

2020 -- H 7052

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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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, Chippendale, Serpa, and Noret

Date Introduced: January 09, 2020

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](#)

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

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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