning, the system shall be renovated to meet current
1 23 standards either by the seller or, by agreement, within a
1 24 reasonable time period as determined by the county or the
1 25 department, by the buyer. If the sewage disposal system is
1 26 properly treating the wastewater and not creating an
1 27 unsanitary condition in the environment, the system is not
1 28 required to meet current construction standards.
1 29 d. Inspections shall be conducted by an inspector
1 30 certified by the department.
1 31 e. Pursuant to chapter 17A, the department shall adopt
1 32 certification requirements for inspectors including training,
1 33 testing, and fees, and shall establish uniform statewide
1 34 inspection criteria and an inspection form. The inspector
1 35 certification training shall include use of the criteria and
2 1 form. The department shall maintain a list of certified
2 2 inspectors.
2 3 f. County personnel are eligible to become certified
2 4 inspectors. A county may set an inspection fee for
2 5 inspections conducted by certified county personnel. A county
2 6 shall allow any department certified inspector to provide
2 7 inspection services under this subsection within the county's
2 8 jurisdiction.
2 9 g. Following an inspection, the inspection form and any
2 10 related reports shall be provided to the county for
2 11 enforcement of any follow-up mandatory system improvement and
2 12 to the department for record.
2 13 h. An inspection is valid for a period of two years for
2 14 any ownership transfers during that period. Title abstracts
2 15 to property with private sewage disposal systems shall include
2 16 documentation of the requirements in this subsection.
2 17 EXPLANATION
2 18 This bill relates to certain water treatment and

2 19 supply-related inspections conducted when certain property is
2 20 sold or otherwise transferred.

2 21 The bill requires a building where a person resides,
2 22 congregates, or is employed that is served by a private sewage
2 23 disposal system to have the sewage disposal system serving the
2 24 building inspected prior to any transfer of ownership of the
2 25 building. The bill provides that, at the time of inspection,
2 26 any septic tank existing as part of the sewage disposal system
2 27 shall be opened and have the contents pumped out and disposed
2 28 of as provided for by rule. In the alternative, the owner may
2 29 provide documentation of the septic tank being properly pumped
2 30 out within one year prior to the inspection by a licensed
2 31 commercial septic tank cleaner.

2 32 The bill provides that, if a private sewage disposal system
2 33 is failing to ensure proper wastewater treatment or is
2 34 otherwise improperly functioning, the system shall be
2 35 renovated to meet current standards. The bill provides that,
3 1 if the sewage disposal system is properly treating the
3 2 wastewater and not creating an unsanitary condition in the
3 3 environment, the system is not required to meet current
3 4 construction standards. The bill requires inspections to be
3 5 conducted by an inspector certified by the department.

3 6 The bill requires the department to adopt certification
3 7 requirements for inspectors and to maintain a list of
3 8 certified inspectors.

3 9 The bill allows county personnel to be eligible to become
3 10 certified inspectors. The bill allows a county to set an
3 11 inspection fee for inspections conducted by certified county
3 12 personnel. The bill requires a county to allow any department
3 13 certified inspector to provide inspection services within the
3 14 county's jurisdiction.

3 15 The bill includes reporting requirements following
3 16 inspections.

3 17 The bill provides that an inspection will be valid for a
3 18 period of two years for any property transfers during that
3 19 period and that title abstracts to property with private
3 20 sewage disposal systems shall include documentation of the
3 21 bill's requirements.

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