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February 24, 2023

To: The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee

From: Kira Wilpone-Welborn, Assistant Attorney General  
Consumer Protection Division

Re: House Bill 728 – Residential Property – Exclusive Listing Agreements – Limit on  
Duration (SUPPORT WITH AMENDMENT)

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The Consumer Protection Division of the Office of the Attorney General (the "Division") supports with amendment House Bill 728 sponsored by Delegate Amprey. House Bill 728 would limit any exclusive listing agreement entered into by a homeowner to a one-year term. Limiting the duration of an exclusive listing agreement to one year is a common-sense restriction that protects the real estate brokers and salespersons providing listing and selling services and the homeowners.

Although House Bill 728 proposes appropriate restrictions to the duration of an exclusive listing agreement, the Division is concerned that the definition of "residential property" used in the bill is unduly restrictive. House Bill 728 defines a residential property as "real property improved by four or fewer single-family dwelling units that are designed principally and are intended for human habitation." See pg. 2, lines 17-19. As drafted, the Division is concerned that homes in condominium buildings and townhome communities with more than four units may be inadvertently excluded from the important protections House Bill 728 seeks to provide. As such, the Division recommends that House Bill 728's definition of residential property be expanded to ensure that all residential property is covered by the one-year limitation for exclusive listing agreements.

The Division requests that the Environment and Transportation Committee give House Bill 728 a favorable report with amendment.

Cc: The Honorable Marlon Amprey  
Members, Environment and Transportation Committee