



House Bill 486 – Residential Property Sales – Contract Disclosures – Superfund Sites

Position: Support with Amendment

Maryland REALTORS® support HB 486 with important changes to more closely conform the legislation to other real estate disclosures passed by the General Assembly.

HB 486 seeks to ensure that homebuyers receive information about locations on the National Priorities List (so called Superfund sites). Superfund sites are contaminated with hazardous waste and the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) authorizes EPA to clean these sites and help fund the cleanup. HB 486 directs sellers to information on the EPA website in order to determine whether their property falls within the 0.5 miles of the site. Sellers are then required to inform the buyer.

However, the information on the EPA website does not provide an easy way for a property owner to measure 0.5 miles around their property. Currently, the EPA site provides a map drawing tool which permits a seller to type in their address and measure around their property in one-mile increments.

In the last few years, most disclosures passed by the General Assembly have generally been “buyer notices” directing the buyer to a source of information and allowing them to make a determination about whether the information impacts their purchase. Even mapping technology on a website is not guaranteed to be exact, giving a seller some discretion in what is disclosed to the buyer. However, when a buyer collects the information for themselves, the buyer decides what information is important even if the property is just outside the required disclosure distance.

Finally, not all sellers will use a real estate agent when selling property. A buyer disclosure that is included in every real estate contract helps ensure the buyer is informed about the superfund site even when an unassisted seller is unaware of the disclosure requirement.

REALTORS® believe the legislation should be a buyer notice and the property should be measured at 1-mile distances rather than 0.5 miles.

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