A BILL ENTITLED

AN ACT concerning

Real Estate Transactions – Prospective Buyer Communications – Personal Information

FOR the purpose of prohibiting a seller’s agent from providing to a seller certain communications from a prospective buyer containing personal information or characteristics of the prospective buyer; and generally relating to real estate transactions and personal information of prospective buyers.

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions
Section 17–101(a) and (l) and 17–528(a), (c), and (m)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to

Article – Business Occupations and Professions
Section 17–527.5
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Business Occupations and Professions

17–101.

(a) In this title the following words have the meanings indicated.

(l) “Provide real estate brokerage services” means to engage in any of the following activities:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(1) for consideration, providing any of the following services for another person:

   (i) selling, buying, exchanging, or leasing any real estate; or

   (ii) collecting rent for the use of any real estate;

(2) for consideration, assisting another person to locate or obtain for purchase or lease any residential real estate;

(3) engaging regularly in a business of dealing in real estate or leases or options on real estate;

(4) engaging in a business the primary purpose of which is promoting the sale of real estate through a listing in a publication issued primarily for the promotion of real estate sales;

(5) engaging in a business that subdivides land that is located in any state and sells the divided lots; or

(6) for consideration, serving as a consultant regarding any activity set forth in items (1) through (5) of this subsection.

17–527.5.

(A) This section is intended to prevent a seller from selecting a buyer on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, familial status, or disability in violation of the Federal Fair Housing Act.

(B) Except as provided in subsection (c) of this section, a seller’s agent, as defined in § 17–528 of this subtitle, may not provide a seller with a communication from a prospective buyer that contains personal information or characteristics of the prospective buyer.

(C) Subsection (b) of this section does not apply to the provision of customary documents and information that are necessary for a real estate transaction.

17–528.

(a) In this Part III of this subtitle the following words have the meanings indicated.

(c) “Brokerage agreement” means a written agreement between a broker and a
client to provide real estate brokerage services under a brokerage relationship.

(m) “Seller’s agent” means a licensed real estate broker who, in accordance with a written brokerage agreement, acts as the listing broker for real estate, or a licensed associate real estate broker or licensed real estate salesperson who is affiliated with the listing broker.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.