

ROCHESTER-OLMSTED
PLANNING DEPARTMENT
Building/Well/Septic
2122 Campus Dr SE, Suite 100
Rochester MN 55904
Ph: 507.328.7100 Fx: 507.328.7958
Email: planningweb@co.olmsted.mn.us



DIRECTIONS FOR COMPLETING THE SSTS LAND TRANSFER COMPLIANCE FORM

The new Olmsted County Subsurface Sewage Treatment Systems Ordinance requires that compliance inspections be completed for dwellings or structures that are served by a subsurface sewage treatment system (septic system). Chapter 3409 of the ordinance identifies the circumstances under which a compliance inspection is required, one of which is for **land transfers**. The **Subsurface Sewage Treatment System – Land Transfer Compliance** form is required in order to provide adequate documentation regarding compliance of the subsurface sewage treatment system and responsibility for system repair, replacement and maintenance.

A Certificate of Compliance is required for land transfers, however Section 3409.0103, Subd 1D states that where a Certificate of Compliance is not provided by the seller of property the seller is required to provide the buyer with a security sufficient to assure the installation of a complying system. Sellers and buyers are not permitted to propose and accept a contract that excludes the requirement for a Certificate of Compliance or a form of security.

The parties that are involved in the land transfer must complete and sign the SSTS Land Transfer Compliance form and attach a copy of the completed Compliance Inspection Form to this document.

The parties involved in a land transfer are not required to complete this form when:

- The affected tract of land does not contain buildings or buildings that are required to have a subsurface sewage treatment system;
- The transfer is a filing of a Certificate of Real Estate Value per M.S. Section 272.115, Subd. 1.;
- The land transfer is involuntary as a tax forfeiture;
- The transfer occurred prior to the effective date of the ordinance.

The form must be completed prior to submittal to the Rochester-Olmsted Planning Department. The department is responsible for reviewing and signing the form prior to submittal to the Olmsted County Property Records and Licensing Department.

The Olmsted County Subsurface Sewage Treatment System Ordinance, Section 3409.0103 requires the following:

3409.0103 Transfer of Properties

1. Whenever sale or transfer of a tract of land occurs upon which a dwelling or a structure that is required to have an SSTS is located, the following requirements shall be met:

A. A compliance inspection has been performed and a Certificate of Compliance has been submitted to the Department within 3 (three) years for SSTS older than five years or within (five) years if the system is less than five years old prior to the intended sale or transfer of the property unless evidence is found identifying an Imminent Threat to Public Health and Safety. In the event of a finding of Imminent Threat of Public Health and Safety the owner shall comply with Section 3405.0204 and any other applicable provisions of this ordinance.

B. The compliance inspection must have been performed by a licensed inspection business following procedures described in Section 3409.0103 of this ordinance.

C. The seller of the property must disclose in writing all information about the status and location of all known ISTS on the property to the buyer on a form acceptable to the Department.

D. If the seller fails to provide a Certificate of Compliance, the seller shall provide the buyer with sufficient security in the form of an escrow agreement at closing to assure the installation of a complying ISTS. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The amount escrowed shall be equal to 150% of a written estimate to install a complying ISTS provided by a licensed and certified installer, or the amount escrowed shall be equal to 110% of the written contract price for the installation of a complying ISTS provided by a licensed and certified installer. After a complying SSTS has been installed and a certificate of compliance issued, the Department shall provide the escrow agent a copy of the Certificate of Compliance, and the escrow agent shall pay the escrowed funds to the installer for the ISTS work and return any remaining balance to the seller, unless otherwise agreed in writing by the seller and the buyer.