



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

House Bill 143

Condominiums - Sales Contracts - Asbestos Disclosure

In the Environment and Transportation Committee

Hearing on January 30, 2024

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written testimony on HB143 at the request of bill sponsor Delegate Linda Foley.

Thank you for the opportunity to offer written testimony in favor of HB 143, legislation that provides disclosure of asbestos in condominium units to potential purchasers. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. With 12 offices serving residents in each of Maryland's 24 jurisdictions, MLA advises and represents elderly and low-income persons in the areas of housing, consumer law, foreclosure, family law, children's rights, and administrative law benefits throughout Maryland. MLA submits this written testimony to this Committee asks that this Committee give HB 143 a favorable report.

Maryland Legal Aid advises and represents low income consumers throughout Maryland on issues related to homeownership including mortgages, property taxes, and warranties. The Maryland Real Property Article at ACM, RP §10-702(e) (2) requires that if a vendor has actual knowledge of the existence of asbestos in residential real property, that must be disclosed in the residential real property disclosure statement. However, at the present time, there is no equal protection for a person who wants to purchase a condominium. There is no basis to treat purchasers of real property and condominium purchasers differently, particularly when both assets are usually the largest investment a person or family will make for shelter, security and to build wealth.

In the experience of MLA advocates once the purchase of a house or condominium is completed, it is very difficult to receive compensation if an undisclosed defect comes to light and the new owner is forced to make a costly repair. The burden to prevent such a situation

really falls on the potential purchaser who must uncover defects before title is transferred. After purchase MLA clients and any new property owner often has to cobble together resources for repairs, stay with family or friends until their investment is habitable, and worry that their health or the health of their family is at risk because of structural issues or other defects.

HB 143 improves the protections and information available to purchasers of condominium units by requiring disclosure of the known presence and abatement of asbestos on the site where the condominium is located. Under current Maryland law, the part of the Real Property Article that addresses the presence of asbestos in condominium units does not include a provision that actual knowledge of the presence or abatement of this health and safety issue must be disclosed. Thus, owners and condominium council of directors can withhold knowledge of the presence or remediation of asbestos on the property. By amending the Real Property Article at Title 11, a seller and a condominium council of directors must be transparent about asbestos at the condominium site and whether any efforts have been undertaken to address the asbestos. Maryland Legal Aid supports HB 143 and asks that this Committee give it a favorable report.

Respectfully Submitted,

_____/s/Louise M. Carwell_____

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