

HOUSE BILL 834

M3, N1

2lr2319

By: **Delegate Love**

Introduced and read first time: February 3, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2022

CHAPTER _____

1 AN ACT concerning

2 **On-Site Sewage Disposal Systems – Outreach and Education**
3 **(Septic Awareness Act of 2022)**

4 FOR the purpose of requiring the Department of the Environment to establish a certain
5 period of time as SepticSmart Week; requiring the Department to use certain
6 educational materials and other resources during SepticSmart Week to promote
7 community awareness regarding the proper use and maintenance of on-site sewage
8 disposal systems and certain impacts of proper design, installation, operation, and
9 maintenance of on-site disposal systems; ~~requiring a vendor of residential real~~
10 ~~property served by an on-site sewage disposal system to, on or before the execution~~
11 ~~of a contract for the sale of the property, deliver certain Septic Systems Outreach~~
12 ~~Toolkit materials to the purchaser~~ requiring a contract for the sale of residential real
13 property to contain a provision that provides certain notice of a certain Septic
14 Systems Outreach Toolkit; providing that the failure to comply with certain
15 requirements does not void a certain contract; and generally relating to on-site
16 sewage disposal systems.

17 BY repealing and reenacting, without amendments,
18 Article – Environment
19 Section 9–206(a)(1), (2), (8), and (10)
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2021 Supplement)

22 BY adding to
23 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 9–1114
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2021 Supplement)

4 BY adding to
5 Article – Real Property
6 Section 10–713 and 14–117(o)
7 Annotated Code of Maryland
8 (2015 Replacement Volume and 2021 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That the Laws of Maryland read as follows:

11 **Article – Environment**

12 9–206.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) “Community sewerage system” means a publicly or privately owned
15 sewerage system that serves at least two lots.

16 (8) (i) “On–site sewage disposal system” means a sewage treatment
17 unit, collection system, disposal area, and related appurtenances.

18 (ii) “On–site sewage disposal system” includes a shared facility or
19 community sewerage system that disposes of sewage effluent beneath the soil surface.

20 (10) “Shared facility” means a sewerage system that:

21 (i) Serves more than one:

22 1. Lot and is owned in common by the users;

23 2. Condominium unit and is owned in common by the users
24 or by a condominium association;

25 3. User and is located on individual lots owned by the users;
26 or

27 4. User on one lot and is owned in common by the users; or

28 (ii) Is located wholly or partly on any of the common elements of a
29 condominium; or

30 (iii) Serves a housing or another multiple ownership cooperative.

1 9-1114.

2 (A) THE DEPARTMENT SHALL ESTABLISH THE THIRD WEEK IN SEPTEMBER
3 AS SEPTICSMART WEEK.

4 (B) DURING SEPTICSMART WEEK, THE DEPARTMENT SHALL USE THE
5 EDUCATIONAL MATERIALS PROVIDED UNDER THE U.S. ENVIRONMENTAL
6 PROTECTION AGENCY'S SEPTICSMART INITIATIVE AND OTHER RESOURCES TO
7 PROMOTE COMMUNITY AWARENESS REGARDING:

8 (1) THE PROPER USE AND MAINTENANCE OF ON-SITE SEWAGE
9 DISPOSAL SYSTEMS; AND

10 (2) THE IMPACT OF PROPER DESIGN, INSTALLATION, OPERATION,
11 AND MAINTENANCE OF ON-SITE SEWAGE DISPOSAL SYSTEMS ON:

12 (I) PRESERVING SURFACE AND UNDERGROUND WATERS;

13 (II) PROTECTING PUBLIC HEALTH; AND

14 (III) AVOIDING COSTLY REPAIRS.

15 Article – Real Property

16 10-713.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (2) "ON-SITE SEWAGE DISPOSAL SYSTEM" HAS THE MEANING STATED
20 IN § 9-206 OF THE ENVIRONMENT ARTICLE.

21 (3) "SEPTIC SYSTEMS OUTREACH TOOLKIT" MEANS A SET OF
22 MATERIALS THAT:

23 (I) PROMOTE HOMEOWNER EDUCATION AND AWARENESS
24 REGARDING ON-SITE SEWAGE DISPOSAL SYSTEMS; AND

25 (II) ARE AVAILABLE TO THE PUBLIC FOR DOWNLOAD FROM THE
26 U.S. ENVIRONMENTAL PROTECTION AGENCY'S WEBSITE.

27 ~~(B) ON OR BEFORE THE EXECUTION OF A CONTRACT FOR THE SALE OF~~
28 ~~RESIDENTIAL REAL PROPERTY SERVED BY AN ON-SITE SEWAGE DISPOSAL SYSTEM,~~
29 ~~A VENDOR SHALL DELIVER TO EACH PURCHASER A COPY OF THE FOLLOWING~~
30 ~~SEPTIC SYSTEMS OUTREACH TOOLKIT MATERIALS:~~

1 ~~(1) NEW HOMEBUYER'S BROCHURE AND GUIDE TO SEPTIC SYSTEMS;~~

2 ~~(2) DO'S AND DON'TS HOMEOWNER'S BROCHURE; AND~~

3 ~~(3) TOP 10 WAYS TO BE A GOOD SEPTIC OWNER DOCUMENT.~~

4 (B) A CONTRACT FOR THE SALE OF RESIDENTIAL REAL PROPERTY SHALL
5 INCLUDE A PROVISION THAT PROVIDES NOTICE OF THE SEPTIC SYSTEMS
6 OUTREACH TOOLKIT AVAILABLE THROUGH THE U.S. ENVIRONMENTAL
7 PROTECTION AGENCY'S WEBSITE, INCLUDING AN INTERNET ADDRESS THAT LINKS
8 TO THE SEPTIC SYSTEMS OUTREACH TOOLKIT.

9 (C) THE CONTRACT PROVISION REQUIRED IN SUBSECTION (B) OF THIS
10 SECTION SHALL BE INDEPENDENTLY INITIALED BY THE PURCHASER.

11 (D) THE FAILURE OF A VENDOR TO INCLUDE, OR FOR THE PURCHASER TO
12 INITIAL, THE CONTRACT PROVISION REQUIRED IN SUBSECTION (B) OF THIS SECTION
13 IN A CONTRACT FOR THE SALE OF RESIDENTIAL REAL PROPERTY MAY NOT VOID THE
14 CONTRACT.

15 14-117.

16 (O) A CONTRACT FOR THE SALE OF RESIDENTIAL REAL PROPERTY SHALL
17 CONTAIN A PROVISION, AS DESCRIBED IN § 10-713 OF THIS ARTICLE, THAT
18 PROVIDES NOTICE OF THE SEPTIC SYSTEMS OUTREACH TOOLKIT AVAILABLE
19 THROUGH THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S WEBSITE,
20 INCLUDING AN INTERNET ADDRESS THAT LINKS TO THE SEPTIC SYSTEMS
21 OUTREACH TOOLKIT.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2022.