

(PRE-FILED)

By: ~~Senator Dyson~~ **Senators Dyson, Harris, Hooper, and Jacobs**

Requested: November 10, 2004

Introduced and read first time: January 12, 2005

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 4, 2005

CHAPTER _____

1 AN ACT concerning

2 **Residential Real Property Sales - Notice Requirements - Military Aircraft**
3 **Flight Operations and Testing**

4 FOR the purpose of requiring a contract for the sale of residential real property to
5 contain a certain statement notifying the buyer that the property may be
6 impacted by ~~certain noises as a result of certain military aircraft flight~~
7 ~~operations~~ and certain military operations and certain military testing;
8 providing for the construction of this Act; and generally relating to notice
9 requirements for the sale of residential real property.

10 BY adding to
11 Article - Real Property
12 Section 14-117(k)
13 Annotated Code of Maryland
14 (2003 Replacement Volume and 2004 Supplement)

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

17 **Article - Real Property**

18 14-117.

19 (K) (1) A CONTRACT FOR THE SALE OF RESIDENTIAL REAL PROPERTY SHALL
20 CONTAIN THE FOLLOWING STATEMENT:

1 "THE PROPERTY MAY BE LOCATED IN OR NEAR MILITARY AIRCRAFT OPERATION
2 CENTERS LOCATED IN CALVERT, CHARLES, PRINCE GEORGE'S, OR ST. MARY'S
3 COUNTIES, OR IN OR NEAR THE FLIGHT PATHS OF MILITARY AIRCRAFT CONDUCTING
4 FLIGHT OPERATIONS. PROPERTIES LOCATED IN OR NEAR MILITARY AIRCRAFT
5 OPERATION CENTERS OR IN OR NEAR THE FLIGHT PATHS OF MILITARY AIRCRAFT
6 CONDUCTING FLIGHT OPERATIONS MAY BE IMPACTED BY VARYING DEGREES OF
7 NOISE LEVELS AND POTENTIAL MILITARY AIRCRAFT ACCIDENTS, AS WELL AS NOISE
8 FROM GUNFIRE OR EXPLOSIVE TESTING. MILITARY AIRCRAFT FLIGHT OPERATIONS
9 AND MILITARY OPERATIONS THAT MAY IMPACT THE PROPERTY INCLUDE, BUT ARE
10 NOT LIMITED TO, THE FOLLOWING:

11 (A) THE NAVAL AIR STATION LOCATED IN PATUXENT RIVER, MARYLAND,
12 TYPICALLY CONDUCTS FLIGHT OPERATIONS 7 DAYS A WEEK, BETWEEN 8 A.M. AND 11
13 P.M. HOWEVER, INFREQUENT FLIGHT OPERATIONS OCCUR OUTSIDE THESE TIMES.
14 THE EFFECTS FROM THE NAVY'S FLIGHT OPERATIONS EXTEND BEYOND THE
15 BOUNDARIES OF THE NAVAL FACILITY. THE PRESENT LEVEL AND TYPE OF
16 OPERATIONS WILL CONTINUE FOR THE FORESEEABLE FUTURE. FOR ADDITIONAL
17 INFORMATION, CONTACT THE NAS PATUXENT RIVER PUBLIC AFFAIRS OFFICE;

18 (B) THE NAVAL SURFACE WARFARE CENTER—DAHLGREN DIVISION, LOCATED
19 IN DAHLGREN, VIRGINIA, TYPICALLY CONDUCTS OPERATIONS 5 DAYS A WEEK,
20 BETWEEN 8 A.M. AND 4 P.M. HOWEVER, INFREQUENT OPERATIONS OCCUR OUTSIDE
21 THESE TIMES. THE PRESENT LEVEL AND TYPE OF OPERATIONS WILL CONTINUE FOR
22 THE FORESEEABLE FUTURE. FOR ADDITIONAL INFORMATION, CONTACT THE NAVAL
23 SURFACE WARFARE CENTER, DAHLGREN DIVISION, PUBLIC AFFAIRS OFFICE;

24 (C) THE NAVAL SURFACE WARFARE CENTER—INDIAN HEAD DIVISION (IH DIV)
25 AND THE NAVAL EXPLOSIVE ORDNANCE DISPOSAL TECHNOLOGY DIVISION
26 (NAVEODTECH DIV), LOCATED IN INDIAN HEAD, MARYLAND, TYPICALLY CONDUCT
27 EXPLOSIVE TESTING, EVALUATION, AND TRAINING OPERATIONS 5 TO 7 DAYS A
28 WEEK, BETWEEN 7 A.M. AND 4 P.M. HOWEVER, INFREQUENT OPERATIONS OCCUR
29 OUTSIDE THESE TIMES. SOUND FROM THE TRAINING AND TESTING MAY RESULT IN
30 SPORADIC NOISE FROM HELICOPTERS, TRAFFIC, CONSTRUCTION, AND INDUSTRIAL
31 OPERATIONS, AND EXTEND BEYOND THE BOUNDARIES OF THE FACILITY. THE IH DIV
32 GODDARD POWER PLANT OPERATES 24 HOURS A DAY AND STEAM RELEASES CAN
33 SOMETIMES BE HEARD OUTSIDE THE FACILITY. THE PRESENT LEVEL AND TYPE OF
34 OPERATIONS WILL CONTINUE FOR THE FORESEEABLE FUTURE. FOR ADDITIONAL
35 INFORMATION, CONTACT THE IH DIV OR NAVEODTECH DIV PUBLIC AFFAIRS OFFICE;
36 AND

37 (D) ANDREWS AIR FORCE BASE TYPICALLY CONDUCTS FLIGHT OPERATIONS 7
38 DAYS A WEEK, 24 HOURS A DAY. THE EFFECTS FROM AIR FORCE, ARMY, AND CIVILIAN
39 FLIGHT OPERATIONS EXTEND BEYOND THE BOUNDARIES OF THE FACILITY. THE
40 PRESENT LEVEL AND TYPE OF OPERATIONS WILL CONTINUE AND MAY INCREASE
41 FOR THE FORESEEABLE FUTURE. FOR ADDITIONAL INFORMATION, CONTACT THE
42 ANDREWS AIR FORCE BASE PUBLIC AFFAIRS OFFICE."

43 "BUYER IS ADVISED THAT THE PROPERTY MAY BE LOCATED NEAR A MILITARY
44 INSTALLATION THAT CONDUCTS FLIGHT OPERATIONS, MUNITIONS TESTING, OR

1 MILITARY OPERATIONS THAT MAY RESULT IN HIGH NOISE LEVELS. BUYER SHOULD
2 CONTACT THE PUBLIC AFFAIRS OFFICE OF THE NEAREST MILITARY INSTALLATION
3 TO DETERMINE WHETHER THE PROPERTY MAY BE IMPACTED BY TESTING OR
4 OPERATIONS AT THE INSTALLATION."

5 (2) ALL LOCAL LAWS REQUIRING A STATEMENT OF NOTICE
6 SUBSTANTIALLY SIMILAR TO PARAGRAPH (1) OF THIS SUBSECTION PREVAIL OVER
7 THE REQUIREMENTS OF THIS SUBSECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2005.