

# HOUSE BILL 1121

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By: **Delegate Bridges**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Residential Contracts of Sale – Buyer Privacy**

3 FOR the purpose of prohibiting a contract of sale for single–family residential real property  
4 from containing the name of an individual buyer prior to acceptance of the contract  
5 of sale by the seller; and generally relating to residential contracts of sale.

6 BY adding to  
7 Article – Real Property  
8 Section 10–713  
9 Annotated Code of Maryland  
10 (2015 Replacement Volume and 2022 Supplement)

11 Preamble

12 WHEREAS, Under § 20–702 of the State Government Article, it is the policy of the  
13 State to provide for fair housing throughout the State to all, regardless of race, color,  
14 religion, sex, familial status, national origin, marital status, sexual orientation, gender  
15 identity, disability, or source of income; and

16 WHEREAS, The name of a buyer of real property, where the buyer is a natural  
17 person, can hold or be used to access information about certain of these protected  
18 classifications; and

19 WHEREAS, Advances in modern technology have increased access to personal  
20 information that may be indicative of a person’s membership in a protected class; and

21 WHEREAS, Fair housing guidelines and protections alone are inadequate to protect  
22 citizens against the intentional or unintentional misuse of available information about a  
23 buyer of real property; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The act of removing the buyer's name from the contract of sale, prior to  
2 contract acceptance, will help eliminate bias, intentional or otherwise, in housing decisions;  
3 now, therefore,

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

6 **Article – Real Property**

7 **10–713.**

8 **(A) (1) THIS SECTION APPLIES ONLY TO A CONTRACT OF SALE FOR**  
9 **SINGLE-FAMILY RESIDENTIAL REAL PROPERTY THAT AN INDIVIDUAL BUYER**  
10 **EXECUTES WITH THE SERVICES OF A REAL ESTATE BROKER.**

11 **(2) THIS SECTION DOES NOT APPLY TO A PURCHASE BY:**

12 **(I) A CORPORATE OR OTHER BUSINESS ENTITY; OR**

13 **(II) A FIDUCIARY ACTING FOR THE BENEFIT OF A THIRD PARTY.**

14 **(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ELIMINATE BIAS,**  
15 **INTENTIONAL OR OTHERWISE, IN HOUSING DECISIONS CONCERNING THE SALE OF**  
16 **SINGLE-FAMILY RESIDENTIAL REAL PROPERTY TO AN INDIVIDUAL BUYER BY**  
17 **REMOVING THE NAME OF THE BUYER FROM THE CONTRACT OF SALE PRIOR TO**  
18 **ACCEPTANCE OF THE CONTRACT BY THE SELLER.**

19 **(C) A RESIDENTIAL CONTRACT OF SALE MAY NOT CONTAIN THE NAME OF AN**  
20 **INDIVIDUAL BUYER PRIOR TO ACCEPTANCE OF THE CONTRACT BY THE SELLER.**

21 **(D) BEFORE OR DURING THE PREPARATION OF A RESIDENTIAL CONTRACT**  
22 **OF SALE, THE INDIVIDUAL BUYER SHALL EXECUTE WITH THE BUYER'S REAL ESTATE**  
23 **BROKER:**

24 **(1) A BUYER-BROKER AGREEMENT; OR**

25 **(2) AN UNREPRESENTED BUYER AGREEMENT THAT:**

26 **(I) IDENTIFIES THE BUYER AS AN INDIVIDUAL; AND**

27 **(II) STATES THAT THE BUYER:**

28 **1. HAS NOT MISREPRESENTED THE BUYER'S STATUS AS**  
29 **AN INDIVIDUAL;**

1                   **2. HAS NOT BEEN CONVICTED OF FRAUD FOR A**  
2 **MISREPRESENTATION MADE IN CONNECTION WITH THE PURCHASE OF RESIDENTIAL**  
3 **REAL PROPERTY; AND**

4                   **3. INTENDS TO OCCUPY THE RESIDENTIAL REAL**  
5 **PROPERTY AS THE INDIVIDUAL BUYER'S PRINCIPAL PLACE OF RESIDENCE.**

6           **(E) NOTHING IN THIS SECTION MAY BE INTERPRETED TO AFFECT**  
7 **REQUIREMENTS REGARDING THE IDENTIFICATION OF AN INDIVIDUAL BUYER:**

8                   **(1) IN A DEED OR OTHER INSTRUMENT OFFERED FOR RECORDATION**  
9 **IN THE LAND RECORDS UNDER TITLE 3 OF THIS ARTICLE;**

10                   **(2) IN A MORTGAGE APPLICATION, MORTGAGE, OR DEED OF TRUST**  
11 **SECURED BY RESIDENTIAL REAL PROPERTY;**

12                   **(3) MARKING THE INDIVIDUAL BUYER'S INITIALS ON THE**  
13 **RESIDENTIAL CONTRACT OF SALE AS VALID AND BINDING ACCORDING TO THE**  
14 **STATUTE OF FRAUDS; OR**

15                   **(4) ON THE RESIDENTIAL CONTRACT OF SALE AT THE TIME OF**  
16 **CONTRACT ACCEPTANCE BY THE SELLER.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
18 apply only prospectively and may not be applied or interpreted to have any effect on or  
19 application to any residential contract of sale before the effective date of this Act.

20           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2023.