

ADVISORY SEPTIC SYSTEMS

1. Sellers of properties with septic systems and Buyers of the same are hereby advised of certain issues affecting the purchase and sale of such properties:

- Some counties require a septic system inspection at the time of the sale of a property;
- A Buyer's lender may require a septic system inspection; and
- A Buyer may make an offer to purchase conditioned upon a septic system inspection.

2. If the county in which the Seller resides requires a point of sale septic system inspection, then the Seller must arrange for and have such an inspection, at the seller's cost, according to the local government requirements. If the county health department finds deficiencies in the Seller's septic system, *then the county may require corrections within a specified time period whether or not the property is sold.* As well, inspection results may be valid only for a specified time period. A Seller whose property does not sell within this time period may incur costs for additional inspections.

3. If the county in which the Seller resides does not require a point of sale septic system inspection, then the Seller may have a septic inspection at the time of listing, make required repairs, and disclose the inspection results to any prospective buyer.

Alternatively, the Seller may elect not to have a septic inspection at the time of listing. However, the Buyer or Buyer's lender may request or require an inspection as well as repairs as a condition of the sale. The parties would then negotiate the repair of any deficiencies in accordance with the purchase agreement.

4. Regardless of whether or not an inspection takes place, a Seller must disclose all material defects relating to the septic system (as well as any other known material defects) on the State of Ohio Residential Property Disclosure Form. If a Seller has inspection reports or knowledge of inspection results, the Seller must also disclose this information.

5. Septic system inspections may be delayed because the property has been vacant or because of inclement weather. To avoid such delays, Sellers may wish to order a septic inspection while the property is still occupied and/or before the onset of winter.

6. The purchase agreement may address responsibility for septic system inspections, consistent with the requirements of the local government and/or a lender.

7. This advisory is for information purposes only. Parties with questions about septic system inspection requirements or repairs are advised to consult directly with the local government or a qualified inspector or contractor.

Buyer/Seller

Date

Buyer/Seller

Date

