



House Bill 11 –Private Well Safety Act 2023

Position: Support

Maryland REALTORS® supports efforts to ensure clean and safe drinking water for Maryland residents served by private wells. HB 11 affects approximately one third of all Maryland residential real property transactions, and the REALTORS® supported the bill with amendments last year. Those amendments are included in HB 11.

Last year’s changes included a provision allowing the buyer to waive the proposed test. A waiver would address situations: where a property is sold “as is;” where timeliness is important for a transaction; and where certain mortgages like FHA already require a test that may not be the same as the test required by the bill.

Additionally, the bill was changed to require the buyer to order and purchase the test. In fact, most federally insured mortgages such as the FHA and VA place the responsibility on the buyer and will not accept tests performed by other parties prior to the sale of the property. If the seller was required to order the test, and the mortgage was FHA insured, the bill may result in two tests being ordered – one by the seller and the one by the buyer.

Finally, a similar law passed in New Jersey specifies that water well tests remain valid for 5 years. Initially, the legislation stated the test results were only valid for 6 months. This language was changed to 3 years under the amendments last year to conform the bill to the current Maryland standards for rental well tests.

With these changes, the Maryland REALTORS® support HB 11 and believe it will provide protection to homeowners just as the current well-testing law on rental property provides for tenants.

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