

## Frequently Asked Questions

### **The Groundwater Hazard Statement (GWHS) & Time of Transfer Septic System Inspections** **[www.onsiteiowa.com](http://www.onsiteiowa.com)**

The GWHS is required when a DOV is required and in any other case in which a private sewage system inspection is required (if there are any such cases), regardless of the date on the real estate transfer document. The most current form of the GWHS is dated July 18, 2012.

There are two different versions of the form for Time of Transfer inspections for private sewage systems. The proper form is 542-0191. The Department does not have this form on their website to avoid fraud. All certified inspectors have copies of this form or they can obtain it from the Department. A list of inspectors is available on the Iowa DNR website: [www.onsiteiowa.com](http://www.onsiteiowa.com). Choose the time of transfer tab. The Department has also developed binding agreements for weather delays, demolitions and future installations. These form are also available on the website.

**1. We have a property in the name of three trusts. One trust is giving their interest to the other two trusts and there is consideration. Do they need an inspection?**

The law exempts any transfer by a fiduciary in the course of administration of a trust. The existence of consideration is not relevant. No inspection is required.

**2. A mortgage company received the property by voluntary foreclosure. NOW the mortgage company is selling the property. Do they need an inspection?**

The law exempts a transfer by a mortgagee who has acquired the property through voluntary foreclosure. No inspection is required.

**3. Does the time of transfer form have to be an original when it is filed with the groundwater hazard statement to the County Recorders?**

No, the original is not required.

**4. If we have a Building on Leased Land (BOLL), do we need a GWHS? For example, a garage in a mobile home park usually comes in on a Bill of Sale with a DOV and transfer tax. Or, a cabin on leased land could transfer by Bill of Sale. We do require a DOV when we get a bill of sale for a BOLL, but some counties do not require any kind of recorded document to transfer a BOLL.**

Yes, if a DOV is required then a GWHS is required and the Septic inspection question must be answered because the Department considers a cabin on leased land as a transfer of ownership of the building which requires an inspection per the code. In conversation with Assistant Attorney General Michael Bennett, in a 1971 opinion of the Iowa Attorney General indicates that DOV's are required with a bill of sale for a building. This would seem to address the only exception that we thought existed where a time of transfer inspection is required but we thought a DOV was not. It appears a DOV is required in these circumstances.

**5. Are short sales covered under exemption #2 (foreclosure) of when a septic inspection is required?**

Short sales are a close relative of foreclosure, but they have not been exempted. An inspection will be required. The main justifications for foreclosures being exempt are that the bank doesn't have knowledge and never occupied the structure. It is also a protection from making them put more money into the property.

**6. Define Lineal Line of Consanguinity**

Generally defines blood relatives in the lineal line from grandparents to parents to children etc.