
Ordinance BOH26-02 relating to on-site sewage system requirements for real estate transactions

Division:

Environmental Health

Background

Summary

Beginning February 1, 2027, Washington State will require that septic systems be inspected when properties are sold. Local health jurisdictions are responsible for ensuring compliance, verifying inspections, and applying any additional requirements. Snohomish County does not currently have a local process that satisfies the new rule and must establish one.

Approximately 2,785 septic-served properties transfer ownership each year in Snohomish County. Creating a local program will ensure compliance with state law, strengthen environmental public health protections, and provide an additional point of contact for homeowners who may not regularly inspect their systems. The Board of Health received a briefing in March 2026 regarding this ordinance. No changes have been made since the briefing.

Proposed Local Program

The proposed Report of Property Transfer program would establish the following requirements:

- A certified septic professional must complete a septic system inspection within 12 months before closing.
Pumping is required when determined necessary during inspection.
- An as-built record must be on file with the Health Department; if missing, a site plan completed by the septic professional may substitute.
- Sellers must submit a Report of Property Transfer application to the Health Department for review.
The review will evaluate service history and identify system deficiencies. Findings will be issued to the seller.
- Sellers must provide the buyer with the Report of Property Transfer and system maintenance records as part of the standard disclosure process.

Additional program elements include:

- Application review is expected to take up to 10 days, and issued reports are valid for 12 months.
- Fees for this service are included in the 2026-2028 fee schedule: \$245 (2026-2027) and \$255 (2027-2028).
- When deficiencies are identified, sellers may repair issues and obtain an updated report; unresolved deficiencies will carry forward to the buyer for follow-up.

- Systems installed within 12 months of the sale are exempt.

Policy Development Process

Staff developed the proposed program through coordinated research, analysis, and inter-departmental collaboration, including:

- Review of local programs in neighboring jurisdictions
- Meetings with Kitsap and Pierce County program staff
- Coordination with the Land Use Monitoring & Maintenance team, Environmental Health leadership, and the Snohomish County Prosecuting Attorney's Office
- Review of real estate documentation standards, including NWMLS forms and seller disclosure requirements

Community Engagement

Staff conducted targeted stakeholder outreach to realtors, septic professionals, watershed groups, and homeowners. Engagement activities included:

- Four working meetings with Snohomish County/Camano Island Association of Realtors
- Three presentations to the Stillaguamish Watershed Council/Sno-Stilly LIO
- Two presentations to certified septic contractors
- One survey of SCCAR-affiliated realtors
- Ongoing newsletter communications to septic system stakeholders

More than 150 comments were collected and incorporated where feasible. Staff provided follow-up to participants describing how their feedback influenced the proposed program.

Timeline

If approved, the program would take effect November 1, 2026, aligning with the fee schedule update. State compliance is required by February 1, 2027. Staff are preparing education and outreach activities for summer and fall 2026 to ensure readiness among realtors, contractors, and homeowners.

Board Authority

RCW 70.05.060 (3) Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof.

Recommended Motion

Suggested action: Move to approve Ordinance BOH26-02

ATTACHMENTS:

Description

- ❑ [Ordinance BOH 26-02 Property Transfer Inspections AATF](#)
- ❑ [Letter of Support for Snohomish County OSS Code Revision \(Chapter 5.60\)](#)
- ❑ [Public Hearing Notice for Ordinance BOH26-02](#)

1 SNOHOMISH COUNTY BOARD OF HEALTH
2 Snohomish County, Washington

3
4 ORDINANCE NO. BOH26-02

5
6 RELATING TO ON-SITE SEWAGE SYSTEM REQUIREMENTS FOR REAL ESTATE
7 TRANSACTIONS; ADDING A NEW CHAPTER TO THE BOARD OF HEALTH CODE

8
9 WHEREAS, WAC 246-272A-0270 provides that beginning February 1, 2027, at
10 the time of property transfer, the owner of an on-site sewage system (OSS) must obtain
11 an inspection, as required in WAC 246-272A-0260(5), by a third-party inspector
12 authorized by the local health officer; and

13
14 WHEREAS, WAC 246-272A-0270 further provides that the local health officer
15 may verify the results of the OSS inspection and may require additional inspections and
16 other requirements not listed in WAC 246-272A-0260; and

17
18 WHEREAS, under RCW 70.05.060(3) the Snohomish County Board of Health
19 has authority to enact such local rules and regulations as necessary in order to
20 preserve, promote, and improve the public health and provide for the enforcement
21 thereof, and, further, may adopt and enforce local rules governing OSS under
22 WAC 246-272A-0013; and

23
24 WHEREAS, the Snohomish County Board of Health has determined that
25 updating the existing Snohomish County Board of Health Code is necessary to
26 effectively communicate the local rules and regulations to the people of Snohomish
27 County;

28
29 NOW, THEREFORE, BE IT ORDAINED:

30
31 Section 1. A new chapter is added to Title 5 of the Snohomish County Board of
32 Health Code to read:

33
34 **CHAPTER 5.60**
35 **ON-SITE SEWAGE SYSTEM REQUIREMENTS FOR REAL ESTATE**
36 **TRANSACTIONS**

37
38 Sections:

- 39 5.60.010 Authority and purpose.
40 5.60.020 Applicability.
41 5.60.030 Definitions.
42 5.60.040 Report of property transfer required.

- 1 5.60.050 Report of property transfer - application review.
- 2 5.60.060 Report of property transfer - issuance and expiration.
- 3 5.60.070 Violations.

4
5
6 **5.60.010 Authority and purpose.**

7
8 A. *Authority.* The board of health adopts these regulations under the authority of
9 chapters 70.05, 70A.105, and 70A.110 RCW and chapter 246-272A WAC. WAC 246-
10 272A-0270 authorizes the health officer to respond to the results of inspections of on-
11 site sewage systems (OSS) that are required to be submitted to the health officer by an
12 OSS owner at the time of property transfer and to establish standards for such
13 inspections, including requirements for addressing identified deficiencies or defects.

14
15 B. *Purpose:* The purpose of this chapter is to protect public health and the environment
16 by requiring all real estate transactions involving properties served by an OSS to include
17 a report of property transfer issued by the health officer. This process verifies if the
18 OSS:

- 19 1. Is functioning properly and in compliance with this title;
- 20 2. Has a record drawing or site plan on file with the health department; and
- 21 3. Establishes requirements for addressing any identified deficiencies or defects
- 22 of the OSS at the time of property transfer.

23
24 **5.60.020 Applicability.**

25
26 A. *Applicability.* This chapter shall apply to all real estate transactions involving
27 properties within Snohomish County served by on-site sewage systems.

28
29 B. *Exemptions.* This chapter does not apply to the following properties served by an
30 OSS:

- 31 1. Properties where the OSS was installed within 12 months from the date of the
- 32 real estate transaction; or
- 33 2. Properties that meet any of the criteria under RCW 64.06.010.

34
35 **5.60.030 Definitions.**

36
37 In addition to the definitions found in chapter 246-272A WAC, the following shall apply to
38 this chapter:

39
40 “Certificate of competency” or “certification” means a document issued by the health
41 department indicating an individual’s satisfactory completion of the application and

1 testing procedures relative to an installer, monitoring and maintenance specialist, or
2 pumper.

3 “Immediate health or safety hazard” means any condition of an on-site sewage system
4 that poses an immediate or imminent risk to public health, safety, or the environment.

5
6 “Inspection report” means a written record that documents the inspection of OSS
7 components, including any work performed, that is prepared and submitted in the
8 format, manner, and timeframe required under SCBHC 5.55.100.

9
10 “On-site sewage system contractor” or “OSS contractor” or “contractor” means a person
11 who is in possession of an installer, monitoring and maintenance specialist, or pumper
12 certificate of competency.

13
14 “Property buyer” or “buyer” means the person who acquires ownership of real property
15 as a result of a real estate transaction.

16
17 “Property seller” or “seller” means the person who holds ownership of real property
18 immediately before a real estate transaction.

19
20 “Pumping” means the process of removing septage from a sewage tank.

21
22 “Pumping report” means a written record that documents the removal of septage from a
23 sewage tank, including any work performed, that is prepared and submitted in the
24 format, manner, and timeframe required under SCBHC 5.55.100.

25
26 “Real estate transaction” or “property transfer” means a change in ownership of real
27 property, including sale or deed transfer.

28
29 “Report of property transfer” means a document issued by the health officer that verifies
30 the OSS inspection, pumping, and system status before a real estate transaction.

31
32 “Site plan” means a graphic and written record of the approximate location of all system
33 components of an undocumented OSS relative to existing structures and prominent site
34 features for a developed property; typically an unofficial record for informational
35 purposes only.

36
37 **5.60.040 Report of property transfer required.**

38
39 *A. General.* No real property served by an OSS shall be transferred to a new owner
40 without a report of property transfer issued by the health officer to the property seller,
41 except for properties exempt under SCBHC 5.60.020(B). At the time of property

1 transfer, the seller must provide the buyer with a report of property transfer issued by
2 the health officer, all available OSS maintenance and repair records, and a completed
3 seller disclosure statement in accordance with chapter 64.04 RCW for residential real
4 property transfers.

5
6 **B. Report of property transfer requirements.** To obtain a report of property transfer from
7 the health officer, a property seller shall submit an application to the health department
8 on a form provided by the health department, together with the following:

- 9
10 1. *OSS inspection report.* A full inspection of the OSS shall be conducted by an
11 OSS contractor no sooner than 12 months before the property transfer.
12 Documentation of the inspection shall be recorded in the inspection report, as
13 defined under SCBHC 5.60.030;
14 2. *Documentation of pumping.* If the OSS inspection report recommends
15 pumping the OSS, the OSS sewage tank shall be pumped by a certified
16 pumper. Documentation of the pumping shall be recorded in the pumping
17 report, as defined under SCBHC 5.60.030. If the OSS is pumped and
18 inspected on the same day, then a single report may be submitted, provided all
19 required pumping information is clearly documented on the inspection report;
20 3. *Record drawing of OSS.* The property seller must verify that a record drawing
21 (as-built) of the OSS serving the property is on file with the health department.
22 If no as-built is on file, the seller must have an OSS contractor prepare a site
23 plan, as defined in SCBHC 5.60.030, at the time of inspection or pumping, and
24 include this site plan in the report of property transfer application; and
25 4. *Application fee.* Payment of the application fee set forth in chapter 1.40
26 SCBHC.

27
28 **5.60.050 Report of property transfer – application review.**

29
30 Upon receipt of a complete application for a report of property transfer, the health officer
31 shall verify compliance with the requirements set forth in SCBHC 5.60.040 and review
32 the OSS service history, including the most recent OSS inspection report, to evaluate
33 the status of the OSS. Based on this review, the health officer may take one of the
34 following actions:

35
36 **A. No deficiencies in OSS inspection report.** If the OSS is functioning properly and no
37 deficiencies or defects are identified in the OSS inspection report, the health officer may
38 issue the report of property transfer to the property seller with no listed deficiencies or
39 defects.

40
41 **B. Deficiencies in OSS inspection report.** If deficiencies or defects are identified in the
42 OSS inspection report, the health officer may issue the report of property transfer to the

1 property seller identifying all deficiencies or defects needing correction. The property
2 owner shall be responsible for completing any needed repairs to promptly return the
3 OSS to a proper operating condition, in accordance with WAC 246-272A-0270. If
4 needed repairs are completed by the property seller, the health officer may re-issue the
5 report of property transfer to the property seller indicating that all previously identified
6 deficiencies or defects have been corrected.

7
8 *C. Immediate health or safety hazard identified in OSS inspection report.* If surfacing
9 sewage or any condition posing an immediate health or safety hazard to the public or
10 the environment is identified in the OSS inspection report, the health officer shall
11 conduct a site visit and may take any or all of the following actions:

- 12 1. Initiate enforcement action against the property owner until the immediate
13 health or safety hazard is remedied;
- 14 2. Require a compliance schedule for repair of a failure;
- 15 3. Record with the Snohomish County Auditor the report of property transfer
16 identifying the OSS failure; and
- 17 4. Issue a report of property transfer identifying any deficiencies observed during
18 the site visit.

19
20 **5.60.060 Report of property transfer – issuance and expiration.**

21
22 *A. Report of property transfer issuance.* A report of property transfer shall be valid for 12
23 months from the date of issuance. Each report of property transfer is only valid for one
24 on-site sewage system and one transfer of property.

25
26 *B. Report of property transfer expiration.* An expired report of property transfer shall not
27 be renewed. Upon expiration, the property owner must submit a new report of property
28 transfer application, pay all required fees in accordance with chapter 1.40 SCBHC, and
29 comply with all applicable provisions of this chapter.

30
31 *C. Pending report of property transfer applications.* Report of property transfer
32 applications expire 12 months from the original date of submission. Failure to complete
33 the application requirements and resolve identified issues within that time frame shall
34 require the property owner to submit a new report of property transfer application, pay
35 all required fees in accordance with chapter 1.40 SCBHC, and comply with all
36 applicable provisions of this chapter.

37
38 **5.60.070 Violations.**

39
40 It shall be a violation of this chapter for a property seller to transfer property served by
41 an on-site sewage system without first obtaining a report of property transfer from the
42 health officer and providing the report to the property buyer, in addition to the

1 requirements listed under WAC 246-272A-0270(k)(i). Violations are subject to
2 enforcement under the applicable provisions of the Snohomish County Board of Health
3 Code.

4
5 Section 2. Severability. If any provision of this ordinance or its application to any
6 person or circumstance is held invalid, the remainder of the ordinance or the application
7 of the provision to other persons or circumstances is not affected.

8
9 Section 3. Effective date, implementation. This ordinance shall take effect on
10 November 1, 2026. The Health Department is authorized to take such actions as may
11 be necessary to implement this ordinance on its effective date.

12
13
14 PASSED this ____ day of _____, 2026.

15
16
17 SNOHOMISH COUNTY BOARD OF HEALTH
18 Snohomish County, Washington

19
20
21 _____
22 Chairperson

23
24 ATTEST:

25
26
27 _____
28 Clerk of the Board

29
30 DATE: _____

31
32
33
34
35 Approved as to form only:

36
37  3/24/26
38 Deputy Prosecuting Attorney
39



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE of ENVIRONMENTAL HEALTH and SAFETY
wastewatermgmt@doh.wa.gov
PO Box 47824, Olympia, WA 98504
(360) 236-3330 ■ 711 Washington Relay Service

March 12, 2026

Snohomish County Health Department
3020 Rucker Avenue
Everett, WA 98201

**Re: Letter of Support for Snohomish County's Proposed Ordinance No. BOH26-02 OSS Code Revisions
Chapter 5.60 On-Site Sewage System Requirement for Real Estate Transactions**

Dear Snohomish County Board of Health Members,

I am writing as a representative of the Wastewater Management Section, Office of Environmental Health and Safety, Washington State Department of Health. The Washington State Board of Health adopted the changes to Chapter 246-272A WAC on January 10, 2024. These changes were made to address a number of issues that were found by local and state agencies, industry professionals, and the general public.

The Wastewater Management Section at the Washington State Department of Health has reviewed the proposed Snohomish County onsite code BOH26-02 Chapter 5.60 as outlined in WAC 246-272A-0013 and approves the revisions.

Respectfully,

Kerrie Yanda, RS
OSS Technical Assistance
Wastewater Management Section
Office of Environmental Health & Safety

NOTICE OF PUBLIC HEARING

SNOHOMISH COUNTY HEALTH DEPARTMENT BOARD OF HEALTH CODE UPDATES RELATING TO ON-SITE SEWAGE SYSTEM REQUIREMENTS FOR REAL ESTATE TRANSACTIONS; ADDING A NEW CHAPTER TO THE BOARD OF HEALTH CODE

NOTICE IS HEREBY GIVEN that the Snohomish County Board of Health will hold a public hearing on Ordinance BOH26-02, relating to on-site sewage system requirements for real estate transactions; adding a new chapter to the Board of Health code during its normal Board of Health meeting on April 14 from 3 to 5 p.m. in the auditorium of the Snohomish County Health Department building, 3020 Rucker Ave., in Everett, or virtually via Zoom video conferencing at the following web address: <https://us02web.zoom.us/j/87098263636>.

The purpose of the public hearing is to hear public testimony regarding the proposed changes to the Board of Health Code. Copies of the ordinance and code will be in the Board of Health packet, which will be made available by Friday, April 10, on the Health Department website: <https://www.snohd.org/239/Board-of-Health>. The proposed ordinance and code may also be obtained by contacting the Board clerk at shd-boardclerk@snoco.org or 425-339-8652.

Written comments can be emailed to the Board clerk or mailed to: Board Clerk, Snohomish County Health Department, 3020 Rucker Ave., Suite 306, Everett, WA 98201. Written comments must be received no later than 1 p.m. on Tuesday, April 14, 2026. Additional arrangements to reasonably accommodate special needs will be made upon receiving 24-hour advance notice. For more information, please contact the Board Clerk.

[Above notice printed in the Health Department's newspaper of record, The Everett Herald, on April 7, 2026.]