

HB52 CASA Written Testimony.pdf

Uploaded by: Jose Coronado Flores

Position: FAV



Testimony in SUPPORT of HB52
Condominiums - Sales Contracts - Asbestos Disclosure
Senate - Judicial Proceedings Committee
Jose Coronado-Flores , On Behalf of CASA

March 28, 2023

Dear Honorable Chair Smith and Members of the Committee,

CASA is pleased to offer **favorable testimony in support of HB52 - Condominiums - Sales Contracts - Asbestos Disclosure**. CASA is the largest immigrant services and advocacy organization in Maryland, and in the Mid-Atlantic region, with a membership of over 120,000 Black and Latino immigrants and working families.

HB52 is important legislation that will address the health hazards in condominium units, specifically in regards to asbestos exposure. In particular, we are invested in seeing this bill pass, because CASA members are overwhelmingly renters. This doesn't just mean that they rent in apartment complexes or homes, but many also sublet condominiums from their owners. Among the top complaints and injustices that our members face are housing conditions, which include asbestos exposure.

Passing this bill will peripherally impact our members by guaranteeing that if they rent a condominium from someone, the condominium will have an asbestos report, which includes treatment history, location, and quantity of asbestos as well. This vital information can make the difference between a renter living in a unit with known asbestos presences and consequential treatment and living in a unit with unknown untreated asbestos exposure.

We are working to make sure that everyone in the state has housing that is safe and poses no health risks. Asbestos exposure can cause long-term respiratory ailments and immediately impact one's weight and fatigue levels. This is why CASA urges a favorable report.

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HB 52 Crossover Support Letter.pdf

Uploaded by: Karen Straughn

Position: FAV

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March 28, 2023

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 52 – Condominiums – Sales Contracts – Asbestos Disclosure (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of House Bill 52 sponsored by Delegate Linda Foley. This bill requires a statement as to whether the seller has actual knowledge of the presence of asbestos on the site. If asbestos is known to exist, this must include a description of the location of the asbestos and whether and when abatement has been performed.

Asbestos has been known to cause serious health issues. Breathing asbestos can cause tiny asbestos fibers to get stuck in the lungs and irritate lung tissues. Scientific studies have shown that exposure to asbestos can cause asbestosis, pleural disease and an increase in risk for lung cancer and mesothelioma as well as cancer of the larynx and ovaries. When purchasing in a condominium association, there are a number of common elements that may be available to the purchaser that are not part of the actual purchase. Accordingly, it is important to require disclosures if asbestos exists now or has been abated in the common elements as this may not be something the purchaser can discover otherwise. Therefore, it is important to disclose to potential purchasers when there is actual knowledge of the presence of asbestos in a condominium and if and when it has been abated so they may make an educated decision concerning their purchase of a home.

For these reasons, we ask that the Judicial Proceedings Committee return a favorable report on this bill.

cc: The Honorable Linda Foley
Members, Judicial Proceedings Committee

Asbestos HB 52 Senate JPR testimony written.pdf

Uploaded by: Linda Foley

Position: FAV

Testimony: HB 52 - Condominiums – Sales Contracts – Asbestos Disclosure
Committee: Judicial Proceedings Committee
Hearing Date: March 28, 2023
Position: Favorable

I am Delegate Linda Foley (District 15) and am presenting House Bill 52 - Condominiums - Sales Contracts - Asbestos Disclosure, which seeks to ensure that homebuyers receive information about the presence and abatement of asbestos in multi-family housing. This bill would require a notice in a condominium resale contract that the owner disclose asbestos abatement within their own unit but only during their occupancy.

The owner is already required under Real Property Article 10-702 to state whether asbestos exists in both the seller disclosure and disclaimer forms. HB 52 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.

HB 52 has received broad support: it overwhelmingly passed out of the House Economic Matters Committee and then with a unanimous vote of 135-0 on the House floor; it is also supported by the Office of Attorney General, Maryland Realtors and CASA.

The reason HB 52 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.

(This information is also contained in more detail in the written testimony from the Maryland Dept. of the Environment.)

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 52.

The first requirement that this bill sets forth is a statement indicating whether the seller has actual knowledge of the presence of asbestos on the site, including a description of the location of the asbestos, whether abatement has been performed, and the date of any abatement.

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

The second requirement in HB 52 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 on the site, 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 52 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 52 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.

I urge a favorable report of HB 52. Thank you.

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Uploaded by: William Castelli

Position: FAV



House Bill 52 – Condominiums – Sales Contracts – Asbestos Disclosure

Position: Support

The Maryland REALTORS® support HB 52 with the amendments passed by the House.

HB 52 will require the disclosure of asbestos in a condominium even if the asbestos was removed. The House amendments make clear that although a council of unit owners must disclose any known asbestos on site, the unit owner is only required to disclose known asbestos in the unit during the owner's occupancy.

With those changes, the Maryland REALTORS® supports HB 52.

**For more information contact lisa.may@mdrealtor.org or
christa.mcgee@mdrealtor.org**

2023 01 23 MDLAC testimony HB52 3-28.pdf

Uploaded by: Grason Wiggins

Position: UNF

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March 28, 2023

Hon. Senator William Smith, Chair
Hon. Senator Jeff Waldstreicher, Vice-Chair
Hon. Delegate Foley, Bill Sponsor
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Re: HB 52 – Condominiums – Sales Contracts – Asbestos Disclosure
Hearing: March 28, 2023 Position: Oppose

Dear Chair Smith, Vice-Chair Waldstreicher, Delegate Foley, and Committee Members:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals and professionals who reside in or work with condominiums, homeowners associations and cooperatives throughout the State of Maryland.

MD-LAC is writing today to voice our opposition for HB 52. Requiring a condominium association to provide information pertaining to the presence of asbestos at the time of resale of a unit is overly burdensome on Boards of Directors and management companies. As there is frequent turnover of Board Members, property managers and management companies, this information may not be available at the time of resale. If a community association inadvertently failed to provide this information, it would create liability on the part of the community association. This disclosure should be required on the part of the selling unit owner who has greater access to this information, and not the community association.

Accordingly, the MD-LAC respectfully request that the Committee does not give HB 52 a favorable report.

We are available to answer any questions which you may have. Please feel free to contact any of the individuals listed: Lisa Harris Jones, CAI MD-LAC lobbyist, at 410-366-1500 or by email at lisa.jones@mdlobbyist.com; Igor Conev, CMCA, AMS, PCAM, CIRMS, member by email at igor@ocmannproperties.com; or Steven Randol, Chair 410-695-2183, or srandol@pineyorchard.com

Sincerely,

Steven Randol

Steven Randol
Chair, CAI MD-LAC

Igor Conev

Igor Conev, CMCA, AMS, PCAM, CIRMS
Member, CAI MD-LAC

CAI is a national organization dedicated to fostering vibrant, competent, harmonious community associations for more than thirty years. Its members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to common interest associations. As part of its mission, CAI advocates for legislative and regulatory policies that support responsible governance and effective management. As part of this purpose state Legislative Action Committees represent CAI members before state legislatures and agencies on issues such as governance, assessments collection, insurance and construction defects.