

# SENATE BILL 968

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CF HB 1331

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By: **Senator Conway**

Introduced and read first time: February 15, 2012

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 20, 2012

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 28, 2012

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

1 AN ACT concerning

2 **Residential Property Sales – Disclosure of Utility Consumption**

3 FOR the purpose of requiring a vendor of certain single family residential property to  
4 display or make available certain utility information under certain  
5 circumstances; requiring a vendor to make available certain utility information  
6 in a certain manner; authorizing a vendor to provide to prospective purchasers a  
7 certain home energy rating score; providing that certain information is provided  
8 without warranties; providing that the failure of a seller to provide certain  
9 information to the purchaser does not give the purchaser the right to rescind a  
10 contract of sale based on the failure of the seller to comply with this Act;  
11 providing that this Act does not apply to certain sales or transfers of property;  
12 providing for the application of this Act; and generally relating to disclosure of  
13 utility consumption prior to the sale of single family residential property.

14 BY repealing and reenacting, without amendments,  
15 Article – Real Property  
16 Section 1–101(l) and (n)  
17 Annotated Code of Maryland  
18 (2010 Replacement Volume and 2011 Supplement)

19 BY adding to  
20 Article – Real Property  
21 Section 10–702.1  
22 Annotated Code of Maryland

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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.



(2010 Replacement Volume and 2011 Supplement)

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

**Article – Real Property**

1–101.

(l) “Purchaser” has the same meaning as buyer or vendee.

(n) “Vendor” has the same meaning as seller.

**10–702.1.**

**(A) (1) THIS SECTION APPLIES ONLY TO SINGLE FAMILY RESIDENTIAL REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY UNITS IF THE OWNER OF THE PROPERTY HAS OWNED AND RESIDED AT THE PROPERTY FOR AT LEAST 12 MONTHS BEFORE THE PROPERTY IS FIRST MARKETED FOR SALE BY THE OWNER.**

**(2) THIS SECTION DOES NOT APPLY TO:**

**(I) THE INITIAL SALE OF SINGLE FAMILY RESIDENTIAL REAL PROPERTY:**

**1. THAT HAS NEVER BEEN OCCUPIED; OR**

**2. FOR WHICH A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED WITHIN 1 YEAR BEFORE THE VENDOR AND PURCHASER ENTERED INTO A CONTRACT OF SALE;**

**(II) A TRANSFER THAT IS EXEMPT FROM THE TRANSFER TAX UNDER § 13–207 OF THE TAX – PROPERTY ARTICLE, EXCEPT LAND INSTALLMENT CONTRACTS OF SALE UNDER § 13–207(A)(11) OF THE TAX – PROPERTY ARTICLE AND OPTIONS TO PURCHASE REAL PROPERTY UNDER § 13–207(A)(12) OF THE TAX – PROPERTY ARTICLE;**

**(III) A SALE BY A LENDER OR AN AFFILIATE OR A SUBSIDIARY OF A LENDER THAT ACQUIRED REAL PROPERTY BY FORECLOSURE OR DEED IN LIEU OF FORECLOSURE;**

**(IV) A SHERIFF’S SALE, TAX SALE, OR SALE BY FORECLOSURE, PARTITION, OR COURT-APPOINTED TRUSTEE;**

1 (V) A TRANSFER BY A FIDUCIARY IN THE COURSE OF THE  
2 ADMINISTRATION OF A DECEDENT'S ESTATE, GUARDIANSHIP,  
3 CONSERVATORSHIP, OR TRUST;

4 (VI) A TRANSFER OF SINGLE FAMILY RESIDENTIAL REAL  
5 PROPERTY TO BE CONVERTED BY THE BUYER INTO A USE OTHER THAN  
6 RESIDENTIAL USE OR TO BE DEMOLISHED; OR

7 (VII) A SALE OF UNIMPROVED REAL PROPERTY.

8 (B) (1) AS PROVIDED IN THIS SUBSECTION, A VENDOR OF SINGLE  
9 FAMILY RESIDENTIAL REAL PROPERTY SHALL DISPLAY OR MAKE AVAILABLE TO  
10 PROSPECTIVE PURCHASERS AT THE LOCATION OF THE RESIDENTIAL REAL  
11 PROPERTY COPIES OF ELECTRIC, GAS, AND HOME HEATING OIL BILLS, OR A  
12 DOCUMENT DETAILING THE MONTHLY ELECTRIC, GAS, AND HOME HEATING OIL  
13 USAGE OF THE RESIDENTIAL PROPERTY, FOR THE 12-MONTH PERIOD BEFORE  
14 THE PROPERTY WAS FIRST MARKETED FOR SALE.

15 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF  
16 THIS SUBSECTION SHALL BE:

17 (I) DISPLAYED OR MADE AVAILABLE DURING ANY  
18 SCHEDULED PERIOD OF TIME WHEN THE RESIDENTIAL PROPERTY IS HELD  
19 OPEN FOR PUBLIC VIEWING OR FOR VIEWING BY AN INDIVIDUAL PROSPECTIVE  
20 PURCHASER; AND

21 (II) INCLUDED IN OR WITH ANY DOCUMENTS THAT INCLUDE  
22 DESCRIPTIONS OF THE RESIDENTIAL PROPERTY AND ARE MADE AVAILABLE TO  
23 A PROSPECTIVE PURCHASER AT THE LOCATION OF THE RESIDENTIAL  
24 PROPERTY.

25 (3) IN ADDITION TO THE INFORMATION REQUIRED UNDER  
26 PARAGRAPH (1) OF THIS SUBSECTION, A VENDOR MAY PROVIDE TO  
27 PROSPECTIVE PURCHASERS A HOME ENERGY RATING (HERS INDEX), A U.S.  
28 DEPARTMENT OF ENERGY HOME ENERGY SCORE, OR EQUIVALENT SCORE  
29 ~~FROM A HOME ENERGY AUDIT OF THE RESIDENTIAL PROPERTY CONDUCTED~~  
30 OBTAINED DURING THE 12-MONTH PERIOD BEFORE THE PROPERTY WAS FIRST  
31 MARKETED FOR SALE.

32 (4) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE  
33 VENDOR FROM MAKING UTILITY INFORMATION AVAILABLE TO PROSPECTIVE  
34 PURCHASERS IN A SALE LISTING ON THE MULTIPLE LISTING SERVICE.

1                   **(5) ANY INFORMATION PROVIDED UNDER THIS SUBSECTION IS**  
 2 **PROVIDED WITHOUT WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING**  
 3 **AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THE INFORMATION.**

4                   **(C) THE FAILURE OF A SELLER TO PROVIDE A PURCHASER WITH THE**  
 5 **INFORMATION LISTED UNDER SUBSECTION (B) OF THIS SECTION DOES NOT GIVE**  
 6 **THE PURCHASER THE RIGHT TO RESCIND A CONTRACT OF SALE BASED ON THE**  
 7 **FAILURE OF THE SELLER TO COMPLY WITH THIS SECTION.**

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
 9 construed to apply only prospectively and may not be applied or interpreted to have  
 10 any effect on or application to any single family residential property marketed for sale  
 11 before the effective date of this Act.

12                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 13 October 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.