

Amendment to HB 1113

1 Amend the bill by replacing all after section 2 with the following:

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3 3 Waterfront Property Sale; Site Assembly Study. RSA 485-A:39 is repealed and reenacted to
4 read as follows:

5 485-A:39 Waterfront Property Transfer; Septic System Evaluation Required.

6 I. Prior to the transfer of any developed waterfront property using a septic system, where
7 any portion of the septic system is within 250 feet of the reference line as defined in RSA 483-B:4,
8 XVII, the buyer of the property shall, at the buyer's expense, engage a New Hampshire licensed
9 septic system evaluator to conduct a septic system evaluation. However, the buyer may accept an
10 evaluation prepared for the seller of the property if the evaluation was completed within 3 years of
11 the date of property transfer. The septic system evaluation prepared for the seller, with stated
12 findings, shall be given to the buyer and acceptance of the evaluation shall be acknowledged in
13 writing by the buyer.

14 II. For developed waterfront properties where any portion of the septic system is within 250
15 feet of the reference line as defined in RSA 483-B:4, XVII, if the existing septic system is not
16 approved by the department per RSA 485-A:29 or the department's approval was prior to September
17 1, 1989, the buyer shall also hire a New Hampshire permitted septic system designer to determine
18 the elevation of the bottom of the effluent disposal area relative to the elevation of the seasonal high
19 water table. Based on this information, the designer shall determine if the system is in failure, as
20 defined in RSA 485-A:2, IV. The determination from the permitted septic system designer shall be
21 completed prior to the transfer of the property.

22 III. The commissioner shall adopt rules pursuant to RSA 541-A relative to the enforcement
23 of this section.

24 IV. The findings of the septic system evaluator or septic system designer shall not prohibit
25 the sale of the property, but shall be disclosed to the buyer as full and proper notice of the possible
26 limitations of the septic system.

27 V. If the septic system evaluator, utilizing board-approved standards of practice, determines
28 that the septic system shows signs of failure or, if the septic system designer determines that the
29 system is in failure:

30 (a) The buyer shall sign a document, prepared by the evaluator, authorizing the
31 evaluator to conduct notifications to the department and the local health officer;

32 (b) The evaluator shall notify the department and the local health officer;

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1 (c) The buyer shall replace the system within one year of the transfer of the property;
2 and

3 (d) The buyer shall file a report with the department and the local health officer after
4 the system is replaced with a copy of the state approval for operation for the replacement system.

5 VI. The buyer is not required to comply with the other paragraphs of this section if they
6 replace or repair the septic system within one year of the transfer of the property. Prior to the
7 transfer of the property, the buyer shall notify the department and the local health officer that a
8 septic system evaluation was not performed because the system will be replaced. The buyer shall
9 file a report with the department and the local health officer with a copy of the state approval for
10 operation for the replacement system within one year of the close of the property sale. Timely
11 receipt of this report by the department and the local health officer shall satisfy all obligations of the
12 buyer relative to this section.

13 VII. Notwithstanding any other provision of this section, if snow cover or frozen ground
14 conditions preclude the evaluation or, if needed, replacement of the septic system, the department
15 shall, upon request, grant an extension for the required action of up to 180 days.

16 4 Effective Date. This act shall take effect 60 days after its passage.