

2024 -- H 7654 SUBSTITUTE A

LC004597/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO TOWNS AND CITIES -- HOUSING MAINTENANCE AND OCCUPANCY  
CODE

Introduced By: Representatives Shanley, Kennedy, Bennett, Edwards, Azzinaro,  
Casimiro, and Noret

Date Introduced: February 15, 2024

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 45-24.3 of the General Laws entitled "Housing Maintenance and  
2 Occupancy Code" is hereby amended by adding thereto the following section:

3 **45-24.3-10.1. Forced remedial action of septic systems.**

4 (a) As used in this section:

5 (1) "Department" means the department of environmental management.

6 (2) "Remedial action" means any action taken by a municipality pursuant to this section to  
7 remediate a septic system which is resulting in sewage discharge to the ground surface.

8 (3) "Septic system" means any system of piping, tanks, dispersal areas, alternative toilets  
9 or other facilities designed to function as a unit to convey, store, treat or disperse wastewater by  
10 means other than discharge into a public wastewater system.

11 (4) "Sewage" or "wastewater" means human or animal excremental liquid or substance,  
12 putrescible animal or vegetable matter or garbage and filth, including, but not limited to, water  
13 discharged from toilets, bathtubs, showers, laundry tubs, washing machines, sinks, and  
14 dishwashers.

15 (b)(1) When the department receives a complaint of an overflowing septic system, the  
16 department shall assess the situation. If the department finds there is overflow from a septic system,  
17 the department shall send the owner of the property where the septic system is situated a notice  
18 informing the property owner of the department's assessment and providing the property owner

1 directions to remedy the situation.

2 (2) The notice may be an order issued pursuant to § 42-17.1-2(21).

3 (c) If the steps to address the overflow are not undertaken within the timelines set forth in  
4 the notice, the department shall provide notice to the local municipality. The local municipality  
5 may then take appropriate remedial action. Appropriate remedial action may include, but is not  
6 limited to, draining, pumping, cleaning, or replacing the septic system.

7 (d) After addressing the septic system overflow issues as per the notice, the municipality  
8 shall then present the property owner with an itemized bill stating what remedial actions were taken  
9 and the costs for those actions. The property owner shall be held liable for any costs incurred in  
10 remedying the septic system overflow.

11 (e) If any costs provided for by this section are not paid within ten (10) days of presentment  
12 to the property owner, the municipality may place a lien on the property for the costs of the remedial  
13 action, which costs shall accrue interest at the rate of twelve percent (12%) per annum. The lien  
14 may remain in place until the costs are repaid in full. Provided, the department and any municipality  
15 involved may coordinate with the Rhode Island infrastructure bank to cover costs for the remedial  
16 actions taken in cases of genuine financial hardship or applicable water pollution control, pursuant  
17 to the provisions of chapter 12.2 of title 46.

18 (f) Any remedial action taken under this section is subject to all permitting requirements  
19 by the department. Any municipality taking remedial action is authorized to apply to the department  
20 for the required permit(s).

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would permit the department of environmental management and local  
2 municipalities to work together to perform a forced drainage, removal, and if necessary,  
3 replacement of an overflowing septic system, to remediate and rectify an overflow situation.

4           This act would take effect upon passage.

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