

# HOUSE BILL 146

M3, N1  
HB 747/25 – ENT

(PRE-FILED)

6lr1110  
CF SB 165

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By: ~~Delegate Guyton~~ **Delegates Guyton, Holmes, and J. Long**

Requested: October 7, 2025

Introduced and read first time: January 14, 2026

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 15, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – On-Site Wastewater Systems – Requirements for Inspection and**  
3 **Pumping Services and Implementation Dates**

4 FOR the purpose of requiring a landlord of property that is served by a certain on-site  
5 wastewater system to ensure, on or before a certain date and before each new tenant  
6 occupies the property thereafter, that the system has been inspected and pumped  
7 out in a certain manner; requiring a contract for the sale of certain real property that  
8 is served by an on-site wastewater system, beginning on a certain date, to include a  
9 provision requiring, as a condition of the sale, that the purchaser has ensured that  
10 the system has been inspected and pumped out in a certain manner, subject to  
11 certain exceptions; requiring a landlord or an owner of property to notify a certain  
12 delegated approval authority of certain information regarding a failing on-site  
13 sewage disposal system under certain circumstances; requiring a delegated approval  
14 authority to approve, to the extent practicable, the repair or replacement of any  
15 failed components of a drain field of a failing on-site wastewater system; extending  
16 certain dates by which the Department of the Environment is required to adopt  
17 certain regulations and by which certain individuals are required to be licensed by  
18 the State Board of On-Site Wastewater Professionals; and generally relating to  
19 on-site wastewater systems.

20 BY repealing and reenacting, without amendments,  
21 Article – Environment  
22 Section 9-11A-01(a) and (e)  
23 Annotated Code of Maryland

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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 (2014 Replacement Volume and 2025 Supplement)

2 BY adding to  
3 Article – Real Property  
4 Section 8–122 and 10–716  
5 Annotated Code of Maryland  
6 (2023 Replacement Volume and 2025 Supplement)

7 BY repealing and reenacting, with amendments,  
8 Chapter 419 of the Acts of the General Assembly of 2022  
9 Section 6 and 7

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

12 **Article – Environment**

13 9–11A–01.

14 (a) In this subtitle the following words have the meanings indicated.

15 (e) (1) “On–site wastewater system” means:

16 (i) A wastewater system designed to treat and dispose of effluent on:

17 1. The same property that produces the wastewater; or

18 2. An easement; or

19 (ii) A holding tank.

20 (2) Except as provided in paragraph (3) of this subsection, “on–site  
21 wastewater system” includes a septic or any other on–site sewage disposal system.

22 (3) “On–site wastewater system” does not include a wastewater treatment  
23 system that:

24 (i) Requires a discharge permit from the Department; or

25 (ii) Treats 5,000 or more gallons per day.

26 **Article – Real Property**

27 **8–122.**

28 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
29 **INDICATED.**

1           (2) “DELEGATED APPROVAL AUTHORITY” MEANS THE LOCAL  
2 HEALTH DEPARTMENT OR COUNTY AGENCY THAT HAS RECEIVED AN ON-SITE  
3 SEWAGE DISPOSAL SYSTEM DELEGATION OF AUTHORITY BY THE DEPARTMENT OF  
4 THE ENVIRONMENT.

5           (3) “ON-SITE WASTEWATER SYSTEM” HAS THE MEANING STATED IN §  
6 9-11A-01 OF THE ENVIRONMENT ARTICLE.

7           (B) ON OR BEFORE JULY 1, 2028, AND BEFORE EACH NEW TENANT  
8 OCCUPIES THE PROPERTY THEREAFTER, A LANDLORD OF PROPERTY THAT IS  
9 SERVED BY AN ON-SITE WASTEWATER SYSTEM SHALL ENSURE THAT THE SYSTEM  
10 HAS BEEN:

11           (1) INSPECTED BY AN INDIVIDUAL WHO IS LICENSED UNDER TITLE 9,  
12 SUBTITLE 11A OF THE ENVIRONMENT ARTICLE TO PERFORM PROPERTY TRANSFER  
13 INSPECTIONS FOR ON-SITE WASTEWATER SYSTEMS; AND

14           (2) PUMPED OUT BY AN INDIVIDUAL WHO IS LICENSED UNDER TITLE  
15 9, SUBTITLE 11A OF THE ENVIRONMENT ARTICLE TO PERFORM PUMPING SERVICES  
16 FOR ON-SITE WASTEWATER SYSTEMS.

17           (C) FOR PURPOSES OF MEETING THE REQUIREMENTS UNDER SUBSECTION  
18 (B) OF THIS SECTION, A PROPERTY TRANSFER INSPECTION OR PUMPING SERVICE  
19 PERFORMED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION IS VALID FOR  
20 3 YEARS.

21           (D) (1) IF AN INSPECTION UNDER THIS SECTION IDENTIFIES A FAILING  
22 ON-SITE WASTEWATER SYSTEM, THE LANDLORD OF THE PROPERTY SHALL NOTIFY  
23 THE DELEGATED APPROVAL AUTHORITY:

24           ~~(1)~~ (I) ABOUT THE FAILURE; AND

25           ~~(2)~~ (II) WHEN THE SYSTEM IS FIXED.

26           (2) A DELEGATED APPROVAL AUTHORITY SHALL APPROVE, TO THE  
27 EXTENT PRACTICABLE, THE REPAIR OR REPLACEMENT OF ANY FAILED  
28 COMPONENTS OF A DRAIN FIELD OF A FAILING ON-SITE WASTEWATER SYSTEM  
29 NECESSARY TO MEET THE REQUIREMENTS OF THIS SECTION.

30 10-716.

31           (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
32 INDICATED.

1           **(2) “DELEGATED APPROVAL AUTHORITY” MEANS THE LOCAL**  
2 **HEALTH DEPARTMENT OR COUNTY AGENCY THAT HAS RECEIVED AN ON-SITE**  
3 **SEWAGE DISPOSAL SYSTEM DELEGATION OF AUTHORITY BY THE DEPARTMENT OF**  
4 **THE ENVIRONMENT.**

5           **(3) “ON-SITE WASTEWATER SYSTEM” HAS THE MEANING STATED IN §**  
6 **9-11A-01 OF THE ENVIRONMENT ARTICLE.**

7           **(B) THE REQUIREMENTS OF THIS SECTION DO NOT APPLY IF:**

8           **(1) (I) 1. THE PROPERTY TRANSFER INVOLVES THE TRANSFER**  
9 **OF RESIDENTIAL REAL PROPERTY THAT IS BETWEEN:**

10                           **A. CURRENT SPOUSES;**

11                           **B. A PARENT AND A CHILD; OR**

12                           **C. SIBLINGS, BY WHOLE BLOOD, IF THE PROPERTY IS**  
13 **HELD IN TRUST;**

14                           **2. THE PROPERTY’S MORTGAGE IS BEING REFINANCED;**  
15 **OR**

16                           **3. THE CHANGE IN OWNERSHIP OR FORM OF**  
17 **OWNERSHIP DOES NOT INVOLVE THE INTRODUCTION OF NEW PARTIES; AND**

18                           **(II) THE ON-SITE WASTEWATER SYSTEM HAS BEEN INSPECTED**  
19 **WITHIN THE IMMEDIATELY PRECEDING 5-YEAR PERIOD; OR**

20           **(2) THE PROPERTY TRANSFER IS THE INITIAL TRANSFER AFTER**  
21 **CONSTRUCTION OF THE PROPERTY.**

22           **(C) (1) BEGINNING JULY 1, 2028, A CONTRACT FOR THE SALE OF REAL**  
23 **PROPERTY THAT IS SERVED BY AN ON-SITE WASTEWATER SYSTEM SHALL INCLUDE**  
24 **A PROVISION REQUIRING, AS A CONDITION OF THE SALE, THAT THE PURCHASER**  
25 **ENSURE THAT THE SYSTEM HAS BEEN:**

26                           **(I) INSPECTED BY AN INDIVIDUAL WHO IS LICENSED UNDER**  
27 **TITLE 9, SUBTITLE 11A OF THE ENVIRONMENT ARTICLE TO PERFORM PROPERTY**  
28 **TRANSFER INSPECTIONS FOR ON-SITE WASTEWATER SYSTEMS; AND**

1 (II) PUMPED OUT BY AN INDIVIDUAL WHO IS LICENSED UNDER  
2 TITLE 9, SUBTITLE 11A OF THE ENVIRONMENT ARTICLE TO PERFORM PUMPING  
3 SERVICES FOR ON-SITE WASTEWATER SYSTEMS.

4 (2) (I) SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE  
5 REAL PROPERTY MAY NOT OCCUR UNTIL THE VENDOR AND THE PURCHASER  
6 RECEIVE A REPORT ON THE PROPERTY TRANSFER INSPECTION PERFORMED UNDER  
7 PARAGRAPH (1)(I) OF THIS SUBSECTION AND CONFIRMATION OF THE PUMPING  
8 SERVICE PERFORMED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

9 (II) AT SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE  
10 REAL PROPERTY, THE VENDOR AND THE PURCHASER SHALL EACH CERTIFY IN  
11 WRITING THAT THEY HAVE RECEIVED AND REVIEWED THE REPORT AND  
12 CONFIRMATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

13 (D) UNLESS OTHERWISE REQUIRED AS PART OF A REAL ESTATE CONTRACT  
14 OR MORTGAGE REQUIREMENT, FOR PURPOSES OF MEETING THE REQUIREMENTS  
15 UNDER SUBSECTION (C)(1) OF THIS SECTION, A PROPERTY TRANSFER INSPECTION  
16 OR PUMPING SERVICE PERFORMED IN ACCORDANCE WITH SUBSECTION (C)(1) OF  
17 THIS SECTION IS VALID FOR 3 YEARS.

18 (E) (1) IF AN INSPECTION UNDER THIS SECTION IDENTIFIES A FAILING  
19 ON-SITE WASTEWATER SYSTEM, THE OWNER OF THE PROPERTY SHALL NOTIFY THE  
20 DELEGATED APPROVAL AUTHORITY:

21 ~~(1)~~ (I) ABOUT THE FAILURE; AND

22 ~~(2)~~ (II) WHEN THE SYSTEM IS FIXED.

23 (2) A DELEGATED APPROVAL AUTHORITY SHALL APPROVE, TO THE  
24 EXTENT PRACTICABLE, THE REPAIR OR REPLACEMENT OF ANY FAILED  
25 COMPONENTS OF A DRAIN FIELD OF A FAILING ON-SITE WASTEWATER SYSTEM  
26 NECESSARY TO MEET THE REQUIREMENTS OF THIS SECTION.

27 Chapter 419 of the Acts of 2022

28 SECTION 6. AND BE IT FURTHER ENACTED, That, on or before July 1, [2025]  
29 2027, the Department of the Environment, in consultation with the State Board of  
30 On-Site Wastewater Professionals, shall adopt regulations to implement Section 2 of this  
31 Act.

32 SECTION 7. AND BE IT FURTHER ENACTED, That, on or before July 1, [2026]  
33 2028, all individuals who provide on-site wastewater services in the State shall be licensed  
34 by the State Board of On-Site Wastewater Professionals.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
2 interpreted to limit a mortgage company or financial institution from requiring an  
3 inspection of an on-site wastewater system as part of contract terms for the sale or transfer  
4 of real property.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
6 1, 2026.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.