

SENATE BILL 165

M3, N1

(PRE-FILED)

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CF HB 146

By: Senator Brooks

Requested: October 7, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

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; extending certain dates by
14 which the Department of the Environment is required to adopt certain regulations
15 and by which certain individuals are required to be licensed by the State Board of
16 On-Site Wastewater Professionals; and generally relating to on-site wastewater
17 systems.

18 BY repealing and reenacting, without amendments,

19 Article – Environment

20 Section 9–11A–01(a) and (e)

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2025 Supplement)

23 BY adding to

24 Article – Real Property

25 Section 8–122 and 10–716

26 Annotated Code of Maryland

27 (2023 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Chapter 419 of the Acts of the General Assembly of 2022
3 Section 6 and 7

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

6 **Article – Environment**

7 9–11A–01.

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

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

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

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

12 2. An easement; or

13 (ii) A holding tank.

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

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

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

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

20 **Article – Real Property**

21 8–122.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) “DELEGATED APPROVAL AUTHORITY” MEANS THE LOCAL
25 HEALTH DEPARTMENT OR COUNTY AGENCY THAT HAS RECEIVED AN ON–SITE
26 SEWAGE DISPOSAL SYSTEM DELEGATION OF AUTHORITY BY THE DEPARTMENT.

27 (3) “ON–SITE WASTEWATER SYSTEM” HAS THE MEANING STATED IN §
28 9–11A–01 OF THE ENVIRONMENT ARTICLE.

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

11 (C) FOR PURPOSES OF MEETING THE REQUIREMENTS UNDER SUBSECTION
12 (B) OF THIS SECTION, A PROPERTY TRANSFER INSPECTION OR PUMPING SERVICE
13 PERFORMED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION IS VALID FOR
14 3 YEARS.

15 (D) IF AN INSPECTION UNDER THIS SECTION IDENTIFIES A FAILING ON-SITE
16 WASTEWATER SYSTEM, THE LANDLORD OF THE PROPERTY SHALL NOTIFY THE
17 DELEGATED APPROVAL AUTHORITY;

18 (1) ABOUT THE FAILURE: AND

19 (2) WHEN THE SYSTEM IS FIXED.

20 10-716.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

26 (3) "ON-SITE WASTEWATER SYSTEM" HAS THE MEANING STATED IN §
27 9-11A-01 OF THE ENVIRONMENT ARTICLE.

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

- A. CURRENT SPOUSES;
- B. A PARENT AND A CHILD; OR
- C. SIBLINGS, BY WHOLE BLOOD, IF THE PROPERTY IS

2. THE PROPERTY'S MORTGAGE IS BEING REFINANCED;

3. THE CHANGE IN OWNERSHIP OR FORM OF INVOLVE THE INTRODUCTION OF NEW PARTIES; AND

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

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

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

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

9 (1) ABOUT THE FAILURE; AND

(2) WHEN THE SYSTEM IS FIXED.

Chapter 419 of the Acts of 2022

12 SECTION 6. AND BE IT FURTHER ENACTED, That, on or before July 1, [2025]
13 **2027**, the Department of the Environment, in consultation with the State Board of
14 On-Site Wastewater Professionals, shall adopt regulations to implement Section 2 of this
15 Act.

16 SECTION 7. AND BE IT FURTHER ENACTED, That, on or before July 1, [2026]
17 2028, all individuals who provide on-site wastewater services in the State shall be licensed
18 by the State Board of On-Site Wastewater Professionals.

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
24 1, 2026.