



Real Property Section

To: Environment and Transportation Committee (House)

From: Legislative Committee of the Real Property Section Counsel

Date: February 9, 2024 [Hearing Date February 13, 2023]

Subject: **HB 486** – Residential Property Sales – Contract Disclosures – Superfund Sites

Position: **Opposed.**

The Real Property Section Counsel of the Maryland State Bar Association (MSBA) opposes House Bill 486 – Residential Property Sales – Contract Disclosures – Superfund Sites.

The bill requires that a residential contract of sale include a notice of the property is located within a half mile of a “National Priorities List Superfund site listed on the EPA website. But the failure to so does not provide any remedy to the purchaser.

As a practical matter, many homeowners may not know that they live within a half mile of a superfund site, and if there are no consequences of not providing the notice, what is the point of the proposed legislation.

Should the legislature believe this proposed law is a good idea, we think that “terminated or cancelled” would be a better choice of words that “voided” in section A4(i). And A4(ii) uses “rescission” instead of “voiding”.

In addition, thought should be given as to how the “half mile” is measured.

This bill would require an ADDENDUM to a contract of sale that would include the new disclosure. Other disclosure requirements permit the disclosures to be made in the body of the contract of sale. By attaching the proposed addendum, hasn't the seller merely made a counteroffer to the buyer which terminate the buyer's offer? Perhaps a better approach would be to simply require a notice in all contracts for the buyer to perform the search on the EPA website before they offer to buy the property.

For these reasons, the Real Property Section Counsel of the MSBA **opposes HB 486** and asks for an **unfavorable report**. Thank you for your consideration.