

HOUSE BILL 40

N1
HB 1331/12 – ENV

(PRE-FILED)

3lr0671

By: **Delegate Carr**

Requested: October 26, 2012

Introduced and read first time: January 9, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2013

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 real
4 property to 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 under this Act is provided without warranties; providing that the failure of a
9 ~~seller~~ vendor to provide certain information to the purchaser does not give the
10 purchaser the right to rescind a contract of sale based on the failure of the ~~seller~~
11 vendor to comply with this Act; providing that this Act does not apply to certain
12 sales or transfers of property; providing for the construction ~~and application~~
13 of this Act; and generally relating to disclosure of utility consumption prior to the
14 sale of single family residential real property.

15 BY repealing and reenacting, without amendments,
16 Article – Real Property
17 Section 1–101(l) and (n)
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2012 Supplement)

20 BY adding to
21 Article – Real Property
22 Section 10–702.1

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 Annotated Code of Maryland
2 (2010 Replacement Volume and 2012 Supplement)

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

5 **Article – Real Property**

6 1–101.

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

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

9 **10–702.1.**

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

15 (2) THIS SECTION DOES NOT APPLY TO:

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

18 1. THAT HAS NEVER BEEN OCCUPIED; OR

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

22 (II) A TRANSFER THAT IS EXEMPT FROM THE TRANSFER TAX
23 UNDER § 13–207 OF THE TAX – PROPERTY ARTICLE, EXCEPT LAND
24 INSTALLMENT CONTRACTS OF SALE UNDER § 13–207(A)(11) OF THE TAX –
25 PROPERTY ARTICLE AND OPTIONS TO PURCHASE REAL PROPERTY UNDER §
26 13–207(A)(12) OF THE TAX – PROPERTY ARTICLE;

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

30 (IV) A SHERIFF’S SALE, TAX SALE, OR SALE BY
31 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 REAL PROPERTY, FOR THE 12-MONTH PERIOD
14 BEFORE 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 REAL PROPERTY IS
19 HELD OPEN FOR PUBLIC VIEWING OR FOR VIEWING BY AN INDIVIDUAL
20 PROSPECTIVE PURCHASER; AND

21 (ii) INCLUDED IN OR WITH ANY DOCUMENTS THAT INCLUDE
22 DESCRIPTIONS OF THE RESIDENTIAL REAL PROPERTY AND ARE MADE
23 AVAILABLE TO A PROSPECTIVE PURCHASER AT THE LOCATION OF THE
24 RESIDENTIAL REAL 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 ~~OBTAINED DURING THE 12 MONTH PERIOD BEFORE THE PROPERTY WAS FIRST~~
30 ~~MARKETED FOR SALE.~~

31 ~~(4)~~ (3) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT
32 THE VENDOR FROM MAKING UTILITY INFORMATION AVAILABLE TO
33 PROSPECTIVE PURCHASERS IN A SALE LISTING ON THE MULTIPLE LISTING
34 SERVICE.

1 ~~(5)~~ (4) ANY INFORMATION PROVIDED UNDER THIS
 2 SUBSECTION IS PROVIDED WITHOUT WARRANTIES, EITHER EXPRESS OR
 3 IMPLIED, INCLUDING AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY
 4 OF THE INFORMATION.

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

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

14 ~~SECTION 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.