

SENATE BILL 165

M3, N1

(PRE-FILED)

6lr1111
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

Committee Report: Favorable with amendments

Senate action: Recommitted to Education, Energy, and the Environment, March 7, 2026

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2026

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; 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 (c)~~
21 ~~Annotated Code of Maryland~~

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 ~~§ 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 ~~§ 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.~~

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

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

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

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

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

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

23 ~~(1) ABOUT THE FAILURE; AND~~

24 ~~(2) WHEN THE SYSTEM IS FIXED.~~

25 ~~10-716.~~

26 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
27 ~~INDICATED.~~

28 ~~(2) “DELEGATED APPROVAL AUTHORITY” MEANS THE LOCAL~~
29 ~~HEALTH DEPARTMENT OR COUNTY AGENCY THAT HAS RECEIVED AN ON-SITE~~
30 ~~SEWAGE DISPOSAL SYSTEM DELEGATION OF AUTHORITY BY THE DEPARTMENT.~~

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

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

~~(1) (i) 1. THE PROPERTY TRANSFER INVOLVES THE TRANSFER OF RESIDENTIAL REAL PROPERTY THAT IS BETWEEN:~~

~~A. CURRENT SPOUSES;~~

~~B. A PARENT AND A CHILD; OR~~

~~C. SIBLINGS, BY WHOLE BLOOD, IF THE PROPERTY IS HELD IN TRUST;~~

~~2. THE PROPERTY'S MORTGAGE IS BEING REFINANCED; OR~~

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

~~(ii) THE ON-SITE WASTEWATER SYSTEM HAS BEEN INSPECTED WITHIN THE IMMEDIATELY PRECEDING 5-YEAR PERIOD; OR~~

~~(2) THE PROPERTY TRANSFER IS THE INITIAL TRANSFER AFTER CONSTRUCTION OF THE PROPERTY.~~

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

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

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

~~(2) (i) SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE REAL PROPERTY MAY NOT OCCUR UNTIL THE VENDOR AND THE PURCHASER RECEIVE A REPORT ON THE PROPERTY TRANSFER INSPECTION PERFORMED UNDER~~

~~1 PARAGRAPH (1)(I) OF THIS SUBSECTION AND CONFIRMATION OF THE PUMPING
2 SERVICE PERFORMED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.~~

~~3 (H) AT SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE
4 REAL PROPERTY, THE VENDOR AND THE PURCHASER SHALL EACH CERTIFY IN
5 WRITING THAT THEY HAVE RECEIVED AND REVIEWED THE REPORT AND
6 CONFIRMATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~7 (D) UNLESS OTHERWISE REQUIRED AS PART OF A REAL ESTATE CONTRACT
8 OR MORTGAGE REQUIREMENT, FOR PURPOSES OF MEETING THE REQUIREMENTS
9 UNDER SUBSECTION (C)(1) OF THIS SECTION, A PROPERTY TRANSFER INSPECTION
10 OR PUMPING SERVICE PERFORMED IN ACCORDANCE WITH SUBSECTION (C)(1) OF
11 THIS SECTION IS VALID FOR 3 YEARS.~~

~~12 (E) IF AN INSPECTION UNDER THIS SECTION IDENTIFIES A FAILING ON-SITE
13 WASTEWATER SYSTEM, THE OWNER OF THE PROPERTY SHALL NOTIFY THE
14 DELEGATED APPROVAL AUTHORITY:~~

~~15 (1) ABOUT THE FAILURE; AND~~

~~16 (2) WHEN THE SYSTEM IS FIXED.~~

Chapter 419 of the Acts of 2022

18 SECTION 6. AND BE IT FURTHER ENACTED, That, on or before July 1, [2025]
19 **2027**, the Department of the Environment, in consultation with the State Board of
20 On-Site Wastewater Professionals, shall adopt regulations to implement Section 2 of this
21 Act.

22 SECTION 7. AND BE IT FURTHER ENACTED, That, on or before July 1, [2026]
23 **2028**, all individuals who provide on-site wastewater services in the State shall be licensed
24 by the State Board of On-Site Wastewater Professionals.

~~25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
26 interpreted to limit a mortgage company or financial institution from requiring an
27 inspection of an on-site wastewater system as part of contract terms for the sale or transfer
28 of real property.~~

29 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 June 1, 2026.