# PROCEDURES FOR WELL WAIVERS

## NEW CONSTRUCTION

HUD Handbook 4910.1 allows for a lesser distance from the well to a soil-poisoned area (from 25 to 15 feet), or septic drainfield (from 100 to 50 feet) if the well penetrates impervious strata of clay, hardpan or rock.

The DE Underwriter may accept these lesser distances for new construction with the proper documentation provided the reduced distances are acceptable to state and local authorities. If so, evidence that the ground surface is effectively separated by an impervious strata may be supported by a well-driller's log or acceptable substitute. Additionally, a survey or a professional drawing is required to be placed in the case binder.

The HOC will not accept any request for waivers on new construction. New construction is defined as any property which is proposed, under construction or existing less than one year.

## EXISTING CONSTRUCTION

For existing construction over one-year old, a request for a waiver of the minimum distance requirements from the well to a potential source of pollution may be considered if it is less than that allowed by HUD Handbook 4905.1 or Mortgagee Letter 2002-25.

The Handbook and Mortgagee Letter allows for a lesser distance from the well to the following sources of pollution if there is an impervious strata of clay, hardpan or rock and it is acceptable to state and local authorities.

- septic drainfield (100 to 75 feet)
- property line (10 feet to 0 feet) provided that the well is not within 10 feet of any roadway or the property line of other than a single-family residential property

The DE Underwriter may accept these lesser distances with the proper supporting documentation (evidence that the ground surface is effectively separated by an impervious strata, a professional drawing, and a 'clear' water test) and provided the reduced distances are acceptable to state and local authorities. In these instances a request for waiver is not required.

The HOC will accept for review, on a case-by-case basis, waiver requests on existing construction, if the distances are acceptable to state and local authorities and in which the distance from the well to the:

- septic tank is less than 50 feet; or
- septic drainfield is less than 75 feet.

If the DE underwriter determines that there is adequate justification to request a waiver of the minimum distance(s), he/she must forward a written request to the HOC with the appropriate exhibits enclosed.

## Procedures

- Waivers are only granted on **existing** construction. The HOC will not accept any request for waivers on new construction. New construction is defined as any property which is proposed, under construction or existing less than one year.

- The following is required to be included in a request for waiver:

  - Appraisal. The appraisal should indicate that the property has a well and/or septic and that public utilities are not available.
    Note: If public utilities are available, the lender must determine if connection is feasible. If not, include the reasons with the request for waiver.
  - Survey or professional drawing with all notations. The survey or professional drawing must indicate the distance from the subject well to the septic tank, property line, septic drainfield and chemically poisoned soil on the subject site as well as all adjacent, adjoining and contiguous sites. If there are no improvements on the neighboring lots, the notation of "vacant" on the drawing is adequate.
  - If the well is located in an utility easement, a letter from the utility company acknowledging the well will not hinder their normal operations.
  - Evidence that the ground surface is effectively separated by an impervious strata. This may be supported by a well driller’s log or acceptable substitute. Acceptable substitutes are a subsurface evaluation letter from either the local Water Management District or Health Department or a letter from a qualified well installer provided it clearly shows data which would otherwise have been revealed by the well driller’s log. The underwriter must insure the well driller's log (or acceptable substitute) denotes an apparent impervious strata**. If this information is not available, the property is NOT eligible for HUD/FHA mortgage insurance.**

- Well water test in accordance with the latest local and state drinking water regulations for private wells. This includes all microbiological and chemical test parameters in the regulation. If there are no local or adequate state requirements then the maximum contaminant levels established by the Environmental Protection Agency (EPA) will apply.
  - Evidence from the county health department of acceptance of the well in relation to the soil poisoned area, septic tank and septic drainfield.
  - Termite report (well to soil-poisoned area)

## References:

- HUD Handbook 4150.2, page 3-10
- HUD Handbook 4910.1, Chg. 1, Appendix K, page K-22
- HUD Handbook 4905.1, page 2-2
- 24 CFR 200.926d (f)(3)
- Mortgagee Letter 2005-48
- Mortgagee Letter 2002-25