Disclosing SSTS at property transfer

How sellers tell buyers about septic systems on a property

Minnesota law requires a property seller to disclose, in writing, to a buyer how sewage is managed for the property, whether it goes to a Minnesota Pollution Control Agency (MPCA)-permitted treatment facility or to an onsite septic system. If the property has a septic system, the disclosure must include:

- A legal description of the property and the county in which it's located
- A map showing the location of the system on the property, to the extent practicable. This requirement applies to abandoned septic systems, as well.
- Indication whether the septic system is in use and, to the seller's knowledge, if it complies with applicable laws and rules

Disclosure vs. compliance inspection

Minnesota state regulations don't require a compliance inspection before a property is sold or transferred, but many county, city, or township ordinances do, especially in shoreland areas. Lending institutions also sometimes require compliance inspections for property transfers. But a subsurface sewage treatment system (SSTS) disclosure is not the same as a compliance inspection, which is conducted by a state-certified professional to determine if the system complies with state regulations. A disclosure describes the condition of the system, to the best of the owner's knowledge, and can't be substituted for a compliance inspection.

When a disclosure is false or missing

Unless the buyer and seller agree otherwise in writing before the sales closes, a seller or transferor who fails to disclose the existence or known status of an SSTS at the time of sale is liable to the buyer or transferee for costs for bringing the system into compliance and for reasonable attorney fees for collecting costs from the seller. The buyer must take action within two years of closing the purchase or property transfer.

For more information

Contact the MPCA SSTS staff at 651-296-6300 or 800-657-3864 or visit the MPCA web site.