

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to direct the Department of Health to take steps to eliminate evaluation and design services for*
3 *onsite sewage systems and private wells provided by the Department.*

[H 888]

Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1.** *§ 1. The Department of Health (Department) shall take steps to eliminate evaluation and design*
8 *services provided by the Department for onsite sewage systems and private wells. In taking such steps,*
9 *the Department shall:*

10 *1. Beginning July 1, 2018, accept private evaluations and designs for private wells, in compliance*
11 *with the State Board of Health Regulations for construction of private wells, designed and certified by a*
12 *certified master water well system provider pursuant to § 54.1-1129.1 of the Code of Virginia;*

13 *2. Beginning July 1, 2018, cease providing onsite sewage system evaluations and design services that*
14 *are not associated with a building permit or the repair of a failing sewage system. Hardship exceptions*
15 *shall not apply to these services;*

16 *3. Beginning July 1, 2018, cease providing new construction evaluation and design services for an*
17 *application that is not for a principal place of residence. Hardship exceptions shall not apply to these*
18 *services;*

19 *4. By July 1, 2019, establish guidelines to maintain the Department as a provider of last resort for a*
20 *property owner who demonstrates a specific hardship in obtaining private sector evaluation and design*
21 *services associated with a building permit or the repair of a failing sewage system that is for a*
22 *principal place of residence. In developing such guidelines, the Department shall solicit and consider*
23 *input from stakeholders. The Department's guidelines shall include considerations for hardships based*
24 *on (i) the availability of properly licensed service providers actively working within a locality or region,*
25 *(ii) the complaint history of private sector providers, and (iii) the cost of private sector services. The*
26 *Department shall post its proposed guidelines on a website maintained by the Department by November*
27 *1, 2018;*

28 *5. Beginning July 1, 2019, require an applicant for an onsite sewage system or private well*
29 *construction permit who desires the Department to provide evaluation and design services associated*
30 *with a building permit or the repair of a failing sewage system that is for a principal place of residence*
31 *to petition the Department to provide such evaluation and design services; and*

32 *6. Beginning July 1, 2019, (i) require means testing of applicants who petition the Department for*
33 *evaluation and design services for onsite sewage systems and private wells and who are unable to*
34 *demonstrate a hardship and (ii) provide evaluation and design services only to such applicants whose*
35 *household income does not exceed 400 percent of the federal poverty guidelines established by the U.S.*
36 *Department of Health and Human Services. The Department shall reduce such income threshold to 300*
37 *percent beginning July 1, 2020, 200 percent beginning July 1, 2021, and 100 percent beginning July 1,*
38 *2022. Beginning July 1, 2023, the Department shall provide design and evaluation services only to an*
39 *applicant who demonstrates a hardship in accordance with guidelines developed by the Department.*

40 **§ 2.** *The Department shall coordinate with the Department of Professional and Occupational*
41 *Regulation to establish any necessary agreements or procedures to ensure that potential violations of*
42 *laws or regulations regarding onsite sewage system and private well evaluation and design are referred*
43 *to the appropriate agency or board for review.*

ENROLLED

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