



# Real Property Section

---

**To:** Environment and Transportation Committee

**From:** Legislative Committee of the Real Property Section Counsel

**Date:** March 4, 2022 [Hearing Date March 8, 2022]

**Subject:** **HB 1345** – Sales of Residential Real Property - Offers to Purchase and Transfer Tax

**Position:** **Unfavorable**

---

The Real Property Section Counsel of the Maryland State Bar Association (MSBA) **opposes House Bill 1345** – Sales Residential Real Property – Offers to Purchase and Transfer Tax. The bill seeks to impose a prior restraint on the alienation of real property. Is that constitutionally allowed?

Furthermore, how could a seller know whether the buyer holds title to more than \$12 million worth of real estate in the county? How would the County know? How would a settlement company know? What happens when a deed is recorded, and it is subsequently discovered that the buyer holds more than \$12 million worth of property? What happens if the seller accepts an offer from such person or entity within 30 days? This statute is totally unworkable.

For these reasons, the Real Property Section Counsel of the MSBA **opposes HB 1345** and asks for an **unfavorable report**. Thank you for your consideration.