# New Virginia Septic Inspection Requirements
## Frequently Asked Questions

**1. When does the new law regarding septic inspections take effect?**

The new septic system requirements under Virginia law take effect on **July 1, 2025**. The law sets out minimum standards and report requirements for septic system inspections.

**2. Who is authorized to perform septic inspections under the new law?**

Only individuals with a valid license as an onsite sewage system operator, installer, or soil evaluator are authorized to conduct inspections. These persons are referred to as ***authorized septic system inspectors***. You can verify license status on the DPOR License Lookup.

**3. Is a written contract required for a septic inspection?**

Yes. Septic system inspectors must have a written contract with their clients that outlines the scope and terms of the inspection before an inspection can take place.

**4. What is a septic system operating permit (sometimes referred to as an operation permit)?**

This permit authorizes the construction and use of a septic system in Virginia. It is issued by the local Department of Health and will outline the permitted capacity of the system (e.g. 450 gallons per day for a three-bedroom house), and may specify ongoing operational requirements, such annual inspections for alternative onsite septic systems.

A residential property is not authorized to contain more bedrooms than the capacity of the installed septic system as set forth in the operating permit.

**5. Will the septic system inspector need a copy of the septic system operating permit?**

Yes, a copy of the septic system operating permit will be requested by the septic system inspector from the owner (if in seller's possession) or the local Department of Health as part of the septic system inspection process.

In some instances, a septic system inspector may require the seller to obtain the operating permit before performing an inspection. This is a business decision of the inspector to shift the responsibility of obtaining the operating permit to the seller. The seller may elect to obtain the operating permit or use a different inspector who will obtain the operating permit, thus not requiring the seller to obtain the operating permit.

**6. As a listing agent, should I be proactive and obtain a copy of the septic system operating permit upon obtaining a new listing?**

Whether or not you should obtain a septic system operating permit at the time of a new listing (or prior to a ratified Purchase Agreement) is a decision to be made in consultation with the seller and your managing broker. Some real estate firms have an office policy on this matter.

**7. Can a seller, buyer or agent (acting with the client's consent) obtain a copy of the operating permit prior to a septic system inspection?**

Yes. Go to the website for the Virginia Department of Health Division of Onsite Water and Wastewater Services and click **Make a FOIA Request Online!**

This is a centralized portal for most Virginia localities. You'll be directed to a public record request page. Be sure to have the owner's name, property address and GPIN/tax parcel number. To expedite the request, also include the subdivision name, lot number, and any previous 9-1-1 address for the property, such as route and box numbers. The cost is determined by the locality.

**8. Is a septic system operating permit specific to a property?**

Yes. A septic system operating permit is specific to a property and transfers automatically to a new owner.

Note: A septic system waiver issued by the Department of Health for a failing system does not automatically transfer to a new owner.

**9. Can an inspection be performed if the septic system operating permit is unavailable?**

If the septic system operating permit is unavailable for any reason, the septic system inspector may still perform the septic system inspection.

There is no time period set forth in the new law defining unavailability. It is up to the septic system inspector to determine the timeframe when an operating permit is unavailable.

If there is no available operating permit, it is expected that the septic system inspector will attempt to determine the capacity of the septic system.

If the septic system inspector cannot determine the capacity of the septic system, then the septic system inspector may refer the matter to an engineer or other licensed professional who is qualified to make the determination. In some instances, the capacity may remain undetermined.

**10. If I am a listing agent and the operating permit is unavailable, how do I enter the bedroom count into the MLS?**

The law allows a seller/listing agent to rely upon the public tax records to determine the bedroom count that can be entered into the MLS.

**11. What must be included in the septic inspection?**

Inspections must cover all readily accessible and openable components such as:

- Septic tanks
- Pump tanks
- Distribution devices
- Treatment units
- Control panels
- Dispersal fields

**12. Is there a required septic system inspection report?**

Yes. Septic system inspectors must deliver a written report within 10 business days of the inspection. The report must describe the condition of the system without using pass/fail language.

**13. Are septic inspections required for all residential property sales?**

No. The new law does not require a septic inspection for the sale of a residential property. However, if an inspection is required per Paragraph 24F of the CVR MLS Purchase Agreement, then the inspection must comply with the new inspection requirements.

**14. How does the new law affect residential property listings?**

Listing agents should verify the property's septic system operating permit information, especially the design capacity or approved bedroom count, to ensure marketing materials match the operating permit information.

**15. If a property has more bedrooms in use than allowed per the septic system operating permit, can I list the higher bedroom count in the MLS?**

CVR MLS Rules state that the number of bedrooms displayed in the MLS may not exceed the number of bedrooms indicated on the approved septic permit or within the public tax records. If the public tax record bedroom count exceeds the septic permit, the agent may use the tax record bedroom count in the listing, but the discrepancy must be disclosed in the public remarks field. However, you cannot advertise a bedroom count that exceeds either of these sources.

If the owner has obtained and recorded an operating permit with a limited occupancy restriction, then the bedroom count for the limited occupancy may be displayed and the listing agent should include a disclosure in the public remarks field.

Non-bedroom spaces, such as bonus rooms, playrooms, etc., may be added in the Room Info tab in Matrix. There are many Room Types selections in Matrix that can capture usage of non-bedroom spaces.

**16. Does a homeowner have any remedies if their property has more bedrooms in use than allowed per the septic system operating permit?**

Yes. A homeowner should contact a licensed septic system operator, installer, or soil evaluator to determine if the existing septic system can be modified or expanded to meet the capacity requirements for a specific bedroom count.

Additionally, after a consultation with a licensed septic system operator, installer, or soil evaluator, a homeowner may be able to apply for a **"**Minor Modification Permit" with the local Health Department, requesting a "Conditional Permit" for "Limited Occupancy." The fee is $150.

If approved, the permit (with a Virginia land record coversheet) must be recorded in the land records of the jurisdiction where the property is located.

**17. If the septic system operating permit contains a "limited occupancy" or other restriction as to the number of occupants, must this be disclosed to the potential purchaser?**

It is a best practice for listing agent to state the limited occupancy or other restrictions in the remarks section of the MLS listing and separately inform any prospective purchaser of the restriction(s).

**18. Do septic system inspections performed by an authorized septic system inspector utilizing a video camera meet the new minimum inspection requirements?**

Only the authorized septic system inspector may make the determination if a video camera inspection meets the criteria under the new law for a particular septic system.

**19. Will inspections take longer under the new septic system inspection requirements?**

Yes. The inspection process is now more detailed and time-consuming, so agents and brokers should allow ample time for the inspection and report delivery. It is also strongly recommended that ample time be given for a settlement date allowing for completion of the inspection, report and any repairs (if repairs are necessary).

A quick closing date is not recommended with properties where a septic system inspection is required.

**20. Can a septic system inspection limited to "visual inspections with rod probing" still occur?**

No. As of July 1, 2025, visual inspections with rod probing alone will not meet minimum requirements. This option has been deleted from Paragraph 24F of the CVR MLS Purchase Agreement as of July 1, 2025.

**21. Are septic system inspection reports standardized?**

The law does not require a standardized report. It only requires that the report contains the required reporting information established in the law, such as damaged and defective components, areas or components that were not readily assessable, and references to additional resources.

**22. Will an inspection report clarify if the septic system is conventional or alternative?**

Yes, the inspection report will indicate the septic system type.

**23. If the septic system has been pumped recently, or in the last five (5) years in accordance with the Chesapeake Bay Act, must the inspection include pumping?**

If the parties have entered into a CVR MLS Purchase Agreement requiring a septic system inspection pursuant to Paragraph 24F, then a complete inspection of a septic system includes the pumping the contents of the tank(s).

**24. Can a septic system inspection be ordered by the seller prior to ratification of a Purchase Agreement?**

Yes, but the seller must be aware that pursuant to Paragraph 24F of the CVR MLS Purchase Agreement, the written report cannot be dated more than ninety (90) days prior to the settlement date.

**25. Are new construction listings held to the same standard of minimum septic system inspection requirements?**

Yes, if an inspection is required per Paragraph 24F of the CVR MLS Purchase Agreement (or any other new construction contract), then the new law applies to new construction listings.

**26. Are residential rental properties or vacant home listings held to the same standard of minimum septic system inspection requirements?**

Yes, if an inspection is required per Paragraph 24F of the CVR MLS Purchase Agreement, then the new law applies regardless of the vacancy of the property.

**27. How are septic system inspections addressed in the CVR MLS As Is Addendum?**

Septic system inspections are waived in the CVR MLS As Is Addendum. If a prospective buyer wants a septic system inspection, the CVR MLS As Is Addendum should not be utilized.

**Additional Questions?**

You may contact us at RiskManagement@RARealtors.com. Visit the CVR MLS KnowledgeBase for more MLS-specific FAQs regarding this update.