



SJCHD-05-707

St. Joseph County Health Department

"Promoting physical and mental health and facilitating the prevention of disease, injury, and disability for all St. Joseph County residents"

SUMMARY OF THE PROPERTY TRANSFER PROCESS

1. Compliance with the property transfer standards is the **responsibility of the seller**. Determining which party performs the inspections and tests and which party pays for them is a contractual matter between the seller and buyer. However, **the Health Department holds the seller, the seller's real estate agent, and the title company responsible for compliance**.
2. These standards apply to the transfer of all **commercial and residential** properties in St. Joseph County.
3. **If anyone has special issues or problems, please call the Health Department at 235-9722** so we can work through them with you.
4. If the structure being sold is connected to municipal sewer and water the septic inspection and water test are not required but a copy of the sewer and water bill must be submitted to the Health Department with the Property Transfer Application.
5. **Plan for the septic inspection and water tests early in the property transfer process**. The inspections and tests are good for 6 months if the sale does not go through.
6. The primary purpose of the property transfer standards is to disclose the condition of the septic system and the quality of the drinking water to the buyer.
7. If the drinking water does not meet Federal Drinking Water Standards a treatment devise must be installed on the primary point of use. For residences this is the kitchen faucet.
8. If there is an onsite septic system on the property, a septic inspection must be performed by a qualified person and reported using the Health Department form. Inspectors must follow the new requirements. The primary changes are that the inspector must open and inspect the septic tank, run at least 20 gallons of water from the structure through the septic system, and prepare a sketch of the site so the buyer will know where their system is located.
9. If there is an onsite potable water well, water tests must be performed and reported to the Health Department. The water must be tested for: total coliform bacteria, E.coli bacteria, nitrates, temperature, arsenic, pH, and residual chlorine.
10. The septic inspection results and water test information must be provided **to the buyer at least three (3) days prior to closing**. We recommend that it be provided at the same time that other inspection results are provided.
11. The septic inspection results, water test information (or municipal sewer and water bill), a Property Transfer Application, a fee of \$35, and a preaddressed and stamped envelope must be submitted to the Health Department **within five (5) days after closing**.
12. These requirements **do not apply to transfer of new construction** to its first owner/occupant or to a structure to be demolished within six months and will not be lived in after the transfer.
13. The **penalties for violation** of the ordinance range up to \$1500 per violation per day and will be enforced.
14. This document is just a summary. Each party is responsible for learning all of the property transfer requirements that may affect them.