



# Real Property Section

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**To:** Environment and Transportation Committee

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

**Date:** March 3, 2023 [Hearing Date March 7, 2023]

**Subject:** **HB 1121** – Real Property - Residential Contract of Sale - Buyer Privacy

**Position:** **Oppose**

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The Real Property Section Counsel of the Maryland State Bar Association (MSBA) **opposes House Bill 1121** – Real Property - Residential Contract of Sale - Buyer Privacy. The bill seeks authorize a buyer of residential real estate to remain anonymous. This is an exceptionally bad idea. It will cause nothing but confusion in connection with the sale of residential real property. Basic contract law requires execution of the agreement by the party to be charged. If this bill were to become law, that would no longer happen in Maryland.

The bill seeks to make the seller the person making the offer that can be accepted or rejected upon presentment to the buyer by the seller. The seller cannot accept an offer until made by the buyer. By not executing the contract by the time the contract is presented to the seller, the buyer has committed to nothing. Once the seller signs the contract, the buyer is free to accept or reject the seller's offer.

A buyer's broker agreement has nothing to do with the contractual relationship between the buyer and the seller, and thus, is meaningless in this context.

For these reasons, the Real Property Section Counsel of the MSBA **opposes HB 1121** and asks for an **unfavorable report**. Thank you for your consideration.