

2021 -- H 5590

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

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

Introduced By: Representatives Nardone, and Chippendale

Date Introduced: February 12, 2021

Referred To: House Municipal Government & Housing

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 having  
6 an annual income of less than or equal to eighty percent (80%) of the appropriate household size  
7 area median income determined by the federal Housing and Urban Development standards for the  
8 community within which the cesspool is located, and the cesspool is not a failed system as defined  
9 herein. No waiver shall exceed five (5) years from the dates specified in § 23-19.15-6(b). Any  
10 waiver granted shall expire upon transfer or sale of the land or easement upon which the cesspool  
11 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 an  
14 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 the  
16 abandoned structure. The waiver shall be permitted and issued by the director upon satisfying the  
17 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

1 [on-site system.](#)

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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

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

6           This act would take effect upon passage.

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