



**House Bill 178 – Real Property – Required Notices for Contracts of Sale – Zones of Dewatering Influence**

**Position: Support with Amendments**

The Maryland REALTORS® supports HB 178 with changes to make the disclosure more uniform with other disclosures now mandated for Maryland real estate contracts.

The intent of HB 178 is to notify purchasers that the property they are considering is located in a zone of dewatering influence and that state law provides remedies to them if a sink hole develops. State zones of dewatering influence cover Baltimore, Carroll, Frederick and Washington Counties.

As currently drafted HB 178 creates a very long disclosure that would be almost as long as the current real estate contract. The bill also charges the seller with notifying the buyer about whether the property is located within such a zone which is contrary to many notices in the contract which direct the buyer to collect the information.

Consequently, the REALTORS® support the following changes:

- Instead of directing the seller to provide the information, charge the buyer with collecting the data through a buyer notice with information about contacting MDE. The buyer is far more motivated to gather the information than the seller.
- Clarify that the disclosure is required for residential sales only.
- Eliminate the requirement that the statute and regulations be provided to the consumer. That requirement would make this disclosure almost as long as the real estate contract, and the longest disclosure in the real estate contract.
- Clarify that the immediate return of deposit money is still subject to the statutory process all real estate brokers are required to follow.

Because information on zones of dewatering influence is not easily discoverable on county or state websites, it is important that the person seeking the information is motivated to find it. In fact, staff at MDE stated that individuals would have to call MDE's Mining staff to determine whether a property is located in such a zone. Given the tremendous information that is now available regarding other environmental impacts on properties throughout Maryland, it would be even better if this legislation directed such zones to be included in Maryland's MERLIN (Maryland Environmental Resources and Land Information Network) electronic mapping system. That system allows individuals to search by address to determine if a property is impacted by certain factors like floods, critical areas, environmental easements, wetlands, forest protections etc.

With these changes, the REALTORS® recommend a favorable report.

**For more information contact [bill.castelli@mdrealtor.org](mailto:bill.castelli@mdrealtor.org) or [susan.mitchell@mdrealtor.org](mailto:susan.mitchell@mdrealtor.org)**