

# HOUSE BILL 549

M1, L2

7lr2618  
CF SB 408

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By: **Anne Arundel County Delegation**

Introduced and read first time: February 7, 2007

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 3, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Anne Arundel County – Chesapeake Bay Critical Area – Violations of Local**  
3 **Law – Statute of Limitations – Disclosure in Real Estate Sales**

4 FOR the purpose of requiring that a prosecution for an offense that occurs in the  
5 Chesapeake Bay Critical Area and is a violation of a certain local law in Anne  
6 Arundel County that relates to environmental protection or natural resource  
7 conservation be instituted within a certain time after the commission of the  
8 offense; requiring that a seller disclose certain information about the violation  
9 in a disclosure statement of a contract for sale of real estate in Anne Arundel  
10 County; providing that the disclosure requirements imposed by this Act do not  
11 apply under certain circumstances; and generally relating to the prosecution of  
12 offenses that occur in the Chesapeake Bay Critical Area and to the disclosure of  
13 violations of a local law that occur in the Chesapeake Bay Critical Area in  
14 contracts for the sale of real property in Anne Arundel County.

15 BY adding to  
16 Article – Courts and Judicial Proceedings  
17 Section 5–106(bb)  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
2 Article – Real Property  
3 Section 14–117(l)  
4 Annotated Code of Maryland  
5 (2003 Replacement Volume and 2006 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 5–106.

10 (BB) (1) THIS SUBSECTION APPLIES IN ANNE ARUNDEL COUNTY TO  
11 AN OFFENSE THAT:

12 (I) OCCURS IN THE CHESAPEAKE BAY CRITICAL AREA, AS  
13 DEFINED IN § 8–1807 OF THE NATURAL RESOURCES ARTICLE; AND

14 (II) IS A VIOLATION OF A LOCAL LAW THAT RELATES TO  
15 ENVIRONMENTAL PROTECTION OR NATURAL RESOURCE CONSERVATION,  
16 INCLUDING A LOCAL LAW REGULATING:

- 17 1. GRADING;
- 18 2. SEDIMENT CONTROL;
- 19 3. STORMWATER MANAGEMENT;
- 20 4. ZONING;
- 21 5. CONSTRUCTION; OR
- 22 6. HEALTH AND PUBLIC SAFETY.

23 (2) A PROSECUTION FOR AN OFFENSE DESCRIBED IN PARAGRAPH  
24 (1) OF THIS SUBSECTION SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE  
25 COMMISSION OF THE OFFENSE.

26 Article – Real Property

1 14-117.

2 (L) (1) THIS SUBSECTION APPLIES TO ANNE ARUNDEL COUNTY.

3 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF ANNE  
4 ARUNDEL COUNTY OR THE STATE HAS INITIATED ENFORCEMENT ACTION FOR A  
5 VIOLATION OF A LOCAL LAW DESCRIBED IN § 5-106(BB)(1) OF THE COURTS AND  
6 JUDICIAL PROCEEDINGS ARTICLE, THE SELLER OF THE REAL PROPERTY SHALL  
7 DISCLOSE IN THE DISCLOSURE STATEMENT OF A CONTRACT FOR SALE OF THE  
8 REAL PROPERTY WHERE THE VIOLATION OCCURRED:

9 (I) THE NATURE OF THE VIOLATION;

10 (II) THE STATUS OF ANY ONGOING PROCEEDINGS TO  
11 ENFORCE THE VIOLATION; AND

12 (III) ANY ACTIONS THE BUYER OF THE REAL PROPERTY MAY  
13 BE REQUIRED TO TAKE WITH RESPECT TO THE PROPERTY IN ORDER TO CURE  
14 THE VIOLATION.

15 (3) IF A VIOLATION OF A LOCAL LAW DESCRIBED IN §  
16 5-106(BB)(1) OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE IS CURED  
17 AND A BUYER OF THE REAL PROPERTY WHERE THE VIOLATION OCCURRED  
18 WOULD NOT HAVE ANY OBLIGATION TO CURE THE VIOLATION, PARAGRAPH (2)  
19 OF THIS SUBSECTION DOES NOT APPLY.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.