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January 30, 2024

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

From: Karen S. Straughn  
Consumer Protection Division

Re: Senate Bill 46 – 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 Senate Bill 46 sponsored by Vice-Chairman Jeff Waldstreicher. This bill requires a statement as to whether the seller and the council of unit owners have 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 a condominium, 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 Jeff Waldstreicher  
Members, Judicial Proceedings Committee