

# 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

---

## A BILL ENTITLED

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 construction and application of this Act; and generally relating  
13 to disclosure of utility consumption prior to the sale of single family residential  
14 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  
23 Annotated Code of Maryland  
24 (2010 Replacement Volume and 2012 Supplement)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

**Article – Real Property**

2 1–101.

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

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

5 **10–702.1.**

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

11 (2) THIS SECTION DOES NOT APPLY TO:

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

14 1. THAT HAS NEVER BEEN OCCUPIED; OR

15 2. FOR WHICH A CERTIFICATE OF OCCUPANCY HAS  
16 BEEN ISSUED WITHIN 1 YEAR BEFORE THE VENDOR AND PURCHASER ENTERED  
17 INTO A CONTRACT OF SALE;18 (II) A TRANSFER THAT IS EXEMPT FROM THE TRANSFER TAX  
19 UNDER § 13–207 OF THE TAX – PROPERTY ARTICLE, EXCEPT LAND  
20 INSTALLMENT CONTRACTS OF SALE UNDER § 13–207(A)(11) OF THE  
21 TAX – PROPERTY ARTICLE AND OPTIONS TO PURCHASE REAL PROPERTY  
22 UNDER § 13–207(A)(12) OF THE TAX – PROPERTY ARTICLE;23 (III) A SALE BY A LENDER OR AN AFFILIATE OR A  
24 SUBSIDIARY OF A LENDER THAT ACQUIRED REAL PROPERTY BY FORECLOSURE  
25 OR DEED IN LIEU OF FORECLOSURE;26 (IV) A SHERIFF’S SALE, TAX SALE, OR SALE BY  
27 FORECLOSURE, PARTITION, OR COURT-APPOINTED TRUSTEE;28 (V) A TRANSFER BY A FIDUCIARY IN THE COURSE OF THE  
29 ADMINISTRATION OF A DECEDENT’S ESTATE, GUARDIANSHIP,  
30 CONSERVATORSHIP, OR TRUST;

1                   **(VI) A TRANSFER OF SINGLE FAMILY RESIDENTIAL REAL**  
2 **PROPERTY TO BE CONVERTED BY THE BUYER INTO A USE OTHER THAN**  
3 **RESIDENTIAL USE OR TO BE DEMOLISHED; OR**

4                   **(VII) A SALE OF UNIMPROVED REAL PROPERTY.**

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

12                   **(2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF**  
13 **THIS SUBSECTION SHALL BE:**

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

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

22                   **(3) IN ADDITION TO THE INFORMATION REQUIRED UNDER**  
23 **PARAGRAPH (1) OF THIS SUBSECTION, A VENDOR MAY PROVIDE TO**  
24 **PROSPECTIVE PURCHASERS A HOME ENERGY RATING (HERS INDEX), A U.S.**  
25 **DEPARTMENT OF ENERGY HOME ENERGY SCORE, OR EQUIVALENT SCORE**  
26 **OBTAINED DURING THE 12-MONTH PERIOD BEFORE THE PROPERTY WAS FIRST**  
27 **MARKETED FOR SALE.**

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

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

34                   **(C) THE FAILURE OF A SELLER TO PROVIDE A PURCHASER WITH THE**  
35 **INFORMATION LISTED UNDER SUBSECTION (B) OF THIS SECTION DOES NOT GIVE**

1 **THE PURCHASER THE RIGHT TO RESCIND A CONTRACT OF SALE BASED ON THE**  
2 **FAILURE OF THE SELLER TO COMPLY WITH THIS SECTION.**

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2013.