HOUSE FILE 18
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A BILL FOR

1 An Act requiring the inspection of a private well serving a
2 building upon the transfer of ownership of the building.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 455B.172, Code 2023, is amended by adding
the following new subsection:

NEW SUBSECTION. 12. a. If a building where a person
resides, congregates, or is employed is served by a private
well, the well serving the building shall be inspected for the
presence of substances and organisms set forth under paragraph
“b” prior to any transfer of ownership of the building unless
the well is scheduled to be closed. This subsection applies
to all types of ownership transfer including at the time a
seller-financed real estate contract is signed. The county
recorder shall not record a deed or any other property transfer
or conveyance document until either a certified inspector’s
report is provided that documents the condition of the private
well and whether any modifications are required to conform
to standards adopted by the department or, in the event that
weather or other temporary physical conditions prevent the
certified inspection from being conducted, the buyer has
executed and submitted a binding acknowledgment with the
county board of health to conduct a certified inspection of
the private well at the earliest practicable time and to be
responsible for any required modifications to the private well
as identified by the certified inspection. For purposes of
this subsection, “transfer” means the transfer or conveyance
by sale, exchange, real estate contract, or any other method
by which real estate and improvements are purchased, if the
property includes at least one but not more than four dwelling
units. However, “transfer” does not include any action set
forth in subsection 11, paragraph “a”, subparagraphs (1)
through (12).

b. (1) An inspection conducted pursuant to this subsection
shall examine the level of nitrate, nitrite, arsenic, coliform
bacteria, and perfluoroalkyl and polyfluoroalkyl substances.

(2) If the building is a home, an inspection conducted
pursuant to this subsection shall examine the level of lead and
copper.
A county board of health may require that an inspection conducted pursuant to this subsection in the county include an examination of the level of other contaminants based on local groundwater conditions upon the recommendation of the state hygienic laboratory, the Iowa geological survey, or the department.

c. Inspections shall be conducted by an inspector certified by the department.

d. Pursuant to chapter 17A, the department shall adopt rules establishing certification requirements for inspectors including training, testing, and fees; uniform statewide inspection criteria; and an inspection form. The inspector certification training shall include use of the criteria and form. The department shall maintain a list of certified inspectors. The department shall consult with the state board of health when developing requirements and criteria.

e. County personnel are eligible to become certified inspectors. A county may set an inspection fee for inspections conducted by certified county personnel. A county shall allow any department-certified inspector to provide inspection services under this subsection within the county's jurisdiction.

f. A county may use grant moneys received pursuant to section 135.11, subsection 24, to alleviate costs of administering this subsection. A county that uses grant moneys to administer this subsection shall report inspection results to the state board of health.

g. Following an inspection, the inspection form and any attachments shall be provided to the county board of health and the department.

h. An inspection is valid for a period of twenty-four months for any ownership transfers during that period.

Sec. 2. Section 558.69, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. That no known wells are situated on the property or if
known wells are situated on the property, the statement must state the approximate location of each known well and its, the well's status with respect to section 455B.190 or 460.302, and whether the well has been inspected pursuant to section 455B.172, subsection 12, if such an inspection is required.

Sec. 3. Section 558A.4, subsection 1, Code 2023, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The disclosure statement shall be accompanied by a report of an inspection conducted pursuant to section 455B.172, subsection 12, if such an inspection is required.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill requires an inspection of a private well that serves a building in which a person resides, congregates, or is employed upon the transfer of ownership of the building, as outlined by the bill. The inspection shall examine the level of nitrate, nitrite, arsenic, coliform bacteria, and perfluoroalkyl and polyfluoroalkyl substances. If the building is a home, the inspection shall also examine the level of lead and copper. The bill also authorizes a county board of health to require that an inspection in the county include an examination of the level of other contaminants based on local groundwater conditions upon the recommendation of the state hygienic laboratory, the Iowa geological survey, or the department of natural resources. Only a person certified by the department may conduct an inspection. The department shall consult with the state board of health to adopt rules establishing certification requirements and uniform statewide inspection criteria.

The bill allows county personnel to become certified inspectors. The bill authorizes a county to set an inspection fee for inspections conducted by county personnel. The bill authorizes counties to use grant moneys received pursuant to
the grants to counties water well program in order to alleviate administrative costs associated with private well inspection. A county that uses grant moneys for such purposes shall report inspection results to the state board of health. Following an inspection, the inspection form and any attachments shall be provided to the county board of health and the department. An inspection is valid for all transfers of ownership of a building within a 24-month period. If a groundwater hazard statement is required to accompany the submission of a declaration of value due to the existence of a well situated on a property to be transferred, the groundwater hazard statement shall state whether the well has been inspected pursuant to the bill if such an inspection is required. A report of the inspection results shall accompany the disclosure statement required to be provided by a potential transferor of real property. A person who fails to include a private well inspection report with the disclosure statement or provides inaccurate information in the report may be liable for actual damages suffered by the transferee.