



House Bill 250 –Private Well Safety Act 2022

Position: Support with Amendments

Maryland REALTORS® supports efforts to ensure clean and safe drinking water for Maryland residents served by private wells. HB 250 affects approximately one third of all Maryland residential real property transactions, and the REALTORS® support the bill with changes addressing the nature of the disclosure and test.

We believe the legislation should contain a waiver for the buyer and seller regarding the proposed test. Most real estate disclosures now do not mandate a test but provide the purchaser and seller with notice about the opportunity to test. A waiver would address situations: where a property is sold “as is;” where timeliness is important for a transaction; and where certain mortgages like FHA already require a test that may not be the same as the test required by the bill.

Additionally, we believe the bill should identify the buyer as the required party to order and purchase the test. In fact, most federally insured mortgages such as the FHA and VA place the responsibility on the buyer and will not accept tests performed by other parties prior to the sale of the property. This practice would continue even if the seller were required to provide a test, resulting in two water tests taking place for a single transaction. The buyer should bear sole responsibility in the well test to avoid mortgage transaction hold ups if this should move forward.

Additionally, a similar law in New Jersey specifies that test results from a water well test remain valid for 5 years. Currently, HB 250 on page 12, line 27-28, clarify that the results of a test conducted by the seller remain valid for only six months. In discussions, with the proponents of the legislation, the REALTORS® believe the language should permit a test to be valid for at **at least 3 years**. This is similar to the requirement for well tests of rental property in Maryland.

The Maryland REALTORS® look forward to continued conversations on ways to structure private well consumer information programs. With the aforementioned changes, the REALTORS® would support HB 250.

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