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THE MARYLAND HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

Testimony: HB 143 - Condominiums – Sales Contracts – Asbestos Disclosure

Committee: Environment and Transportation

Hearing Date: January 30, 2024

Position: Favorable

I am Delegate Linda Foley (District 15) and I am presenting House Bill 143 - Condominiums - Sales Contracts - Asbestos Disclosure, which would establish the requirement that contracts for the sale of condominium units contain certain notice relating to the presence of asbestos.

HB 143 would amend The Real Property Article, Section 11–126 and Section 11–135 of the Annotated Code of Maryland by establishing additional notification and disclosure requirements.

The reason HB 143 is needed relates to the proven impact asbestos has on human health and the environment. For decades the US Environmental Protection Agency, EPA, and the Maryland Dept. of the Environment, MDE, have documented these impacts. However, you might be surprised to know that according to the US EPA, federal law does not require a seller to disclose to a buyer that their home contains asbestos or vermiculite, a mineral used in construction that contains asbestos fibers.

In the context of real estate contracts, if you have looked at older properties, finding out about an asbestos remediation on the property late in the real estate transaction could have serious consequences and could jeopardize the completion of the transaction. House Bill 52 would ensure that any asbestos remediation would be disclosed and made available to any potential purchaser of condominium dwellings.

First a brief background on asbestos and its associated risks.

As reported by the Centers for Disease Control, asbestos is a commercial and legal term referring to a class of minerals that naturally form long, thin and very strong fibers. It has been mined and used in many products worldwide. In the United States, mining asbestos has ended, but asbestos is still present in older homes and buildings.

Due to its sturdy properties, asbestos was used to make many products, including insulation, fireproofing and acoustic materials, wallboard, plaster, cement, floor tiles, brake linings, and roofing shingles. Beginning in the 1970s, the United States banned many uses of asbestos, but asbestos is still present in old materials and is still used in products such as automobile brakes and roofing materials.

Asbestos may also be present in other commercial products, such as vermiculite (especially vermiculite from Libby, MT) and talc. Disturbing asbestos minerals or other asbestos-containing materials can release tiny asbestos fibers, too small to see, into the air. Workers and others who breathed asbestos fibers over many years have developed asbestos-related diseases, including asbestosis, pleural disease, lung cancer, and mesothelioma. Some of these diseases can be serious or even fatal.

Back to the requirements in HB 143.

I requested an amendment that would strengthen and clarify the requirements. This amendment would then state that if the condominium was built before August 25, 1989, there should be a statement that asbestos may have been used in materials used in construction, repair of, or in components or facilities of the condominium. This complies with USEPA protocol for asbestos.

This is a common-sense requirement that all potential buyers and current residence of condominium properties would appreciate.

The second requirement in HB 143 is a straightforward a statement as to whether the council of unit owners in a condominium development has actual knowledge of the presence of asbestos in the common areas, including a description of the location of the asbestos, whether an abatement has been performed, and the date of any abatement.

Again, this is a very common-sense and simple requirement that provides necessary information to a potential purchaser or existing resident.

To ensure that HB 143 does not conflict with existing regulations, the language of this bill was shared with the Maryland Department of the Environment (MDE), Maryland Asbestos Division, who determined that House Bill 143 does not add any remediation or abatement requirements to the existing State and Federal regulations. MDE has been regulating asbestos since the 1980s. Following recent news reports of catastrophic failures of condominium associations in other states to identify and correct unsafe conditions, this simple notification requirement will help keep condominium buyers in Maryland safe from the serious effects of asbestos exposure.

Last year this bill passed the House chamber of the Maryland General Assembly. I urge a favorable report of HB 143. Thank you.