



## **Private Sewer Lateral FAQs Change of Property Ownership**

### **How does Ordinance Chapter 22.250 Private Sewer Laterals affect escrows closing after January 1, 2014?**

Only escrows opened after February 3, 2014 will be required to submit proof to the City of an inspection of the property's private sewer lateral within the past 10 years. If repairs or a replacement of the private lateral were completed within the past 10 years, the Records Request to the City through escrow process should include permitting documents as recorded by the City's Building and Safety Department. These documents can also meet the inspection requirement.

### **How does a property owner meet the private sewer lateral inspection requirement?**

The property owner is responsible for the regular maintenance and repair of the private sewer lateral. This includes the entire length of the pipe, from the building to the connection to the City's mainline. It is recommended that property owners have their lateral inspected by Closed Circuit TV (CCTV) by a licensed Plumber every 3-5 years.

Property owners (or their Plumbers) will now be requested to file a Private Sewer Lateral Inspection Report with the City's Building and Safety Department. The Certification will indicate whether deficiencies are identified (requiring repairs within the next six months) or if the private lateral is defect free. In either case, the Building and Safety Department will retain the records: clear Certification or proof of repairs through the Building and Safety permitting process. These documents will be available in the future to serve as certifying records in the event of a property ownership change.

### **If a property owner is considering selling their property, when should they have an inspection of their private lateral?**

If it has been longer than 10 years since an inspection was completed, it is strongly recommended that property owners conduct an inspection before listing the property. The inspection will identify any deficiencies and provide a cost estimate of repairs. If no repairs are required, the Private Sewer Lateral Inspection Report will assure potential buyers that the private lateral has been well maintained. If repairs are necessary, the Inspection Report will inform the property owner and act as disclosure to the potential buyer. The owner and buyer may agree on the timing and payment of the repairs.

### **If a deficiency in the private lateral is found, must the repair(s) be completed before the close of escrow?**

No. The Ordinance requires the Inspection Report, which records the results of a CCTV (Closed Circuit TV) inspection performed by a licensed plumber, to be recorded by the City and disclosed to the buyer prior to sale.



**Will the City implementation affect the process of moving through a timely escrow period?**

It should not. It is strongly recommended that property owners conduct an inspection of their private lateral prior to listing the property. If no repairs are necessary, the Inspection Report should be submitted to the City's Building and Safety Department to be filed in the property's building records maintained by the City. When a Report of Building Records Request is submitted through the escrow process to the City, the Inspection Report will be automatically included in the documents for that property.

If repairs are necessary, the Ordinance does not require that repairs are completed prior to the close of escrow. The requirement is that the Inspection Report is disclosed to the buyer and that the seller and buyer reach an agreement on the payment of the repairs to be performed within six months.

**Will there be an expedited process for the permit clearance procedure?**

No. If repair(s) are required, standard procedures are in place through the City's Building and Safety Department for plan checks and issuing permits.

**Will the CCTV inspection automatically trigger enforcement of corrective work?**

Not necessarily. If no deficiencies are identified in the private lateral, a licensed plumber must sign and complete the Inspection Report indicating that the lateral is working properly and has no defects. The Inspection Report should then be filed with the City's Building and Safety Department to be recorded in the property's permanent records.

**What about short sales and situations where the sellers have no money?**

The property's private sewer lateral is privately owned and its care is the responsibility of the property owner. This new requirement serves to inform the potential buyer(s) of any deficiencies in the sewer lateral and protect them from hidden repair costs as well as expensive and environmentally-damaging sewer overflows. Sellers and buyers may reach an agreement regarding who and how the repairs will be paid and performed.

**On cash offers that close escrow in 14 days, can repairs be made after a close of escrow by the new owner?**

Yes. The Ordinance allows for the repairs to be performed after the close of escrow. The property owner and buyer must agree to the costs and terms of repair.

**Are any types of sewer lateral lines exempt?**

All private sewer lines of commercial and common interest properties, regardless of material, are required to be inspected every 10 years or before January 1, 2023. Also, regardless of material, residential private sewer laterals must be inspected before change of ownership.

**If sidewalks, streets and curbs are damaged during the repair of the private lateral, who is responsible for those costs?**

The property owner.



**If there is a repair at the City connection who pays for the repair?**

The property owner.

**What if the problem discovered is root intrusion from a City tree?**

Although the tree was planted by the City, the private lateral is the property of the property owner and ultimately responsible for any and all damages to the private lateral.

**What about Trailer Parks?**

Trailer parks or Mobile Home parks are considered Commercial Property and must have the private lateral inspected and the results recorded with City every 10 years.

**When did the PSL become the primary responsibility of the private property owner?**

According to the San Buenaventura Code, **Chapter 22.210, Sewer Connections, Section 22.210.020 Sewer connection permit, Part C, #7 states:**

"Property owner to maintain sewer lines All laterals and house sewer lines from the public sewer to private property, including the wye or saddle at the public sewer, shall be maintained at the expense of the property owner. "

The property owner is responsible for the entire pipe length, including the wye or saddle at the point of connection to the City's mainline.

In the City Clerk records, the property owner was identified as solely responsible for the private sewer lateral in 1961, although this policy may have been enacted much earlier.

**How quickly will permits be issued for repair of private laterals?**

Permits can be issued over the counter at **Building and Safety Ventura City Hall, 501 Poli Street Room 117:**

- Monday, Tuesday, Wednesday, and Friday 7:30-5 pm
- Thursdays 9am-5pm (Note: No final transactions after 4:30 pm)
- Closed Alternate Fridays

**What documentation is required to acquire a permit for repairs?**

1. A properly completed Inspection Report that accurately identifies deficiencies
2. Accompanying CCTV-DVD

**Is there a particular section of town that the Water Department is more concerned about?**

No.

**Is there an appeal process available to those who want to protest the required repairs?**

No. The Ordinance does not allow for an appeals process. The City is not involved in the buyer/seller escrow negotiations.



**What is the cost of a plumbing permit?**

\$116.

**Did the City ever allow orangeburg pipe installation in City streets?**

No.

**What is a seller or a HOA responsible for in the sale of single condo or PUD?**

Sale of a single unit in a Common Interest Development or Commercial does not trigger a private sewer lateral inspection requirement. The complex will need to conduct a private sewer lateral inspection once every ten years starting from January 1, 2013 and file the Inspection Report with City's Building and Safety Department.

A Common Interest Development or Commercial private lateral begins below the last point of service connection on the property and ends at the public sewer main including the wye connection.

An HOA is defined as a nonprofit corporation or unincorporated association created for the purpose of managing or governing a Common Interest Development that operates in accordance with governing documents. The division of responsibility for private sewer lateral maintenance between the Homeowners' Association and the Property Owners of individual units may be described in any document but is typically described in the Covenants, Conditions and Restrictions applicable to Common Interest Developments or the parcels in them. These documents will govern inspection and repair of private sewer laterals.