



COUNTY OF ERIE

GALE R. BURSTEIN, MD, MPH
COMMISSIONER OF HEALTH

March 13, 2023

Dear Realtors and Attorneys:

On January 17, 2023, the Erie County Board of Health adopted changes to Article IV of the Erie County Sanitary Code.

Article IV, Section 12, relates to the requirement that an inspection of the sewage disposal system and water supply be conducted at the time of property transfer. Prior to the January 17 changes, Article IV, Section 12, included provisions for a Waiver from Property Transfer Certification when the required inspection cannot be completed prior to sale. This waiver required the submittal of a \$1,000 bond to Erie County which would be returned upon the completion of the property transfer inspection

The adopted changes to the Erie County Sanitary Code included the removal of the waiver requirement and \$1,000 bond. In place of the waiver requirement, a requirement for a variance was added.

From the Erie County Sanitary Code, Article IV, Section 12, 12.3:

12.3 The Erie County Commissioner of Health may approve a variance from the requirement of certification as a prerequisite to transfer of title as herein before specified provided that the prospective purchaser shall have filed with said Commissioner a written guarantee to allow for inspection of the water supply and sewage disposal system and to correct any deficiencies of the water supply and sewage disposal system as noted by inspection within a period of time to be specified by said Commissioner.

(a) Failure of the purchaser to allow for inspection of the water supply and sewage disposal system within a period of time to be specified by said Commissioner is considered a violation of this section and could be issued a penalty of up to \$500.00 per day of violation.

(b) Failure of the purchaser to correct any deficiencies of the water supply and sewage disposal system noted by inspection and provided in written notification is considered a violation of this section and could be issued a penalty of up to \$500.00 per day of violation.

The new variance requirements will take effect on April 1, 2023. All property transfer applications submitted after this date where the sewage disposal system and water supply cannot be inspected prior to closing, must also include the new Variance Application signed by the purchaser (see attached). Variances issued between Jan 1 and June 30, will expire on November 1. Variances issued between July 1 and December 31, will expire on June 1. The purchaser will be required to contact the Department prior to the expiration date of the variance to schedule a property transfer inspection. Failure to schedule the inspection prior to the expiration date will require the purchaser to attend a Commissioner's Hearing and result in penalties of \$500 per day past the date of expiration up to a maximum fine of \$1,000. This would be a non-refundable penalty paid to Erie County for violation of the Erie County Sanitary Code Article IV, Section 12, 12.3.

These changes to the property transfer inspection program were made to make the process easier on the community by eliminating the transfer of funds and time awaiting refunds. This new process is reliant on all of us, including the sellers and purchasers of property, working together to make it successful and to achieve our ultimate goal of protecting the environment and our community from potential public health hazards created by failing septic systems. We appreciate your cooperation with this new process.

Please reach out to our office with any questions regarding this new process. 716-961-6800.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Delaney".

Jennifer Delaney, PE
Director of Environmental Health