



Senate Bill 125 – Residential Property Sales – Contract Disclosures – Superfund Sites

Position: Support with Amendment

Maryland REALTORS® support SB 125 with important changes to more closely conform the legislation to other real estate disclosures passed by the General Assembly.

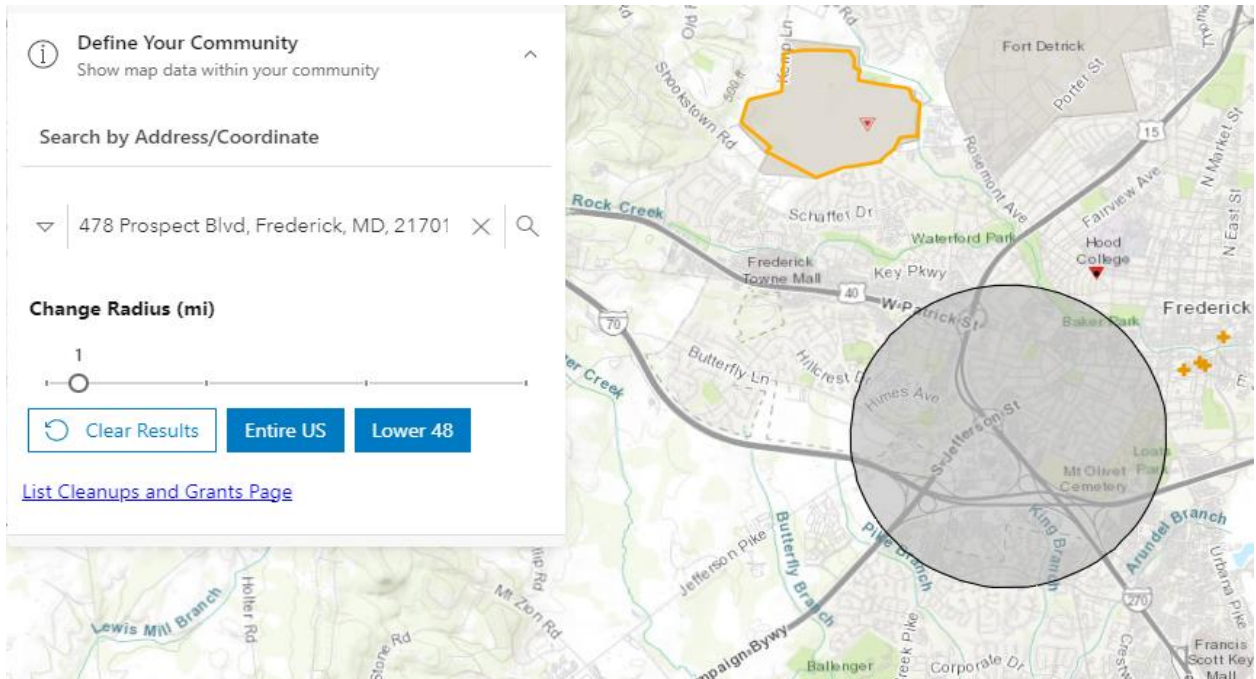
SB 125 seeks to ensure that homebuyers receive information about locations on the National Priorities List (so called Superfund sites). Superfund sites are contaminated with hazardous waste and the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) authorizes EPA to clean these sites and help fund the cleanup. SB 125 directs sellers to information on the EPA website in order to determine whether their property falls within the 0.5 miles of the site.

However, the information on the EPA website is not clear where to find an appropriate link to map a property's distance to a superfund site. Some of the maps do not include distance measuring tools. Recently, the EPA launched a test site with a mapping tool which will give sellers or buyers a good idea about the property's proximity to a superfund site but it only measures distances in 1-mile increments and can be difficult to find on the Superfund site. That site is: <https://map22.epa.gov/cimc>.

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 is in charge of collecting the information for themselves, the buyer can choose to search only properties outside 0.5 miles of a superfund site or a mile outside of a site.

Because the REALTORS® believe the buyer should be in control of the information presented to them, the attached REALTOR® amendment strikes the language in the bill and substitutes a "buyer notice" with direction to the new EPA web page and measuring tool.

**For more information contact lisa.mays@mdrealtor.org or
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SB 125 – Residential Property Sales - Contract Disclosures – Superfund Sites REALTOR® Amendment

AMENDMENT #1

Beginning on page 1, strike lines 15 through line 16 on page 3 and substitute:

§ 10-713. SUPERFUND SITE DISCLOSURE

“SUPERFUND ENTERPRISE MANAGEMENT SYSTEM” DEFINED

(A) IN THIS SECTION, “SUPERFUND ENTERPRISE MANAGEMENT SYSTEM” MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY’S SUPERFUND ENTERPRISE MANAGEMENT SYSTEM

APPLICATION OF SECTION

(B) THIS SECTION APPLIES ONLY TO THE SALE OF RESIDENTIAL REAL PROPERTY.

NOTICE

(C) A CONTRACT FOR THE SALE OF REAL PROPERTY SHALL INCLUDE, THE FOLLOWING BUYER NOTICE:

“NOTICE ON SUPERFUND HAZARDOUS WASTE SITES

A PURCHASER OF REAL PROPERTY IS ADVISED TO ACCESS THE WEBSITE OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY’S SUPERFUND ENTERPRISE MANAGEMENT SYSTEM CLEANUPS IN MY COMMUNITY TO DETERMINE IF A SUPERFUND HAZARDOUS WASTE SITE IS LOCATED NEAR THE PROPERTY. THE WEB PAGE IS LOCATED AT:

[HTTPS://WWW.EPA.GOV/CLEANUPS/CLEANUPS-MY-COMMUNITY](https://www.epa.gov/cleanups/cleanups-my-community).”. A PURCHASER

WHO RECEIVES THIS NOTICE AFTER ENTERING INTO A CONTRACT OF SALE HAS THE UNCONDITIONAL RIGHT TO RESCIND THE CONTRACT AT ANY TIME OR WITHIN 5 DAYS AFTER RECEIPT OF THE NOTICE. IF EXERCISING THE RIGHT OF RESCISSION, THE PURCHASER IS ENTITLED TO THE IMMEDIATE RETURN OF ANY DEPOSITS MADE IN ACCORDANCE WITH THE CONTRACT”

RIGHTS OF RESCISSION

(D)(1) A PURCHASER THAT RECEIVES THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION ON OR BEFORE ENTERING INTO A CONTRACT OF SALE DOES NOT HAVE THE RIGHT TO RESCIND THE CONTRACT OF SALE BASED ON THE INFORMATION RECEIVED FROM THE VENDOR UNDER SUBSECTION (C) OF THIS SECTION.

(2)(I) A PURCHASER THAT DOES NOT RECEIVE THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION ON OR BEFORE ENTERING INTO A CONTRACT OF SALE, ON WRITTEN NOTICE TO THE VENDOR OR THE VENDOR'S AGENT:

- 1. HAS THE UNCONDITIONAL RIGHT TO RESCIND THE CONTRACT AT ANY TIME BEFORE, OR WITHIN 5 DAYS AFTER, RECEIPT OF THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND**
- 2. IS ENTITLED TO THE IMMEDIATE RETURN OF ANY DEPOSITS MADE IN ACCORDANCE WITH THE CONTRACT.**

(II) THE RETURN OF ANY DEPOSITS HELD IN TRUST BY A LICENSED REAL ESTATE BROKER TO A PURCHASER UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL COMPLY WITH THE PROCEDURES SET FORTH IN § 17-505 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.