

Testimony on SB125
House Environment and Transportation Committee
March 26, 2024
POSITION: Favorable With Amendment

Dear Chairman Korman and Members of the Committee,

I support HB486 as your Committee and the entire House passed it. This important legislation will ensure the potential homeowner entering-into contracts to buy homes within a mile of a Superfund site on the National Priorities List (NPL) receives a disclosure that relates specifically to the specific house they are contracting to buy. They are also provided resources for researching the potential impact and given the ability to void the contract of sale within 5 days of said sale. These are common sense measures ensuring communities have a right to know about nearby pollution and potential health and other hazards. I do not support the amendments made in SB125. I urge you to stand by your good work on HB486 and amend SB125 to conform with HB486.

NPL Superfund sites pose too high a risk to be a generic (non-site specific) Buyers Notice. There is no standard Buyers Notice in Maryland. Some notices list general non-property specific check lists to look for such as deed restriction, easements, leases, etc. It alerts the buyer to check to see if these items apply to the specific property.

Other types of Buyers Notices include forms like the MD 10-702 Disclosure Disclaimer form begin with exclusions/exemptions for certain types of residential sales including new builds, foreclosures, sheriff sales, estate sales, etc. This would most likely make the sales only apply to some property resales.

HB486 applies to ALL residential property sales – NO EXCEPTIONS.

Typical Buyers notices also do not provide a right to rescind the contract within 5 days – based on this disclosure.

If the contamination were onsite, there would be no question that it had to be disclosed. NPL contamination does not have to be onsite to pose a risk. Vapor intrusion is an example of this.

A notice in every MD residential sales contract stating NPLs exist in MD and leaving it up to the buyer to do their due diligence and figure out if this applies to the house under contract is inadequate.

I urge you to give Marylanders the protection they deserve with the House's amended version of HB486.