

Passing HB 281 and SB 495 – Residential Property – Sales Contract – Disclosures will ensure fairness and transparency for the home buyer.

A toxic site attains National Priority List Superfund Site status because the scientists in the EPA determine that the site is hazardous enough to public health that funds are provided for its cleanup.

There are 26 NPL Superfund Sites in Maryland. This state is growing in population and as less development land is available, more areas that were disregarded because of a proximity to a Superfund Site will be considered for housing.

It is outrageous that a homebuyer may or may not learn about that the “dream home” they are buying is in dangerous proximity to such a site. The current method of disclosing is sadly lacking in transparency because it is provided at the time of closing on a sale or “contract”.

When closing on a contract the buyer is deluged with a flood of papers all demanding immediate review and signature. The MARYLAND RESIDENTIAL PROPERTY DISCLOSURE AND DISCLAIMER STATEMENT is supplied during this rush at closing. Only on page 3 do we see:

14. Are there any hazardous or regulated materials (including, but not limited to, licensed landfills, asbestos, radon gas, lead-based paint, underground storage tanks, or other contamination) on the property?

Yes No Unknown

If yes, specify below

Comments: _____

How easy is it to miss this information during closing on the contract? How easy is it for the seller to misrepresent intentionally or unintentionally the level of environmental hazard? What is the enforcement or oversight to ensure that these few lines are even completed?

The purpose of Bills HB 0281 and SB 0485 is to improve the process by increasing transparency by which homebuyers are provided information crucial to deciding if the property is safe for their families.

These bills will provide notice to the homebuyer at the time of “earnest money deposit”, or initial down payment is provided. That gives the buyer time to digest the information, go to the appropriate EPA website to learn about their particular site and then to decide whether to close on the deal (sale of contact).

One such Superfund Site is Ft. Detrick Area B:

From World War II through the Vietnam era, Ft. Detrick in Frederick Maryland conducted research in weapons of mass destruction (WMD) of both a biological and chemical nature. Debris from the experiments were deposited in unlined pits in an area called “Area B”. Poor if any records were kept. Eventually when mitigation was initiated it was determined to be too dangerous to remove most of the contamination. The pits were merely capped and thereafter monitored. Eventually, water leaching from the unlined pits contaminated the groundwater. It is the contaminated groundwater that is the EPA Superfund Site (“the plume”). This plume has flowed beyond the fort boundaries and into existing

neighborhoods and Carroll Creek as well as open land being developed. Currently a developer wishes to build townhouses where the Army Corps of Engineers has found contaminated groundwater testing beyond acceptable measures for human safety.

Is this situation serious enough to warrant notification to the people who wish to buy these townhouses that their home is in proximity to an EPA NPL Superfund Site? Is it fair to give sufficient information that a decision can be made based on facts?

I believe the home buyer deserves to know this information and I ask you to approve Bills HB281 and SB 495.

Thank you.

Elizabeth Law