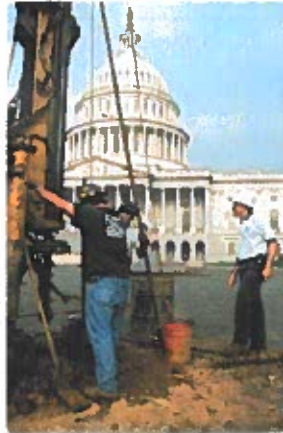
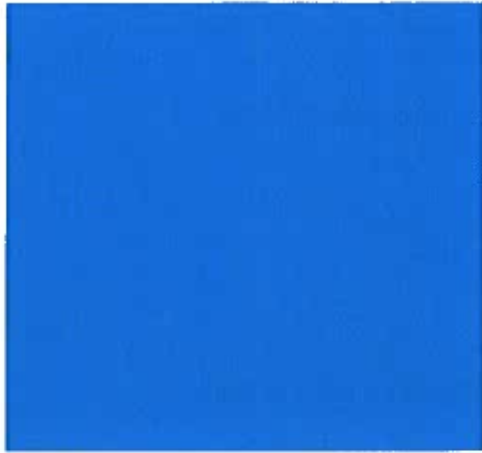


Hamilton Ave. Geo.pdf

Uploaded by: Russell, Kelly

Position: FAV



ECS Mid-Atlantic, LLC

Karst Study Report

23 Hamilton Avenue

23 Hamilton Avenue
Frederick, Maryland

ECS Project Number 13:9380

December 20, 2019





December 20, 2019

Ms. Jennifer Minnick
Habitat for Humanity of Frederick County
117 E. Church Street
Frederick, Maryland 21701

ECS Project No. 13:9380

Reference: Karst Study Report
23 Hamilton Avenue
Frederick, Frederick County, Maryland

Dear Ms. Minnick:

As requested, ECS Mid-Atlantic, LLC (ECS) has conducted a karst study for the above referenced site. This report presents the findings of our study.

PROJECT INFORMATION

We understand that a large sinkhole was recently repaired at a property adjacent to the above referenced residence. In order to help evaluate the karst geology and potential presence of sinkholes at the site, a geophysical study consisting of Electrical Resistivity (ER) and Ground Penetrating Radar (GPR) was conducted.

SITE DESCRIPTION

Geographic Location

The project site is located on the west side of Hamilton Avenue, south of East Patrick Street, and north of South Street in Frederick, Maryland. Please see the attached Geology Map for the approximate location of this site.

General Geology

According to the Physiographic Map of Maryland (2008)¹, the site is located within the Frederick Valley District of the Piedmont Plateau Province. The Piedmont Plateau Province is an area underlain by ancient igneous and metamorphic rock. The virgin soils encountered in this area are the residual product of in-place chemical weathering of the parent rock presently underlying the site. The typical residual soil profile consists of silty to clayey soils near the surface where soil weathering is more advanced, underlain by more sandy silts and silty sands that generally become harder and denser with depth to the top of parent bedrock. The boundary between soil and rock,

¹ James P. Reger and Emery T. Cleaves. *Physiographic Map of Maryland*. 1:250,000. Maryland Geological Survey, 2008.

termed weathered rock, is not sharply defined. This transitional zone can contain boulders of more resistant rock as well as highly weathered materials.

The Frederick Valley District is described as a carbonate valley of low relief, punctuated with more than 1,000 sinkholes, but very few limestone caves.

Based upon the Karst Features of the Frederick Quadrangle, Frederick County, Maryland (2004)², the site is underlain by the Ceresville Member of the Grove Formation. The Ceresville Member is described as medium light gray to medium gray, thickly bedded and crossbedded, arenaceous limestone and sandy dolomitic limestone with thin interbeds of medium light gray, sandy dolomite.

The Ceresville Member is highly susceptible to the formation of sinkholes. A review of the karst map shows two mapped sinkhole (circles with hash marks and a black dot) and one closed depression (circles with hash marks) in close proximity to the site.

STUDY PROCEDURE

Electrical Resistivity (ER) Survey

ECS Mid-Atlantic, LLC performed an ER study as shown on the attached Location Diagram. One (1) ER line was conducted in the test area.

The purpose of an electrical resistivity survey is to estimate the electrical subsurface characteristics through measurements recorded on the ground surface. Based upon the results of the measured electrical properties, estimates of the true resistivities of subsurface features can be made. These estimated values can then be correlated to various geologic parameters including saturated soils, water interfaces, rock, and void spaces. For this study, the Syscal Kid Automatic Switching resistivity meter with 21 probes was utilized in a dipole-dipole array layout. In this configuration, a constant spacing between electrodes is utilized to measure the apparent resistivities at different depths. Based on the amount of space available in the test areas, the ER line was run with probe spacing of 10 feet. The length of the ER line was 200 feet.

Data collected during this study was analyzed utilizing Resix 2DI, an electrical resistivity two-dimensional modeling program. The specific modeling method used was a smooth modeling inversion method, which uses a rapid least squares inversion of apparent resistivities to develop a smooth model of the subsurface characteristics.

The results of this study provide subsurface information to an approximate depth of 25 feet below the ground surface. Elevations shown on the attached ER profile are arbitrary.

Ground Penetrating Radar (GPR) Survey

ECS Mid-Atlantic, LLC utilized GPR as shown on the attached Location Diagram. GPR testing was conducted with a Sensors and Software Conquest II GPR system with 1000 and 250 MHz antennas. These antennae provide maximum depths of investigation of approximately 24 inches

² David K. Brezinski. *Karst Features of the Frederick Quadrangle, Frederick County, Maryland*. 1:24,000. Department of Natural Resources and Maryland Geological Survey, 2004.

and 8 feet respectively. These antennae were selected in an attempt to locate voids or other subsurface anomalies within the test area with the 1000 MHz antenna used to locate potential voids beneath the asphalt pavement and the 250 MHz antenna to observe conditions deeper in the soil profile. During this study, GPR lines were systematically recorded in approximately 5 foot spacing increments, but varied depending upon surface obstructions encountered.

OBSERVATIONS AND FINDINGS

Review of the ER profile developed during this study shows subsurface features that indicate fairly high potential for the formation of a sinkhole. Specifically from 45 feet to 65 feet along the ER line, a low resistive zone is observed between higher resistive zones, most likely indicating the presence of a potential fracture zone. Additionally, a deep weathered zone can be seen on the ER line from approximately 75 feet to 135 feet, exhibited by a large low resistive zone that is bounded by shallower higher resistive zones, which likely represent rock.

Review of the 250 MHz GPR data indicated the presence of numerous buried objects in the backyard. Multiple linear anomalies were identified within the backyard, which could be buried utilities or other unknown buried objects. Some isolated targets were also identified, which could be construction debris or other unknown buried objects. Review of the 1000 MHz GPR data indicates a variable pavement section depth throughout the asphalt. This could be the result of variable grading at the surface when asphalt was installed or could be the result of settlement of the driveway that was later leveled with subsequent paving activities. The GPR data collected at this site does not appear to indicate that voids are present below the asphalt pavement. GPR data also does not exhibit indications of sinkhole activities, though the maximum effective depth of investigation with the GPR was approximately 5 feet below the ground surface.

Attached to this report, please find the ER and GPR Location Diagrams, a copy of the ER Profile, and representative GPR Profiles collected during this study. When reviewing the attached ER Profile, please consider the following:

1. Low resistive regions are blue on the attached profiles. Low resistivities typically indicate clay soils, saturated soils, or fractured rock that is saturated or includes soil filled seams.
2. Highly resistive regions are red on the attached profiles. High resistivities typically indicate rock, fractured rock, drier soils, or sandy materials.
3. Air-filled voids will typically appear as red bullseyes or other isolated shapes.
4. Water-filled voids will typically appear as blue bullseyes or other isolated shapes.
5. The resistive properties of subsurface materials may vary across sites as it may be affected by several factors such as water content, soil types and distributions, lithology (rock properties) and other factors. As such, there is no direct standardized correlation between the numeric values shown on the ER profiles and geology. Instead the reviewer must look at the relative variation across a profile, consider the geologic setting that the profile was collected in, review recent weather conditions, and use his experience to help develop an interpretation of the resistivity profiles. It must also be noted that features

that are deeper in the profile need to be larger than shallow features in order to be observed in the data set.

6. Due to the many variables that may influence the measured electrical resistivity of the subsurface, there is no direct correlation between resistivity values and the presence of rock. We have not provided any interpretation regarding potential rock interfaces as we do not have correlative data to support such interpretations.

RECOMMENDATIONS

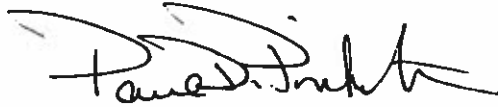
Based upon the ER data collected during this study, a potential fracture zone and deep weathered zone are believed to exist at the site. While noticeable settlement has not been observed currently at this site, it is possible that these karst features could develop further. In order to identify the full extent and limits of these karst features, ECS recommends that rock probe testing be conducted at selected locations near the residence to further characterize the subsurface conditions at the site.

Please note that due to the inherent variability associated with karst geology, it is not possible to eliminate all risks associated with potential sinkholes or other karst activity. The likelihood of karst conditions developing at a site typically increases during periods of widespread surface disturbance such as construction activities. During such times, changes in the flow of runoff after rain events may result in the opening of voids or sinkholes that otherwise may not have developed prior to disturbance. Point load water discharges, such as those caused by broken pipes or stormwater discharges following significant precipitation events may also increase the potential for sinkholes to form. Limiting or minimizing disturbances to the surface conditions of a site may help reduce the risk for the formation of sinkholes.

We are pleased to have been of service to you on this report. Should you have questions about this report please feel free to contact us at 301-668-4303.

Respectfully,

ECS MID-ATLANTIC, LLC



Paul D. Pinkerton
Geophysical Manager
ppinkerton@ecslimited.com

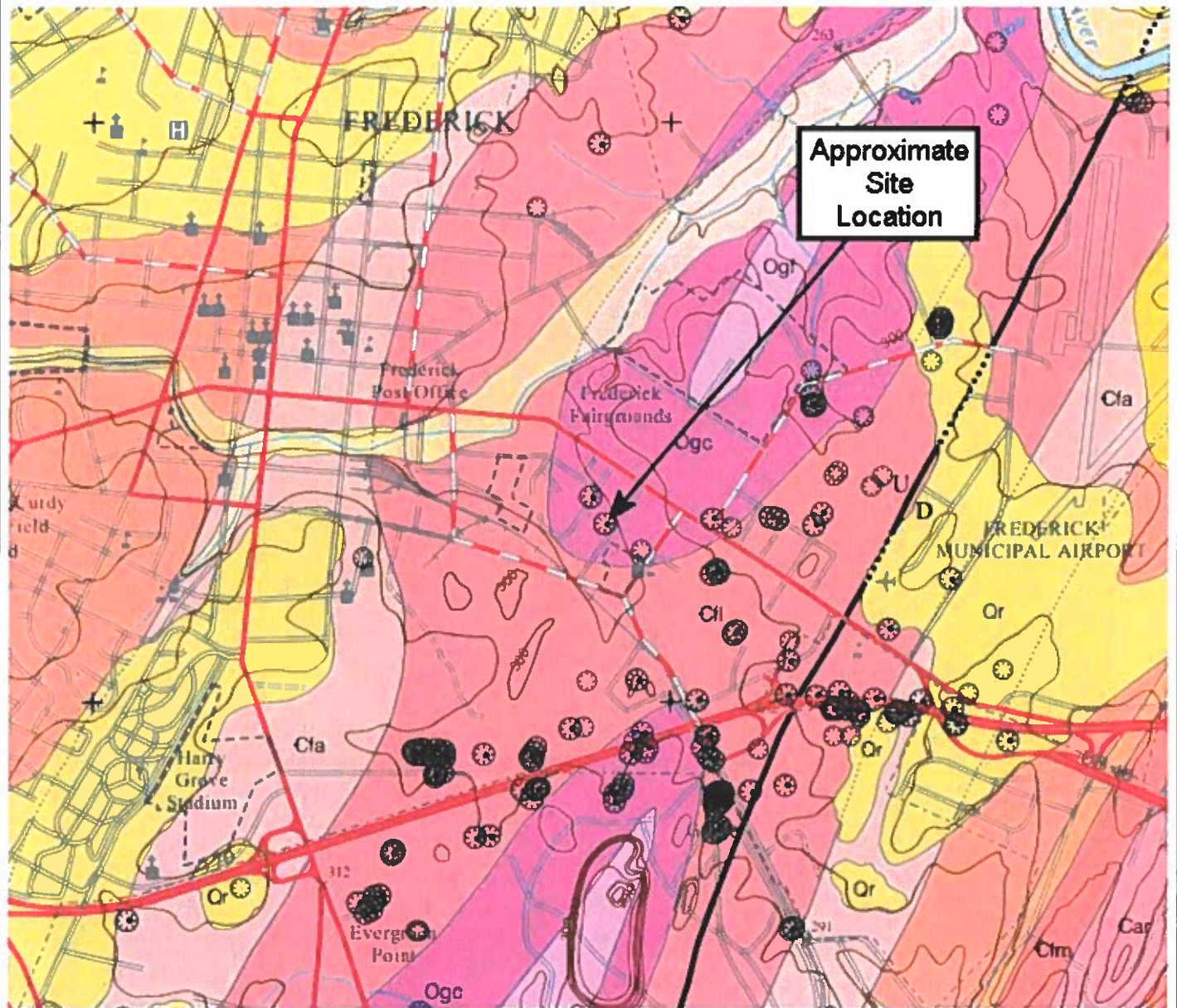


Jeffrey A. McGregor, P.E.
Principal Engineer
jmcgregor@ecslimited.com

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No.: 30901 **Expiration Date:** 08/15/2020

Attachments: Geology Map (1)
 ER Location Diagram (1)
 ER Profile (1)
 GPR Location Diagram (3)
 Representative GPR Profiles (2)



Ceresville Member

Medium light gray to medium gray, thick-bedded and crossbedded, arenaceous limestone and sandy dolomitic limestone with thin interbeds (1 foot, 0.3 m) of medium light gray, sandy dolomite. Thickness is approximately 150 to 200 feet (45 to 60 m).

Karst Features

○ Active Sinkhole



GEOLOGY MAP
KARST FEATURES OF THE FREDERICK QUADRANGLE
KARST MAP



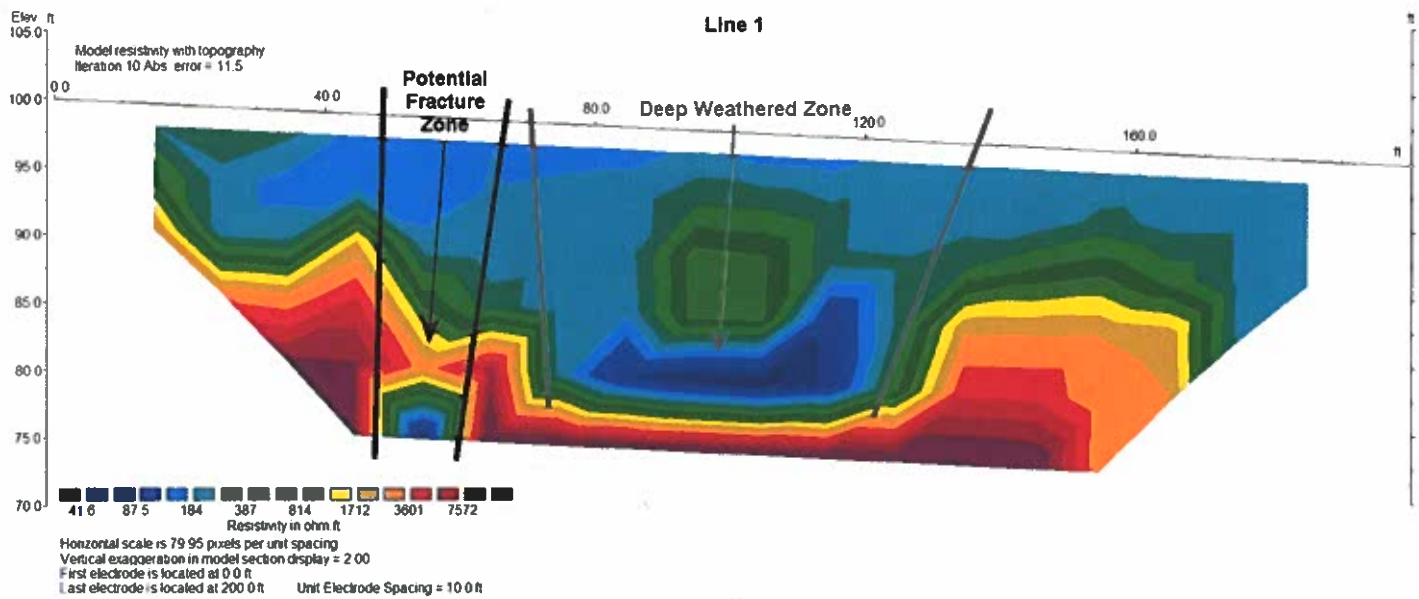
23 HAMILTON AVENUE KARST STUDY
ECS PROJECT NO. 13-9380
FREDERICK, MARYLAND



ER LOCATION DIAGRAM
HABITAT FOR HUMANITY OF FREDERICK COUNTY



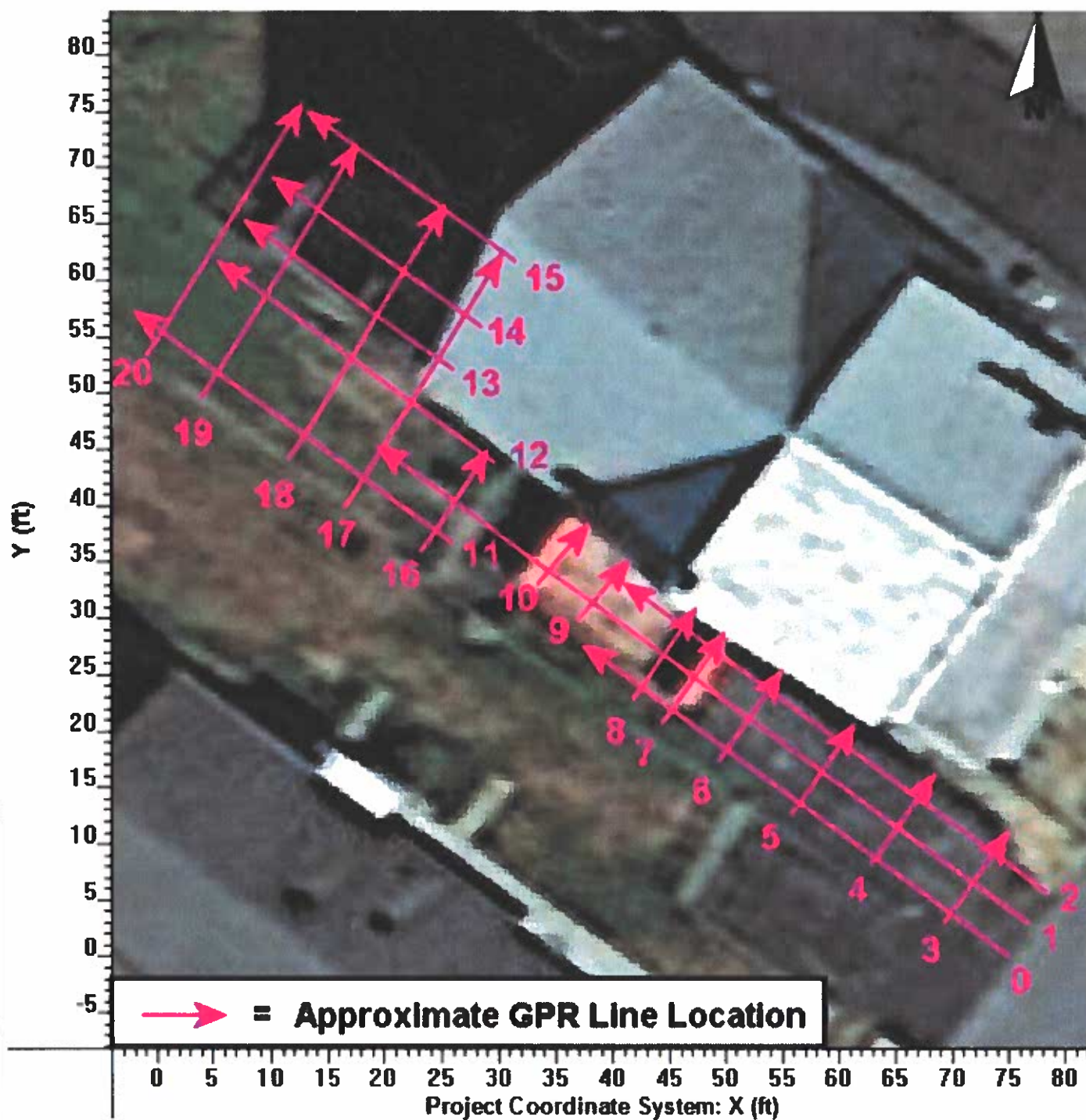
23 HAMILTON AVENUE KARST STUDY
ECS PROJECT NO. 13-9380
FREDERICK, MARYLAND



ER PROFILE
HABITAT FOR HUMANITY OF FREDERICK COUNTY



23 HAMILTON AVENUE KARST STUDY
ECS PROJECT NO. 13-9380
FREDERICK, MARYLAND



GPR LOCATION DIAGRAM

250 MHz ANTENNA

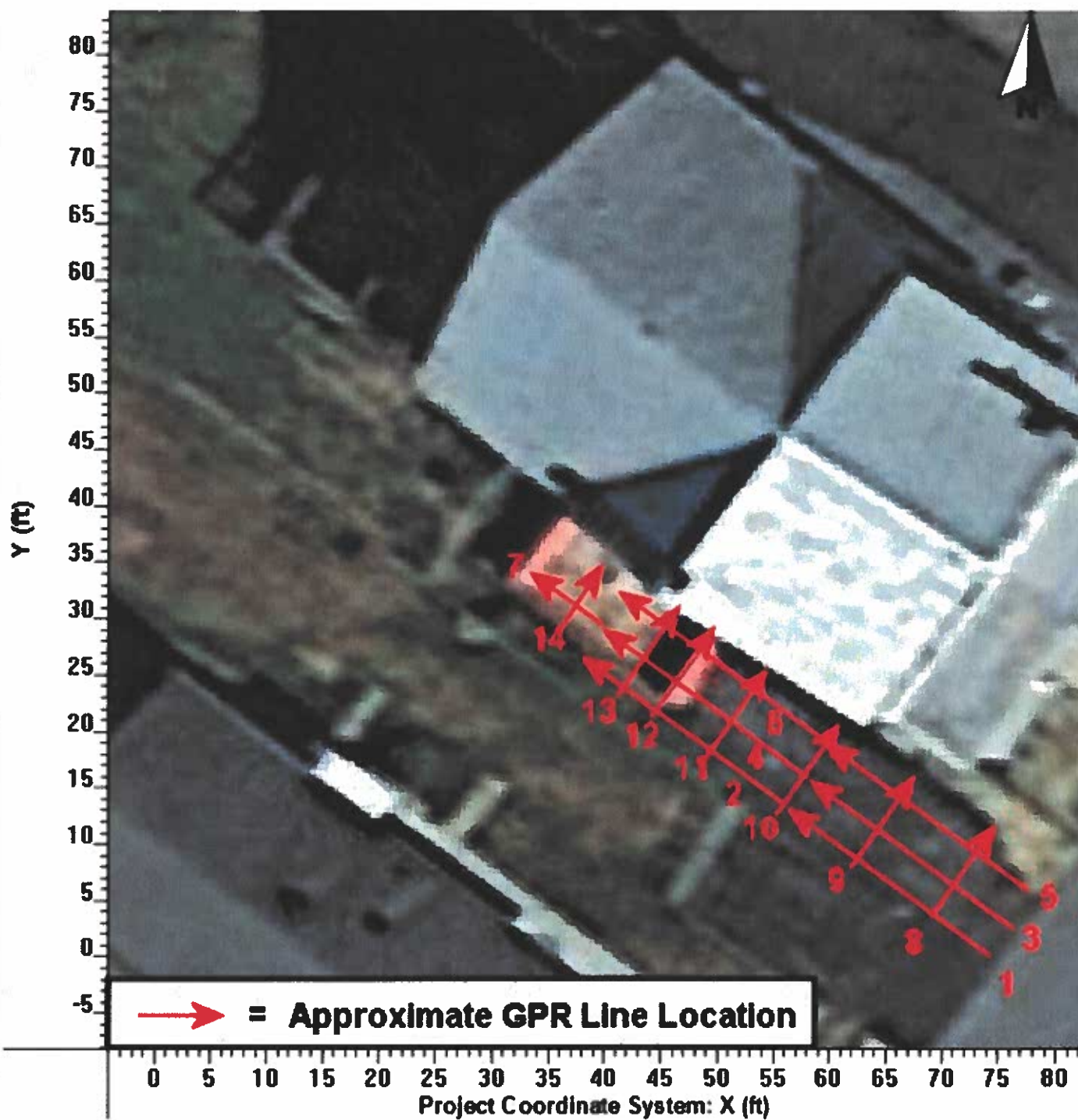
HABITAT FOR HUMANITY OF FREDERICK COUNTY



23 HAMILTON AVENUE KARST STUDY

ECS PROJECT NO. 13-9380

FREDERICK, MD



GPR LOCATION DIAGRAM

1000 MHz ANTENNA

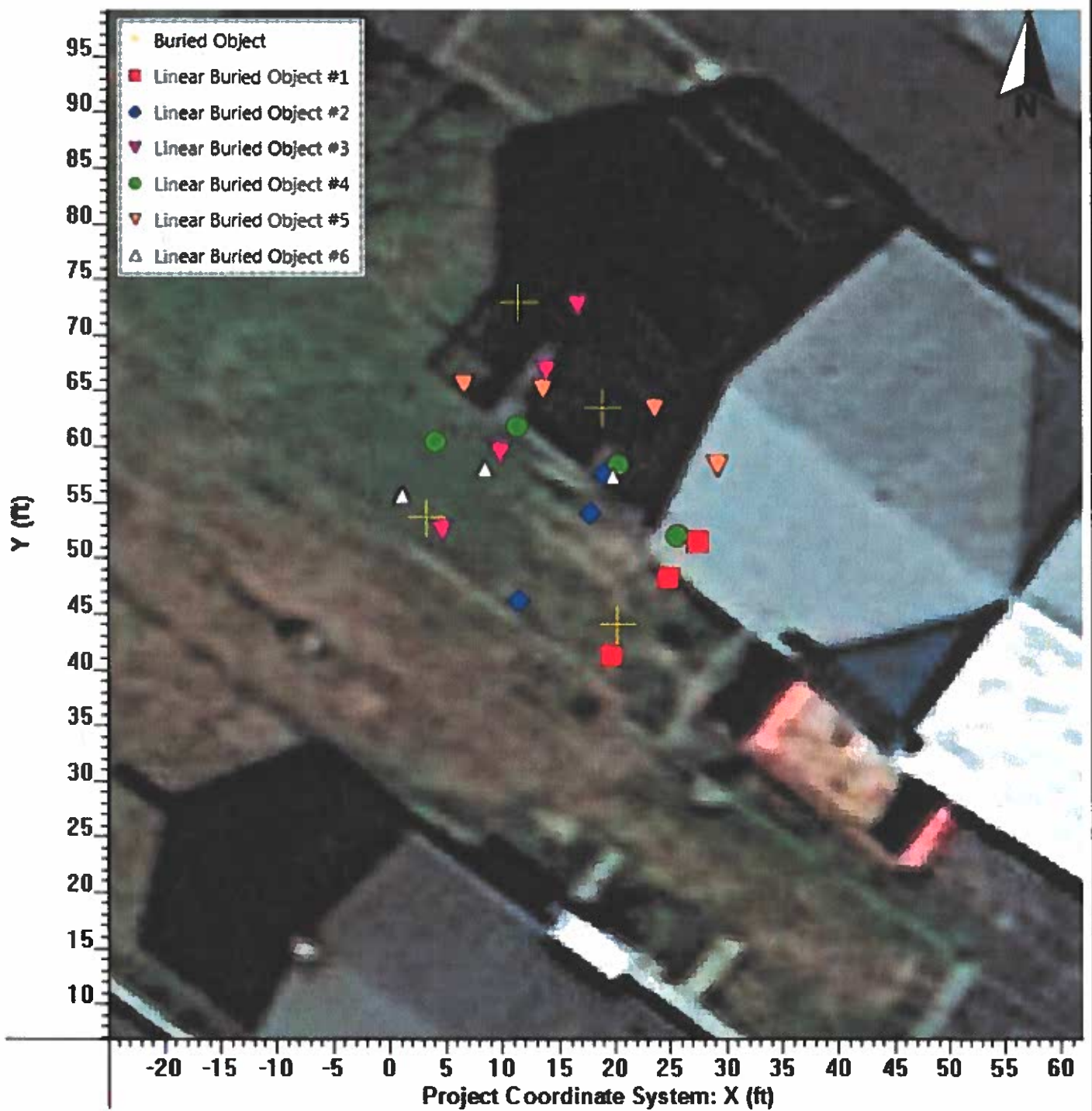
HABITAT FOR HUMANITY OF FREDERICK COUNTY



23 HAMILTON AVENUE KARST STUDY

ECS PROJECT NO. 13-9380

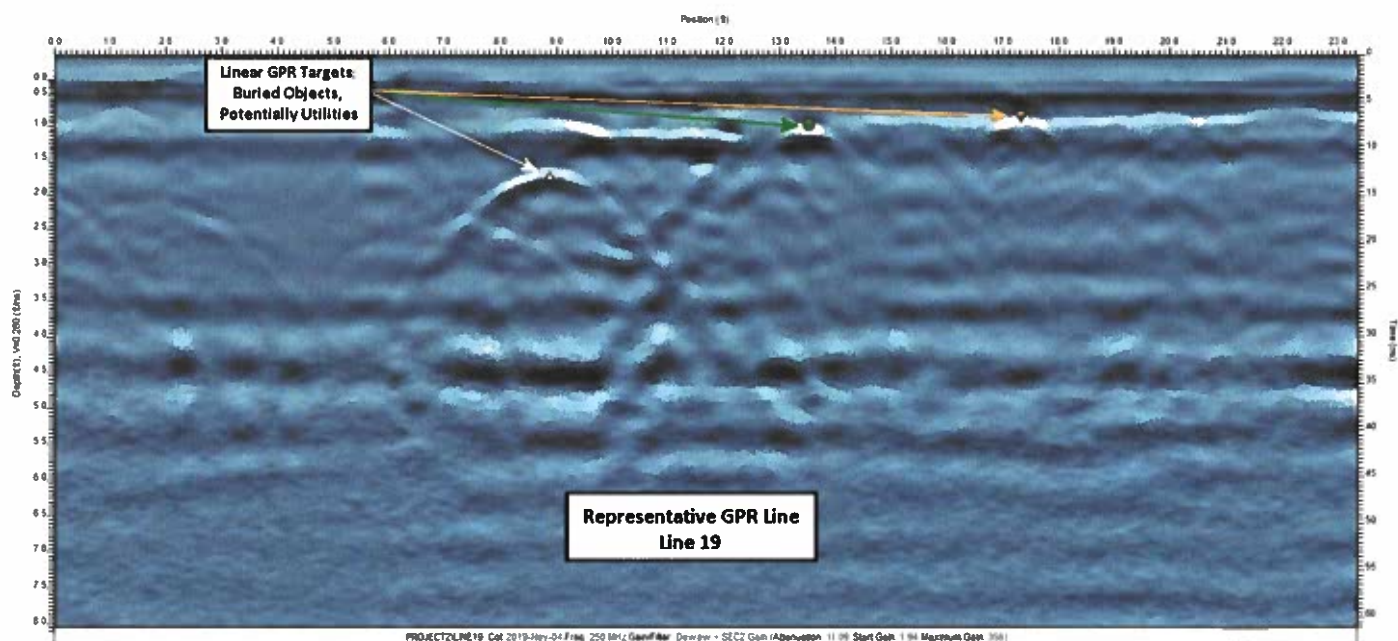
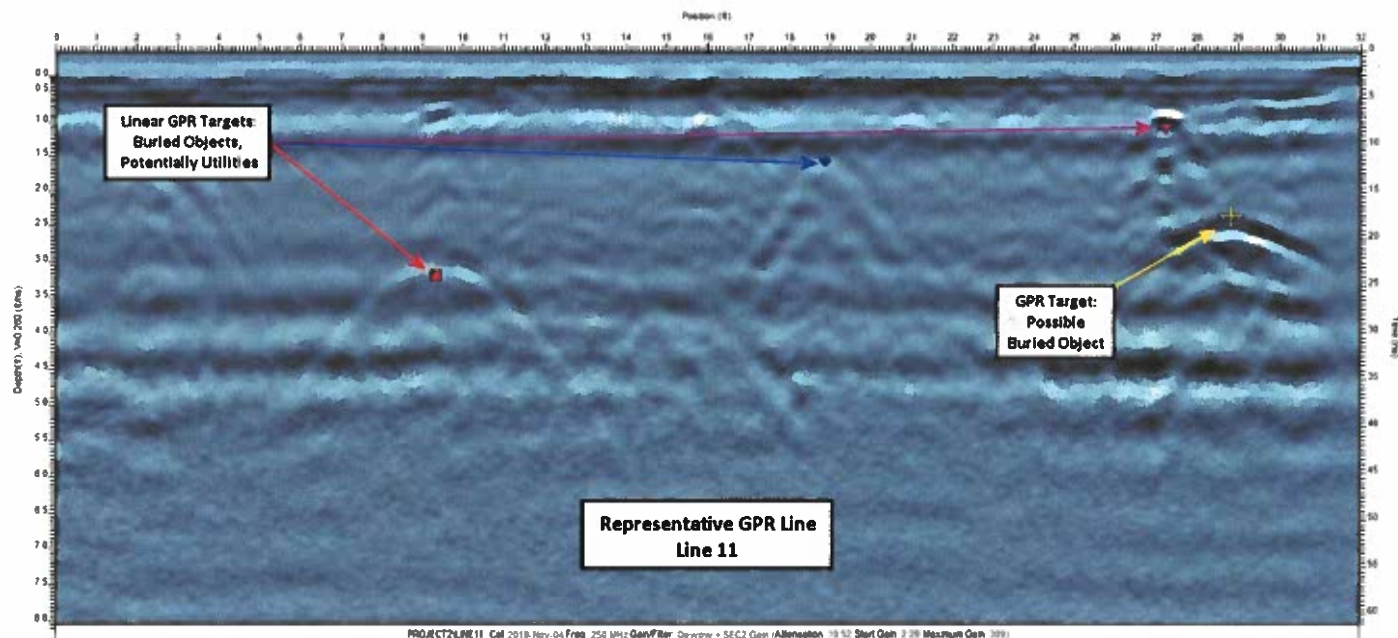
FREDERICK, MD



GPR LOCATION DIAGRAM
 250 MHz ANTENNA – BURIED TARGETS
 HABITAT FOR HUMANITY OF FREDERICK COUNTY



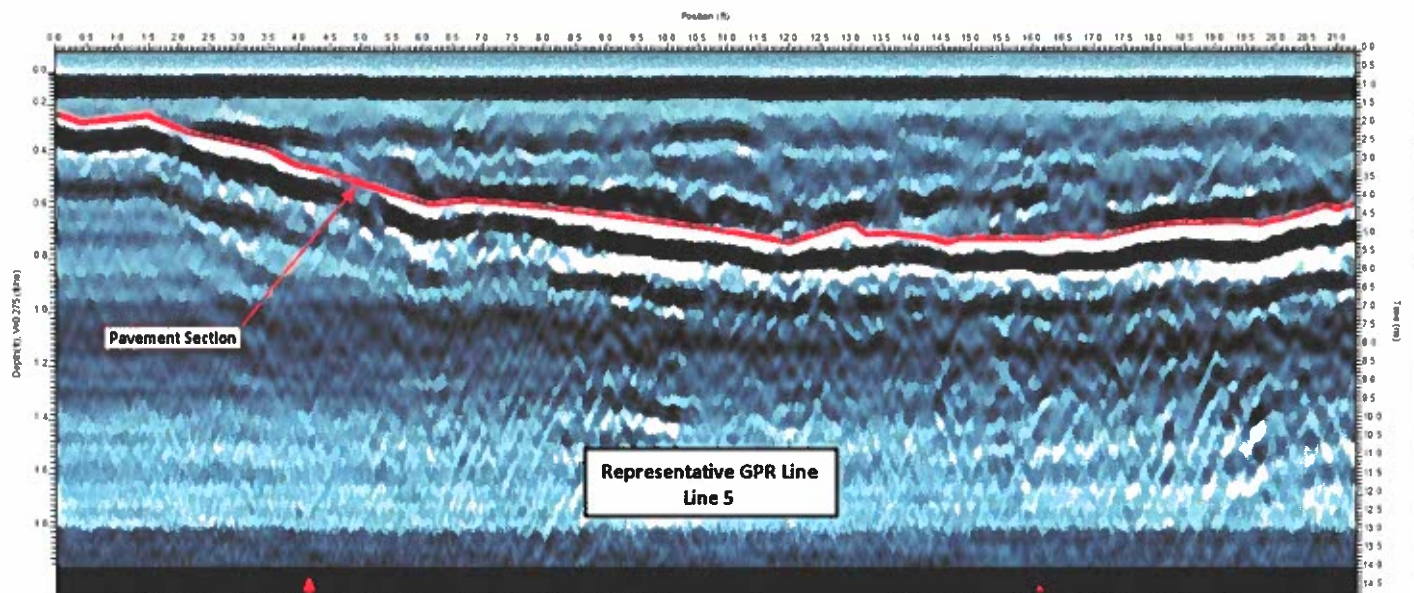
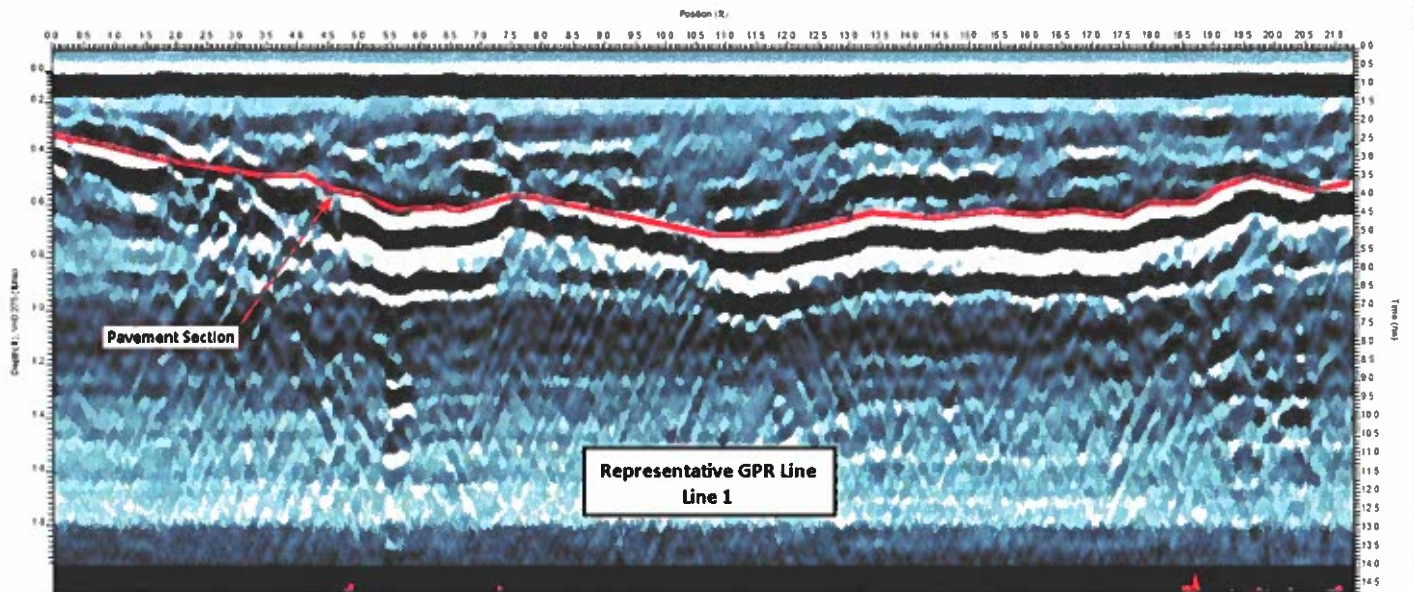
23 HAMILTON AVENUE KARST STUDY
 ECS PROJECT NO. 13-9380
 FREDERICK, MD



REPRESENTATIVE GPR PROFILES
250 MHZ ANTENNA
HABITAT FOR HUMANITY OF FREDERICK COUNTY



23 HAMILTON AVENUE KARST STUDY
ECS PROJECT NO. 13-9380
FREDERICK, MD



REPRESENTATIVE GPR PROFILES
1000 MHZ ANTENNA
HABITAT FOR HUMANITY OF FREDERICK COUNTY



23 HAMILTON AVENUE KARST STUDY
ECS PROJECT NO. 13-9380
FREDERICK, MD

HB0399-2021 JDP KMR_0001.pdf

Uploaded by: Russell, Kelly

Position: FAV

Kelly Russell
Alderman, President Pro Tem



FREDERICK MARYLAND

Chairman William C. Smith, Jr.
2 East
Miller Senate Office Building
Annapolis, MD 21401

March 16, 2021

LETTER OF SUPPORT HB0399 - REAL PROPERTY – REQUIRED NOTICES FOR CONTRACTS OF SALE – ZONES OF DEWATERING INFLUENCE

Dear Chairman Smith,

I support HB0399. I have worked closely with two residential constituents who experienced significant damage to their properties from sinkholes. These properties are within the Zone of Dewatering Influence as designated by the Maryland Department of the Environment (MDE) in 2000.

Most recently, the house at 25 Hamilton Avenue, in the ZOI, collapsed into a sinkhole. The elderly owner passed away just a couple of weeks earlier, so thankfully, the house was unoccupied. He did not have sinkhole insurance. He willed the property to the next-door neighbor at 27 Hamilton Avenue, Jennifer Nelson. The Nelson's house, where Ms. Nelson grew up, has also suffered significant foundation damage as a result of the sinkhole. The City has deemed it uninhabitable and the Nelsons have vacated it. It will be demolished at some point soon. The Nelson's did have sinkhole insurance, but it was luck, not deliberate choice, that they do. On the other side of the sinkhole is land owned by Habitat for Humanity and held in an affordable housing land trust. The house on the land is owned by a Habitat client with a disabled child. There is no sinkhole insurance on the property. Habitat for Humanity is working to acquire such a policy, but it has been challenging. Had they known about the ZOI at time of purchase, the decision to buy might likely have been different.

There are approximately 135 properties in the City that are in the ZOI. As of this writing, Maryland SDAT records show 114 of those 135 have transferred at least once. No disclosure of the ZOI by owners exists for purchasers. They should have that information to assess prior to purchase, and to acquire adequate insurance if purchased. A required disclosure to potential purchasers would provide this crucial information.

The City of Frederick urges you to vote in support of HB 0399.

Kelly Russell
Alderman — President Pro Tem

HB0399-2021 JDP MOC_0001.pdf

Uploaded by: Russell, Kelly

Position: FAV



FREDERICK

MAYOR'S OFFICE

Chairman William C. Smith, Jr.
2 East
Miller Senate Office Building
Annapolis, MD 21401

March 16, 2021

LETTER OF SUPPORT HB0399 - REAL PROPERTY – REQUIRED NOTICES FOR CONTRACTS OF SALE – ZONES OF DEWATERING INFLUENCE

Dear Chairman Smith,

The City of Frederick supports HB0399. There are approximately 134 properties in the City of Frederick that lie within the Zone of Dewatering Influence (ZOI) as designated by the Maryland Department of the Environment (MDE) in 2000. When first identified and mapped, property owners received written notification from MDE that their property was in the ZOI. However as of this writing, Maryland SDAT records close to 115 of those 135 have transferred at least once. No required notice by owners exists for purchasers of property in the ZOI.

Several sinkholes have occurred in the City of Frederick within the ZOI. At least two of these have impacted residential properties. Last summer, a whole house collapsed into a sinkhole. Fortunately, it was unoccupied at the time. The house next door to the south also became unstable leading to condemnation and ultimately demolition of the home. The house on the north side sits on a parcel in an affordable housing land trust with Habitat for Humanity.

Sinkholes are a real concern in the ZOI, and property owners who purchased after the initial designation should be afforded the opportunity to have that information, to assess it prior to purchase, and to acquire adequate insurance if purchased. A required disclosure to potential purchasers would provide this crucial information.

The City of Frederick urges you to vote in support of HB399.

Sincerely,

Michael O'Connor
Mayor

HB0399-2021 TC_0001.pdf

Uploaded by: Russell, Kelly

Position: FAV



Chairman William C. Smith, Jr.
2 East
Miller Senate Office Building
Annapolis, MD 21401

March 16, 2021

LETTER OF SUPPORT HB0399 - REAL PROPERTY – REQUIRED NOTICES FOR CONTRACTS OF SALE
– ZONES OF DEWATERING INFLUENCE

Dear Chairman Smith,

As the Deputy Director of the Department of Public Works ("DPW"), Engineering Division, for the City of Frederick, Maryland ("the City"), I support HB0399. I am responsible for providing professional engineering services to all City officials and departments. This includes all aspects of traffic, utilities, storm water and floodplain engineering.

When a sinkhole occurs in a public right of way, I assess the situation and, if necessary, provide guidance on remediation. I may also consult with, and retain, private engineering consultants, when necessary, to develop mitigation plans. In the last five years I have dealt with 6-10 sinkholes in the Frederick city limits,

It is an informal City protocol with the Martin Marietta Corporation Frederick Quarry staff, that when a sinkhole opens within the Grove Park area, south of East Patrick Street, the City will notify quarry staff immediately because a significant portion of this area is within the Zone of Influence (ZOI) for Frederick Quarry.

On or about September 11, 2018, the owners of the home located at 27 Hamilton Avenue contacted the DPW 24 Hour Switchboard to report what appeared to be a sinkhole developing under the home located at 25 Hamilton Avenue. This address is located within the Grove Park area south of East Patrick Street. As a result, the City Streets Superintendent, Mike Winpigler, contacted Bluegrass Materials Company, the owner and operator of the Frederick Quarry, via email at 10:36 PM on September 11, 2018 to inform them of the sinkhole. The City Storm Drain/Sewer Superintendent, Chip Stitley, called the Quarry staff and left a similar message that same night. A representative for the quarry, Gus Buttar, replied to Mr. Winpigler's email at 1:31 AM on September 12, 2018 and stated that "someone from the quarry will stop by later today to take a look."

On September 12, 2018, City staff met on site at 25 Hamilton Avenue to determine whether the sinkhole encroached into a City right of way, and the extent to which public safety might be at issue. The same day, the City posted signage at 25 Hamilton Avenue stating "UNINHABITABLE - KEEP OUT," and placed safety tape around the street-side of the property.

On September 13, 2018, the City placed temporary "Maintenance of Traffic" devices on the roadway in front of 25 Hamilton to shift travel lanes from the northwest to the southeast side of Hamilton Avenue and to close the sidewalk on the northwest side of Hamilton Avenue immediately in front of the property. On September 14, 2018, the City closed Hamilton Avenue to the public and posted "Local Traffic Only" signs on barricades that the City erected to block any other traffic. Frederick County Public Schools ('C FCPS") was also contacted and advised to reroute buses such that they would not travel in front of 25 Hamilton Avenue.

It was apparent to City officials that the house at 25 Hamilton Avenue was in imminent danger of collapsing. An uncontrolled collapse would significantly impact the adjacent property, 27 Hamilton Avenue. The City took immediate action and, on September 14, 2018, solicited bids from four contractors to perform the demolition. On September 17, 2018, the City contracted with Mid-Atlantic Utilities, Inc., (MAUI) to demolish the unsupported front portion of the house at 25 Hamilton Avenue.

To prevent anyone from entering the 27 Hamilton Ave home, on September 18, 2018, the City posted "KEEP OUT" signs on the deck and northern door and placed safety tape around the northern driveway.

On September 18, 2018, MAUI commenced the demolition of 25 Hamilton Avenue, and completed it on September 19, 2018. Additionally, on September 20, 2018, the City contracted with Long Fence for the installation of a 6 ft. chain link fence around the Site. After the fence was installed, the City posted "No Trespassing" signs on it.

On September 19, 2018, I attended a meeting at the Martin Marietta Corporation Frederick offices along with staff from the Maryland Department of the Environment ("MDE"). As of the date of that meeting, the City had closed Hamilton Avenue to all but local traffic and had demolished the structure at 25 Hamilton Avenue.

On November 19, 2018, the City issued a Notice of Dangerous and Unsafe Structure to the owners of 27 Hamilton Avenue making it unlawful for any person to enter the structure, except for the purpose of monitoring or inspecting the structural integrity, determining the cause of cracking, and to develop a mitigation and repair plan. This is a real case demonstrating that Sinkholes are a real concern in the ZOI. Potential purchasers should have the information about the ZOI to assess risks prior to purchase, and to acquire adequate insurance if purchased. A required disclosure to potential purchasers would provide this crucial information.

We urge you to vote in support of HB 0178.

Sincerely,



Tracy Ann Coleman, P.E.
Deputy Director of the Department of Public Works
tcoleman@cityoffrederickmd.gov

HB 399 Krimm Testimony Senate.pdf

Uploaded by: Krimm, Delegate Carol

Position: FWA

CAROL L. KRIMM
Legislative District 3A
Frederick County

Appropriations Committee

Subcommittees

Capital Budget

Oversight Committee on Pensions

Vice Chair, Transportation and the
Environment

House Chair

Joint Audit and Evaluation
Committee



The Maryland House of Delegates
6 Bladen Street, Room 422
Annapolis, Maryland 21401
410-841-3472 • 301-858-3472
800-492-7122 Ext. 3472
Carol.Krimm@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

HB 399 – REAL PROPERTY – REQUIRED NOTICES FOR CONTRACTS OF SALE – ZONES OF DEWATERING INFLUENCE

March 17, 2021

Delegate Carol L. Krimm

WHAT DOES THIS BILL PROPOSE?

HB 399 is a reintroduction of HB 178 (2020) as amended. Subcommittee Chairman Holmes worked with myself and stakeholders on the amendments to HB 178 which proved instrumental in its unanimous passage through the House. HB 178 did not have the opportunity to pass the Senate due to the early dismissal.

HB 399 states that if a property is located within a zone of dewatering influence and is designated for sale then the vendor of the property must provide notice to a purchaser that the property is located within the zone before entering into a contract. The text of the notice is stated in the bill. If the notice is not received by the purchaser then the purchaser has the right to rescind the contract.

WHY IS THIS BILL NECESSARY?

The Maryland Department of the Environment designated Zones of Dewatering Influence (ZOI) in 2001. These are areas where sinkholes may occur as a result of quarrying activity. According to Maryland Code, Environment § 15-813, when a sinkhole damages a structure that existed at the time ZOI designation, the quarry owner may be held liable if proximate cause is found.

There are approximately 135 properties in the City of Frederick within the ZOI. Since the designation of the zone, 114 of these have transferred ownership at least once. No disclosure of the ZOI to a potential purchaser is required.

For a residential property, standard homeowner insurance is not adequate when a sinkhole occurs. Sinkhole policies can be acquired, however without reason to know it is a necessary protection, it is doubtful that these properties are covered. If disclosed at time of purchase, potential homeowners would have the ability to assess their decision to buy in the ZOI, and if so, what additional protections they may need.

There have been several sinkholes in Frederick. On September 11, 2018, an entire house, (thankfully unoccupied) collapsed into a sinkhole in the ZOI. The house next door has been condemned and will be

demolished due to structural damage from the sinkhole. The home on the other side is being tested at the expense of the landowner, Habitat for Humanity, who holds the land in perpetual affordable housing trust.

The home that collapsed had no sinkhole insurance. The house next door, which was in the owners family her entire life did, but by luck, not choice. Habitat is attempting to get sinkhole coverage for its property. None of these owners had any idea they were in a ZOI. Had this been disclosed at transfer, different choices may have been made.

Disclosure of this potential danger is necessary for informed decision making by a potential property purchaser, whether residential or non-residential. Sinkholes are a reality in Frederick, and in other communities with ZOI designations. There must be a duty to inform of the potential of such an occurrence for the safety of our residents, our business owners, and their patrons.

I urge you to support HB 399.

HB399 - Habitat for Humanity Senate.pdf

Uploaded by: Krimm, Delegate Carol

Position: FWA

Chairman William C. Smith
2 East
Miller Senate Office Building
Annapolis, MD 21401

March 16, 2021

LETTER OF SUPPORT HB0399 - REAL PROPERTY – REQUIRED NOTICES FOR
CONTRACTS OF SALE – ZONES OF DEWATERING INFLUENCE

Dear Chairman Smith,

Habitat for Humanity of Frederick County purchased 23 Hamilton Avenue in Frederick, MD 21701 with no knowledge that the property was included in the zone of influence. We might have decided not to purchase 23 Hamilton Avenue if we were aware. Along with not knowing we were purchasing a property in the zone of influence we also didn't know that sink hole insurance existed. We definitely would have bought a sinkhole insurance rider if that information had been disclosed.

Habitat for Humanity holds this property within our Affordable Housing Land Trust program. Meaning the improvements were sold to a buyer but we retain ownership of the land. Keysha Saxon is the owner of the home; she is a single mother with 3 children. She came to us never living in housing that was truly handicap accessible for her son Chaz. We specifically picked the property because the house was wide enough that it could be modified for Keysha 's son Chaz who is confined to a wheelchair. Keysha had never owned a home and was using a Housing Authority housing voucher to offset the cost of rent. Through Habitat for Humanity's Affordable Housing Land Trust program she was able to buy an affordable home.

We are in the process of having the land tested for sinkholes. We will have to pay out of pocket for this testing. If there is strong evidence of a sinkhole forming or high risk one could form, we are not sure what the outcome will be. The safety of Keysha and her family are top priority.

Habitat for Humanity strives to be good stewards to all our Habitat homeowners.

Where would Keysha and her family go if a sinkhole was discovered or in the process of forming? We cannot re-house them without having the funds to do so.

Habitat for Humanity urges you to vote in support of HB0399.

Sincerely,

Ron Cramer

Habitat for Humanity of Frederick Co.
Director of Housing

HB399 - Nelson Senate.pdf

Uploaded by: Krimm, Delegate Carol

Position: FWA

March 16, 2021

Chairman William C. Smith, Jr.
2 East
Miller Senate Office Building
Annapolis, MD 21401

March 16, 2021

LETTER OF SUPPORT HB0399 - REAL PROPERTY – REQUIRED NOTICES FOR CONTRACTS OF SALE –
ZONES OF DEWATERING INFLUENCE

Dear Chairman Smith,

I am writing this letter in support of HB0399 that Delegate Carol Krimm has proposed to regarding requiring disclosure for properties located within a Zone of Influence around a Quarry in the State of Maryland.

On September 11, 2018 our lives went from the normal but hectic at times life to being flipped upside down in a matter of minutes. A large sinkhole had opened up underneath my next-door neighbor's Mr. Stitely's house in Frederick, Maryland swallowing most of the house and the contents inside. Mr. Stitely who was like a father to me and whom I took care of had just passed away in August at home with me while in Hospice Care, The home my family lived in was my family home that I grew up in. I had been living in the house my whole life. My 14-year-old daughter was home alone while I was at the cemetery filling out the paperwork for Mr. Stitely's military marker when the sinkhole opened. My husband Mark made it home before I did. We are grateful every day she was not hurt or even killed.

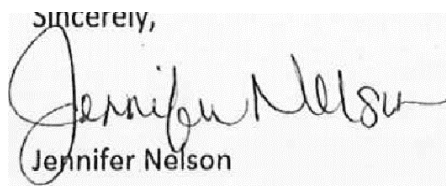
This has been an extremely long and emotional process for my family and I. We are finally in a permanent home. We have been relocated "3" times since September of 2018. Typical homeowner's insurance does not cover sinkhole collapse.

Both our home and Mr. Stitely's home are located within a Zone of Influence around a Quarry. Having known what we know now about the Zone of Influence around a Quarry, our choice to stay where we were may have changed however if not, we could have made sure we had the insurance to protect ourselves fully.

Some local banks, realtors and government officials I have spoken with were not aware that a Zone of Influence was in place around the Quarry in Frederick.

I am in full support of your bill that properties should be flagged and disclosed that are located within a Zone of Influence. This will give those who purchase these said properties the option to continue with the sale knowing the risk or the option to back out. Those who do purchase these properties or who currently live in the Zone of Influence should be may aware that there may be insurance available through certain companies for "Sinkhole Collapse" to protect themselves in the event of a Sinkhole. Also, the Zone of Influence Law should be given to property owners within the Zone so they are aware of the rules of the law.

Thank you very much for your effort to inform the public regarding this issue.

Sincerely,

Jennifer Nelson

9979@gmail.com

HB 399 Senate.pdf

Uploaded by: May, Lisa

Position: FWA



House Bill 399 – Real Property – Required Notices for Contracts of Sale – Zones of Dewatering Influence

Position: Support with Amendment

The Maryland REALTORS® support HB 399, which adds a notice to purchasers that the property they are considering is located in a zone of dewatering influence. State zones of dewatering influence cover Baltimore, Carroll, Frederick, and Washington Counties.

Zones of dewatering influence are susceptible to the formation of sinkholes. This disclosure would alert potential home buyers to available information from the Department of the Environment, and also to state level remedies should a sinkhole develop on their property.

The Maryland REALTORS® worked with Delegate Krimm to ensure the notice and cancellation language currently aligns with other required notices and disclosures given to buyers during a real estate transaction. And, by maintaining dewatering zone maps on a publicly accessible website, buyers will have timely access to the information needed to complete a real property purchase. The one change to the bill we request is eliminate the underline requirement. Very little language in the contract is required to be underlined and we think highlighting information this way can become confusing if it becomes standard.

Maryland REALTORS® recommend a favorable report.

**For more information contact bill.castelli@mdrealtor.org,
susan.mitchell@mdrealtor.org, or lisa.may@mdrealtor.org**

AMENDMENTS TO HOUSE BILL 399
(First Reading File Bill)

AMENDMENT NO. 1

On page 5, line 2, strike “**CONSPICUOUS, BOLD AND UNDERSCORED TYPE,**” and substitute “**CONSPICUOUS AND BOLD TYPE,**”

RATIONALE

Very little information in the statewide real estate contract is underscored or bolded. This amendment will remove the required underscoring of the language but will still require that the language be conspicuous and bold. This change is more consistent with other elements of the contract that are bolded but not underscored, including: language about lead paint; the notice about the required property disclosure statement; location of the property in the Critical Areas; and the consumer’s right to select settlement service providers. Even with just the bolding, this language will stand out from most of the other contract provisions.

HB 399 of 2021 LOI (Senate).pdf

Uploaded by: abbott, tyler

Position: INFO



March 17, 2021

The Honorable William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

Re: House Bill 399 – Real Property – Required Notices for Contracts of Sale – Zones of Dewatering Influence

Dear Chair Smith and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed House Bill 399, entitled *Real Property – Required Notices for Contracts of Sale – Zones of Dewatering Influence*, and would like to provide some information concerning the proposed legislation.

Current law requires MDE to establish a zone of dewatering influence (ZOI) in a surface mining permit if the permittee is issued a water appropriation permit to dewater a pit in karst terrain located within Baltimore, Carroll, Frederick, or Washington Counties. Section 15-813 of the Environment Article outlines the responsibilities of a surface mining permittee when a water supply fails or sudden land subsidence (sinkhole) occurs within the established ZOI. The bill would require a vendor of real property to include a buyer notice in a contract for sale of a property located in a county with karst terrain that advises a purchaser to contact MDE to determine if the property is in a ZOI and informs the purchaser that Maryland law provides certain remedies for property impacted by dewatering. A purchaser who receives the notice on or before entering a contract would be prohibited from rescinding the contract based on the information received from the vendor. A purchaser that does not receive the information from the vendor would have the right to rescind the contract at any time before or within five days after receiving the notification, and to receive any deposits made in accordance with the contract. Lastly, the bill would require MDE to develop and publish on its website for use by the public a searchable map of ZOIs established by MDE.

In 1991, the Maryland General Assembly passed the Surface Mining Dewatering Act (Act) to protect property owners in karst terrain from certain damages caused by dewatering or the lowering of the groundwater table because of pumping groundwater out of surface mines. Prior to the Act, there were no explicit legal protections for property owners adversely affected by a surface mine permittee's dewatering activity. Section 15-813 of the Environment Article and COMAR 26.21.02 outline the requirements for a permittee with a designated ZOI and the actions that must be taken if dewatering results in a sinkhole or water supply failure. If a water supply fails because of declining groundwater levels, the permittee is required to permanently replace, at no expense to the property owner, the water supply within 45 days of becoming aware of the failure. MDE may not require a permittee to replace water supplies if the permittee demonstrates by clear and convincing evidence

Honorable William C. Smith, Jr.

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that the proximate cause of the water supply failure was not the result of dewatering activities by the permittee. Additionally, if a property is damaged because of a sinkhole, the permittee must pay monetary compensation to the affected property owner or repair any property damage upon a determination by MDE that the dewatering was the proximate cause of the sinkhole. Compensation provided under the law does not apply to improvements made to real property within the ZOI after the ZOI is established.

Many of the current ZOIs were established for surface mine permits that were active prior to the passage of the Act in 1991. While property owners within a ZOI are notified at the time the ZOI is established, those properties may have since been sold to new owners. Since the establishment of a ZOI is dependent upon certain geographical and hydrological characteristics of the area surrounding a surface mine with a karst terrain, not all real properties proximate to a surface mine are located within its ZOI. For these reasons, it may not always be obvious to a vendor or purchaser of real property that the property is located in a ZOI.

Since inclusion in a ZOI has implications for a property owner's rights in cases of water supply failure or a sinkhole, it is important for an owner or prospective purchaser of a property to be aware if the property is located within a ZOI. To increase awareness of ZOIs established in Maryland, MDE has developed a map of ZOIs that is available on the Department's website. The map is formatted as a Keyhole Markup Language (KMZ) file that can be downloaded and viewed using geographic information systems (GIS) applications, such as Google Earth, Google Maps and ArcGIS. The map shows the boundaries of a ZOI, allowing users to explore the area within and surrounding the ZOI and to zoom up to street level. The map also displays the following geographic information about a ZOI: the date the ZOI was established, the county where the ZOI is located, the surface mining and water appropriation permit numbers, the name of the surface mine, and the acreage of the ZOI.

Thank you for your consideration. We will continue to monitor House Bill 399 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", with a horizontal line extending to the left.

Tyler Abbott
Director, Legislative and Intergovernmental Relations

cc: The Honorable Carol L. Krimm
Ms. Kaley Laleker, Director, Land and Materials Administration