

HOUSE BILL 1030

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2004 Regular Session  
4lr2226  
CF 4lr2227

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By: **Delegate Frush (Chairman, Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Area) and Delegates Cadden, James, Owings, Walkup, Hubbard, and ~~McConkey~~ McConkey, V. Clagett, Holmes, and Montgomery**

Introduced and read first time: February 12, 2004  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 23, 2004

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CHAPTER 396

1 AN ACT concerning

2 **Real Property Sales - Disclosure Requirements - Chesapeake and Atlantic**  
3 **Coastal Bays Critical Area**

4 FOR the purpose of requiring a contract or an addendum to a contract for the sale of  
5 real property to contain a certain statement advising the buyer that the  
6 property may be located in the Chesapeake and Atlantic Coastal Bays Critical  
7 Area, that certain regulations apply ~~to certain land in the critical area,~~ and that  
8 a buyer may determine if critical area regulations apply by contacting certain  
9 local officials; and generally relating to disclosure requirements for the sale of  
10 real property.

11 BY repealing and reenacting, with amendments,  
12 Article - Real Property  
13 Section 14-117(d) and (e)  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume and 2003 Supplement)

16 BY adding to  
17 Article - Real Property  
18 Section 14-117(e)  
19 Annotated Code of Maryland  
20 (2003 Replacement Volume and 2003 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Real Property**

4 14-117.

5 (d) (1) A contract for use in the sale of residential property used as a  
6 dwelling place for one or two single-family units shall contain, in the manner  
7 provided under [subsection (e) of this section] PARAGRAPH (2) OF THIS SUBSECTION,  
8 the following statement:

9 "Section 14-104 of the Real Property Article of the Annotated Code of Maryland  
10 provides that, unless otherwise negotiated in the contract or provided by State or local  
11 law, the cost of any recordation tax or any State or local transfer tax shall be shared  
12 equally between the buyer and seller."

13 [(e)] (2) The statement required under [subsection (d) of this section]  
14 PARAGRAPH (1) OF THIS SUBSECTION shall be printed in conspicuous type or  
15 handwritten in the contract or an addendum to the contract.

16 (E) A CONTRACT OR AN ADDENDUM TO THE CONTRACT FOR THE SALE OF  
17 REAL PROPERTY SHALL CONTAIN IN CONSPICUOUS TYPE ~~ON A SEPARATE PIECE OF~~  
18 ~~PAPER~~ THE FOLLOWING STATEMENT:

19 "NOTICE TO BUYER CONCERNING THE CHESAPEAKE ~~BAY~~ AND ATLANTIC  
20 COASTAL BAYS CRITICAL AREA

21 BUYER IS ADVISED THAT ALL OR A PORTION OF THE PROPERTY MAY BE  
22 LOCATED IN THE "CRITICAL AREA" OF THE CHESAPEAKE AND ATLANTIC COASTAL  
23 BAYS, AND THAT ADDITIONAL ZONING, LAND USE, AND RESOURCE PROTECTION  
24 REGULATIONS APPLY IN THIS AREA. THE "CRITICAL AREA" GENERALLY CONSISTS OF  
25 ALL LAND AND WATER AREAS WITHIN 1,000 FEET BEYOND THE LANDWARD  
26 BOUNDARIES OF STATE OR PRIVATE WETLANDS, THE CHESAPEAKE BAY, THE  
27 ATLANTIC COASTAL BAYS, AND ALL OF THEIR TIDAL TRIBUTARIES. THE "CRITICAL  
28 AREA" ALSO INCLUDES THE WATERS OF AND LANDS UNDER THE CHESAPEAKE BAY,  
29 THE ATLANTIC COASTAL BAYS, AND ALL OF THEIR TIDAL TRIBUTARIES TO THE HEAD  
30 OF TIDE. FOR INFORMATION AS TO WHETHER THE PROPERTY IS LOCATED WITHIN  
31 THE CRITICAL AREA, BUYER MAY CONTACT THE LOCAL DEPARTMENT OF PLANNING  
32 AND ZONING, WHICH MAINTAINS MAPS SHOWING THE EXTENT OF THE CRITICAL  
33 AREA IN THE JURISDICTION. ALLEGANY, CARROLL, FREDERICK, GARRETT, HOWARD,  
34 MONTGOMERY, AND WASHINGTON COUNTIES DO NOT INCLUDE LAND LOCATED IN  
35 THE CRITICAL AREA.";

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 October 1, 2004.

