

2019 -- H 5452

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND CESSPOOL ACT OF 2007

Introduced By: Representatives Roberts, Nardone, and Chippendale

Date Introduced: February 14, 2019

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19.15-7 of the General Laws in Chapter 23-19.15 entitled "The
2 Rhode Island Cesspool Act of 2007" is hereby amended to read as follows:

3 **23-19.15-7. Waiver.**

4 (a) The director may grant a waiver, to the extent necessary, from applicable provisions
5 listed in § 23-19.15-6(b) provided the homeowner demonstrates undue hardship, defined as
6 having an annual income of less than or equal to eighty percent (80%) of the appropriate
7 household size area median income determined by the federal Housing and Urban Development
8 standards for the community within which the cesspool is located, and the cesspool is not a failed
9 system as defined herein. No waiver shall exceed five (5) years from the dates specified in § 23-
10 19.15-6(b). Any waiver granted shall expire upon transfer or sale of the land or easement upon
11 which the cesspool is located.

12 (b) The director may also grant a waiver for any septic tank, pump tank, holding tank
13 concrete chamber or cesspool which is abandoned by a residential homeowner who connects to
14 an existing system. The residential homeowner shall be exempt from being required to obtain a
15 contractor to pump out and fill in with material, as long as the homeowner has properly secured
16 the abandoned structure. The waiver shall be permitted and issued by the director upon satisfying
17 the local sewer authority by inspection in the town or city of the residential homeowner, that the
18 abandoned system is properly secured from preventing the public from falling into an abandoned
19 on-site system.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND CESSPOOL ACT OF 2007

1 This act would exempt a residential homeowner who has abandoned an on-site system
2 from obtaining a contractor to pump out and to fill in with material, as long as the residential
3 homeowner has taken the necessary steps to secure the abandoned on-site system. It would also
4 necessitate that the local sewer authority make an inspection to ensure that the system is properly
5 secured from preventing any injury to the public.

6 This act would take effect upon passage.

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