

Chapter 776

(House Bill 200)

AN ACT concerning

Sale of Residential Real Property – Required Flood Risk Disclosure

FOR the purpose of requiring the Department of the Environment to develop, publish, and maintain a real property flood risk disclosure statement form that includes certain information about a property’s flood risk and history; requiring, beginning on a certain date, a vendor of certain residential real property to provide the purchaser with a completed real property flood risk disclosure statement form before entering into a contract for the sale of the property; and generally relating to flood risk disclosures and the sale of residential real property.

BY adding to

Article – Environment

Section 5–810

Annotated Code of Maryland

(2013 Replacement Volume and 2025 Supplement)

BY adding to

Article – Real Property

Section 10–716

Annotated Code of Maryland

(2023 Replacement Volume and 2025 Supplement)

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

Article – Environment

5–810.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FEMA ELEVATION CERTIFICATE” MEANS THE CERTIFICATE ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY THAT CERTIFIES OFFICIAL ELEVATION AND BUILDING DATA FOR A PROPERTY LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA IN ORDER TO INFORM FLOOD INSURANCE PREMIUMS.

(3) “MODERATE–RISK FLOOD HAZARD AREA” MEANS AN AREA THAT IS:

(I) IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS HAVING A 0.2% CHANCE OF ANNUAL FLOODING; AND

(II) COMMONLY KNOWN AS THE 500-YEAR FLOODPLAIN.

(4) “SPECIAL FLOOD HAZARD AREA” MEANS AN AREA THAT IS:

(I) IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS HAVING A 1% CHANCE OF ANNUAL FLOODING; AND

(II) COMMONLY KNOWN AS THE 100-YEAR FLOODPLAIN.

(B) (1) THE DEPARTMENT SHALL DEVELOP, PUBLISH, AND MAINTAIN A REAL PROPERTY FLOOD RISK DISCLOSURE STATEMENT FORM FOR USE IN CONNECTION WITH A SALE OF RESIDENTIAL REAL PROPERTY AS PROVIDED IN § 10-716 OF THE REAL PROPERTY ARTICLE.

(2) THE FLOOD RISK DISCLOSURE STATEMENT FORM SHALL, AT MINIMUM, INCLUDE THE FOLLOWING INFORMATION:

(I) WHETHER THE PROPERTY IS LOCATED WHOLLY OR PARTLY WITHIN A SPECIAL FLOOD HAZARD AREA;

(II) WHETHER THE PROPERTY IS LOCATED WHOLLY OR PARTLY WITHIN A MODERATE-RISK FLOOD HAZARD AREA;

(III) WHETHER THE PROPERTY IS SUBJECT TO A REQUIREMENT UNDER FEDERAL LAW THAT REQUIRES THE OWNER TO OBTAIN AND MAINTAIN FLOOD INSURANCE;

(IV) WHETHER THE VENDOR HAS KNOWLEDGE OF ANY PAST OCCURRENCE WHERE AN OWNER RECEIVED AID FOR FLOOD DAMAGE ON THE PROPERTY FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE U.S. SMALL BUSINESS ADMINISTRATION, OR OTHER FEDERAL DISASTER ASSISTANCE PROGRAM;

(V) WHETHER THE VENDOR CURRENTLY HAS FLOOD INSURANCE FOR THE PROPERTY;

(VI) WHETHER THERE IS A FEMA ELEVATION CERTIFICATE AVAILABLE FOR THE PROPERTY;

(VII) WHETHER THE VENDOR HAS KNOWLEDGE OF ANY CLAIMS FILED FOR FLOOD DAMAGE TO THE PROPERTY, INCLUDING WITH THE NATIONAL FLOOD INSURANCE PROGRAM; AND

(VIII) WHETHER THE VENDOR HAS KNOWLEDGE THAT THE PROPERTY EXPERIENCES, OR HAS EXPERIENCED, ANY FLOOD DAMAGE, WATER SEEPAGE, OR POOLED WATER DUE TO A NATURAL FLOODING EVENT, INCLUDING FLOODING CAUSED BY HEAVY RAINFALL, A COASTAL STORM SURGE, TIDAL INUNDATION, OR RIVER OVERFLOWS.

Article – Real Property

10-716.

(A) IN THIS SECTION, “FEMA ELEVATION CERTIFICATE” HAS THE MEANING STATED IN § 5-810 OF THE ENVIRONMENT ARTICLE.

(B) (1) THIS SECTION APPLIES ONLY TO RESIDENTIAL REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY UNITS.

(2) THIS SECTION DOES NOT APPLY TO:

(I) THE INITIAL SALE OF A SINGLE FAMILY RESIDENCE THAT:

1. HAS NEVER BEEN OCCUPIED; OR

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

(II) A TRANSFER OF PROPERTY THAT IS EXEMPT FROM THE TRANSFER TAX UNDER § 13-207 OF THE TAX – PROPERTY ARTICLE, EXCEPT:

1. A LAND INSTALLMENT CONTRACT OF SALE; OR

2. AN OPTION TO PURCHASE REAL PROPERTY;

(III) A SALE BY A LENDER, OR AN AFFILIATE OF A LENDER, THAT ACQUIRED THE 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;

(V) A TRANSFER BY A FIDUCIARY IN THE COURSE OF ADMINISTERING A DECEDENT’S ESTATE, GUARDIANSHIP, CONSERVATORSHIP, OR TRUST;

(VI) A TRANSFER OF A SINGLE FAMILY RESIDENTIAL REAL PROPERTY THAT THE BUYER WILL CONVERT INTO A USE OTHER THAN RESIDENTIAL; OR

(VII) A SALE OF UNIMPROVED REAL PROPERTY.

~~(B)~~ **(C) BEGINNING JULY 1, 2027, BEFORE ENTERING INTO A CONTRACT OF SALE, A VENDOR OF RESIDENTIAL REAL PROPERTY SHALL PROVIDE TO THE PURCHASER:**

(1) A COMPLETED FLOOD RISK DISCLOSURE STATEMENT FORM DEVELOPED AND PUBLISHED BY THE DEPARTMENT OF THE ENVIRONMENT UNDER § 5–810 OF THE ENVIRONMENT ARTICLE; AND

(2) IF APPLICABLE:

~~(I) A AVAILABLE, A COPY OF THE FEMA ELEVATION CERTIFICATE FOR THE PROPERTY;~~

~~(II) AN ACCOUNTING OF ANY MONEY RECEIVED FROM CLAIMS FILED FOR FLOOD DAMAGE TO THE PROPERTY; AND~~

~~(III) THE NUMBER OF TIMES FLOODING EVENTS HAVE OCCURRED ON THE PROPERTY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 1, 2027, the Department of the Environment shall publish the flood risk disclosure statement form required under § 5–810 of the Environment Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 26, 2026.