

SENATE BILL 682

M3, L2

6lr3221
CF 6lr3218

By: **Anne Arundel County Senators**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Community Sewerage Systems – Homeowners**
3 **Association Control**

4 FOR the purpose of authorizing a homeowners association in Anne Arundel County to
5 manage, operate, and maintain a shared facility or community sewerage system as
6 a controlling authority if certain conditions are met; requiring the Maryland
7 Environmental Service to take charge of and operate the shared facility or
8 community sewerage system under certain circumstances; and generally relating to
9 shared facilities and community sewerage systems in Anne Arundel County.

10 BY repealing and reenacting, with amendments,
11 Article – Environment
12 Section 9–1110
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2025 Supplement)

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

17 **Article – Environment**

18 9–1110.

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

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

22 (3) “Controlling authority” means a unit of government, a body public and
23 corporate, or an intercounty agency authorized by the State, a county, or a municipal

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



corporation to provide for the management, operation, and maintenance of a community sewerage system, shared facility, or multiuse sewerage system.

(4) “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;

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

(iii) Serves a housing cooperative or other multiple ownership cooperative.

(b) This section may not be construed as requiring a local jurisdiction to:

(1) Be a controlling authority; or

(2) Authorize or allow the use of a shared facility or a community sewerage system within the local jurisdiction.

(c) A shared facility or community sewerage system may be approved only if the system:

(1) Is managed, operated, and maintained by:

(i) A controlling authority; or

(ii) A third party under contract with the controlling authority; and

(2) Discharges:

(i) To the surface waters of the State in accordance with a permit issued under § 9–323 of this title;

(ii) By way of land application under a nutrient management plan required under § 8–803.1 of the Agriculture Article that assures 100% of the nitrogen and phosphorus in the applied effluent will be taken up by vegetation; or

(iii) By way of an on-site sewerage system.

(D) (1) THIS SUBSECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.

(2) A HOMEOWNERS ASSOCIATION MAY MANAGE, OPERATE, AND MAINTAIN A SHARED FACILITY OR COMMUNITY SEWERAGE SYSTEM AS A CONTROLLING AUTHORITY IF:

(I) THE SHARED FACILITY OR COMMUNITY SEWERAGE SYSTEM WAS IN:

1. OPERATION BEFORE JANUARY 1, 2026; AND

2. FULL OPERATIONAL COMPLIANCE FOR AT LEAST 6 MONTHS BEFORE THE HOMEOWNERS ASSOCIATION BECAME THE CONTROLLING AUTHORITY;

(II) THE HOMEOWNERS ASSOCIATION:

1. CHARGES A MANDATORY USER ASSESSMENT FOR SEWER SERVICE; AND

2. ESTABLISHES A CAPITAL RESERVE FUND THAT IS FUNDED TO AN AMOUNT SUFFICIENT TO COVER THE ESTIMATED COSTS OF REPLACEMENT OF THE SHARED FACILITY OR COMMUNITY SEWERAGE SYSTEM; AND

(III) ANNE ARUNDEL COUNTY, THE DEPARTMENT, AND THE HOMEOWNERS ASSOCIATION APPROVE THE TRANSFER OF RESPONSIBILITY TO THE HOMEOWNERS ASSOCIATION AS A CONTROLLING AUTHORITY.

(3) (I) THE DEPARTMENT SHALL DIRECT THE MARYLAND ENVIRONMENTAL SERVICE TO TAKE CHARGE OF AND OPERATE A SHARED FACILITY OR COMMUNITY SEWERAGE SYSTEM THAT IS TRANSFERRED TO A HOMEOWNERS ASSOCIATION AS A CONTROLLING AUTHORITY UNDER THIS SUBSECTION IF THE HOMEOWNERS ASSOCIATION:

1. IS UNABLE TO FULFILL THE OBLIGATIONS OF A CONTROLLING AUTHORITY; AND

2. FAILS TO COMPLY WITH AN ORDER BY THE SECRETARY TO CORRECT ANY OPERATIONAL DEFICIENCIES IN THE SHARED FACILITY OR COMMUNITY SEWERAGE SYSTEM.

(II) ANY COSTS INCURRED BY THE MARYLAND ENVIRONMENTAL SERVICE FOR THE MANAGEMENT, OPERATION, AND MAINTENANCE OF A SHARED FACILITY OR COMMUNITY SEWERAGE SYSTEM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE CHARGED TO THE HOMEOWNERS ASSOCIATION OR THE INDIVIDUAL LOT OWNERS AND PAID, COLLECTED, AND ENFORCED AS PROVIDED IN § 3-109 OF THE NATURAL RESOURCES ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026.