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

Introduced and read first time: February 12, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

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 that the Chesapeake and
6 Atlantic Coastal Bays Critical Area regulations apply to certain land and that a
7 buyer may determine if critical area regulations apply by contacting certain
8 local officials; and generally relating to disclosure requirements for the sale of
9 real property.

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

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

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

22 **Article - Real Property**

23 14-117.

24 (d) (1) A contract for use in the sale of residential property used as a
25 dwelling place for one or two single-family units shall contain, in the manner

1 provided under [subsection (e) of this section] PARAGRAPH (2) OF THIS SUBSECTION,
2 the following statement:

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

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

10 (E) A CONTRACT OR AN ADDENDUM TO THE CONTRACT FOR THE SALE OF
11 REAL PROPERTY SHALL CONTAIN IN CONSPICUOUS TYPE ON A SEPARATE PIECE OF
12 PAPER THE FOLLOWING STATEMENT:

13 "NOTICE TO BUYER CONCERNING THE CHESAPEAKE BAY CRITICAL AREA

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

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