

2026 -- H 7635

=====
LC004817
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

—————
A N A C T

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

Introduced By: Representatives McGaw, Carson, Tanzi, Fogarty, Handy, Craven, and
Shanley

Date Introduced: February 11, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-19.15-12 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 **23-19.15-12. Cesspool removal and replacement requirements at property transfer.**

4 (a) Any cesspool found to be serving a building or use subject to sale or transfer shall be
5 removed and replaced with an OWTS or the building served by the cesspool shall be connected to
6 a public sewer system ~~within twelve (12) months of the date of sale or transfer~~ pursuant to
7 subsection (d) of this section.

8 (b) Should the manner of wastewater disposal be unknown, an inspection shall be
9 conducted to determine if a cesspool is present on the property. This inspection shall be done by a
10 system inspector prior to the time of sale or transfer.

11 (c) Pursuant to § 5-20.8-13, every contract for the purchase and sale of real estate that is or
12 may be served by a private cesspool shall provide that potential purchasers be permitted a ten-day
13 (10) period, unless the parties mutually agree upon a different period of time, to conduct an
14 inspection of the property's onsite sewage system in accordance with procedures required by the
15 department in § 23-19.15-5(a), before becoming obligated under the contract to purchase.

16 (d) Effective for real estate transactions executed on or after January 1, 2027, and
17 notwithstanding any other provision of law to the contrary, no transfer of title to any residential or
18 commercial real property served by an on-site wastewater treatment system or cesspool shall be

1 completed unless, within two (2) years prior to the date of closing, the owner has obtained a written
2 inspection and certification of the property's wastewater disposal system from an inspector
3 approved by the department. Real estate closings executed prior to January of 2027 shall have
4 twelve (12) months from the date of transfer to replace any failing septic system or cesspool.

5 (e) For any property not serviced by a public sewer system the inspector shall submit a
6 certification, in a form prescribed by the department, stating one of the following:

7 (1) That the property is served by an on-site wastewater treatment system that is
8 functioning and in compliance with department rules and regulations; or

9 (2) That the property is served in whole or in part by a cesspool.

10 (f) If the certification states that the property is served by a cesspool, no transfer of title
11 shall occur unless and until the cesspool has been properly abandoned and replaced with an
12 approved on-site wastewater treatment system or the property has been connected to a public sewer
13 system in accordance with department regulations.

14 (g) A certification issued pursuant to this section shall be valid for a period of two (2) years
15 from the date of inspection; provided that, no material alteration system failure, or change in use
16 affecting system capacity has occurred since the inspection date.

17 (h) The inspection report and certification shall be provided to the department within ten
18 (10) business days of completion of the inspection.

19 (i) If the seller is represented by a licensed real estate broker or salesperson, that licensee
20 shall ensure that the inspection report and certification have been transmitted to the department
21 prior to or contemporaneously with closing. Failure to transmit the report shall constitute grounds
22 for administrative referral to the department of business regulation.

23 (j) No closing attorney, settlement agent, or title company shall record or cause to be
24 recorded any deed subject to this chapter unless the certification required by this section is present
25 in the closing file.

26 (k) The department is authorized to promulgate rules and regulations necessary to
27 implement the provisions of this section, including inspector qualifications, certification forms, and
28 electronic filing procedures.

29 SECTION 3. Section 5-20.8-13 of the General Laws in Chapter 5-20.8 entitled "Real Estate
30 Sales Disclosures" is hereby amended to read as follows:

31 **5-20.8-13. Cesspool inspection requirement.**

32 (a) Every contract for the purchase and sale of real estate that is or may be served by a
33 private cesspool, shall provide that potential purchasers be permitted a ten-day (10) period, unless
34 the parties mutually agree upon a different period of time, to conduct an inspection of a property's

1 on-site sewage system, before becoming obligated under the contract to purchase, to determine if
2 a cesspool exists, and if so, whether it will be subject to the phase-out requirements as established
3 in chapter 19.15 of title 23.

4 (b) Failure to include the provision required in subsection (a) in the purchase and sale
5 agreement for real estate does not create any defect in title.

6 (c) Failure to provide the results of any previous inspection of a cesspool servicing the
7 property does not create any defect in title.

8 (d) Failure to include the purchase and sale agreement provision required in subsection (a)
9 or failure to provide previous inspection results of a cesspool servicing the property entitles the
10 purchaser to void the purchase and sale agreement by providing notice in writing to the seller prior
11 to the transfer of the title at closing.

12 (e) Wastewater disposal system certification requirement.

13 (1) Effective January 1, 2027, every contract for the purchase and sale of real property shall
14 include, as an attachment or incorporated exhibit, a valid wastewater disposal system certification
15 issued pursuant to § 23-19.15-12.

16 (2) No contract for the purchase and sale of real property served by an on-site wastewater
17 treatment system or cesspool shall be enforceable unless the certification required by this
18 subsection is provided to the purchaser prior to or contemporaneously with execution of the
19 purchase and sale agreement.

20 (3) The certification shall be deemed valid if issued within two (2) years prior to the date
21 of contract execution, provided no material change in system condition has occurred.

22 (4) Failure to include the certification required by this subsection shall constitute a material
23 nondisclosure under this chapter.

24 (5) The department of environmental management, in coordination with the department of
25 business regulation, may adopt any forms or procedures necessary to implement this subsection.

26 SECTION 4. This act shall take effect upon passage and shall apply to contracts executed
27 on or after January 1, 2027.

=====
LC004817
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would provide that a certificate be provided for every contract for the purchase
2 and sale of real estate certifying that the property has a functioning on-site wastewater treatment
3 system or a sewer connection and not a cesspool.

4 This act would take effect upon passage and would apply to contracts executed on or after
5 January 1, 2027.

=====
LC004817
=====