HOUSE BILL 834

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

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

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

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

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

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

Article – Environment

9–206.

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

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

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

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

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

(i) Serves more than one:

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

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

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

or

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

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

(iii) Serves a housing or another multiple ownership cooperative.
(A) The Department shall establish the third week in September as SepticSmart Week.

(B) During SepticSmart Week, the Department shall use the educational materials provided under the U.S. Environmental Protection Agency’s SepticSmart initiative and other resources to promote community awareness regarding:

1. The proper use and maintenance of on–site sewage disposal systems; and
2. The impact of proper design, installation, operation, and maintenance of on–site sewage disposal systems on:
   1. Preserving surface and underground waters;
   2. Protecting public health; and
   3. Avoiding costly repairs.

Article – Real Property

10–713.

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

(2) “On–site sewage disposal system” has the meaning stated in § 9–206 of the Environment Article.

(3) “Septic Systems Outreach Toolkit” means a set of materials that:

1. Promote homeowner education and awareness regarding on–site sewage disposal systems; and
2. Are available to the public for download from the U.S. Environmental Protection Agency’s website.

(B) On or before the execution of a contract for the sale of residential real property served by an on–site sewage disposal system, a vendor shall deliver to each purchaser a copy of the following Septic Systems Outreach Toolkit materials:
(1) New Homebuyer’s Brochure and Guide to Septic Systems;

(2) Do’s and Don’ts Homeowner’s Brochure; and

(3) Top 10 Ways to Be a Good Septic Owner Document.

(B) A contract for the sale of residential real property shall include a provision that provides notice of the Septic Systems Outreach Toolkit available through the U.S. Environmental Protection Agency’s website, including an Internet address that links to the Septic Systems Outreach Toolkit.

(C) The contract provision required in subsection (b) of this section shall be independently initialed by the purchaser.

(D) The failure of a vendor to include, or for the purchaser to initial, the contract provision required in subsection (b) of this section in a contract for the sale of residential real property may not void the contract.

14–117.

(O) A contract for the sale of residential real property shall contain a provision, as described in § 10–713 of this article, that provides notice of the Septic Systems Outreach Toolkit available through the U.S. Environmental Protection Agency’s website, including an Internet address that links to the Septic Systems Outreach Toolkit.

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