SENATE BILL 165

M3, N1 6lr1111
(PRE–FILED) 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

AN ACT concerning

Environment – On–Site Wastewater Systems – Requirements for Inspection and Pumping Services and Implementation Dates

FOR the purpose of requiring a landlord of property that is served by a certain on–site wastewater system to ensure, on or before a certain date and before each new tenant occupies the property thereafter, that the system has been inspected and pumped out in a certain manner; requiring a contract for the sale of certain real property that is served by an on–site wastewater system, beginning on a certain date, to include a provision requiring, as a condition of the sale, that the purchaser has ensured that the system has been inspected and pumped out in a certain manner, subject to certain exceptions; requiring a landlord or an owner of property to notify a certain delegated approval authority of certain information regarding a failing on–site sewage disposal system under certain circumstances; extending certain dates by which the Department of the Environment is required to adopt certain regulations and by which certain individuals are required to be licensed by the State Board of On–Site Wastewater Professionals; and generally relating to on–site wastewater systems.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–11A–01(a) and (e)
Annotated Code of Maryland
(2014 Replacement Volume and 2025 Supplement)

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

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

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

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

Article – Environment

9–11A–01.

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

(e) (1) "On–site wastewater system" means:

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

1. The same property that produces the wastewater; or

2. An easement; or

(ii) A holding tank.

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

(3) "On–site wastewater system" does not include a wastewater treatment system that:

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

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

Article – Real Property

8–122.

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

(2) "DELEGATED APPROVAL AUTHORITY" MEANS THE LOCAL HEALTH DEPARTMENT OR COUNTY AGENCY THAT HAS RECEIVED AN ON–SITE 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) ON OR BEFORE JULY 1, 2028, AND BEFORE EACH NEW TENANT OCCUPIES THE PROPERTY THEREAFTER, A LANDLORD OF PROPERTY THAT IS SERVED BY AN ON–SITE WASTEWATER SYSTEM SHALL ENSURE THAT THE SYSTEM HAS BEEN:

(1) 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

(2) 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.

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

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

(1) ABOUT THE FAILURE; AND

(2) WHEN THE SYSTEM IS FIXED.

10–716.

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

(2) "DELEGATED APPROVAL AUTHORITY" MEANS THE LOCAL HEALTH DEPARTMENT OR COUNTY AGENCY THAT HAS RECEIVED AN ON–SITE 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 PARAGRAPH (1)(I) OF THIS SUBSECTION AND CONFIRMATION OF THE PUMPING SERVICE PERFORMED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

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

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

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

(1) ABOUT THE FAILURE; AND

(2) WHEN THE SYSTEM IS FIXED.

Chapter 419 of the Acts of 2022

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

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

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

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