

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-111-2012

Chapter No. 93

Proposed and Presented by Council Member Patterson

Introduced by Council Member Patterson

Co-Sponsors _____

Date of Introduction October 23, 2012

BILL

1 AN ACT concerning

2 Water and Sewer Cost Disclosure

3 For the purpose of requiring a seller to provide certain information relating to water and sewer
4 service costs and bills to a buyer who submits an offer to purchase a single family home; and
5 generally relating to real property, energy, and environmental policy.

6 BY repealing and reenacting:

7 SUBTITLE 2. ADMINISTRATION.

8 Section 2-162.01,

9 The Prince George's County Code

10 (2007 Edition, 2010 Supplement).

11 BY repealing and reenacting:

12 SUBTITLE 13. HOUSING AND PROPERTY
13 STANDARDS.

14 Section 13-1107,

15 The Prince George's County Code

16 (2007 Edition, 2010 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Section 2-162.01, of the Prince George's County Code be and the same is hereby
19 repealed and reenacted:

20 SUBTITLE 2. ADMINISTRATION.

21 SUBDIVISION 2. REAL ESTATE PRACTICES.

1 **Sec. 2-162.01. Contracts for the sale of real property.**

2 (a) All contracts for the sale of real property located in this County shall contain the
3 following terms of sale, or other wording identical in its effect:

4 * * * * *

5 (g) Any contract for the sale of residential real property located in this County, for
6 which there are deferred private water and sewer assessments recorded by a covenant or
7 declaration deferring costs for water and sewer improvements (front foot benefit charge) for
8 which the purchaser may be liable, shall contain disclosure of this condition, including the
9 amount of the annual assessment, the approximate number of years remaining on the assessment,
10 the name and address of the party most recently responsible for collection of the assessment, by
11 the seller (owner) at the time the contract is signed.

12 [(g)] (h) The failure of a contract to comply with the requirements of Subsections (a),
13 (b), (c), [and] (d), and (g) shall enable a party to the contract who is aggrieved by such failure to
14 rescind the contract at any time prior to settlement. The right of rescission provided by this
15 Subsection is not an exclusive remedy, and any other right or cause of action available to a party
16 to the sales contract shall remain.

17 [(h)] (i) No contract for the sale of real property located in the County shall contain any
18 statement in violation of Sections 29-124 and 29-125.

19 (j) Notwithstanding any other provision of this Division, the jurisdiction of the
20 Department of Environmental Resources shall not extend to this Subdivision except for the
21 purpose of assisting in consumer education and information as to the requirements of this
22 Section.

23 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
24 Maryland, that Section 13-1107, of the Prince George's County Code be and the same is hereby
25 repealed and reenacted:

26 **SUBTITLE 13. HOUSING AND PROPERTY**
27 **STANDARDS.**
28 **DIVISION 13. UTILITY DISCLOSURE AND**
29 **HOME ENERGY AUDITS.**

30 * * * * *

31 **Sec. 13-1107. Duties and responsibilities.**

1 (a) A seller of single family residential real property shall provide, on written request,
2 copies of electric, gas, water, sewer and home heating oil bills, or a document detailing the
3 monthly electric, gas, water, sewer and home heating oil usage of the residential property, for the
4 12-month period [before the property was first marketed for sale] preceding the date the contract
5 is signed. If the seller did not occupy the single-family home for the entire prior 12 months
6 preceding the date the contract is signed, the seller must provide the buyer, on written request,
7 with the required information for that part of the prior 12 months, if any, that the seller occupied
8 the single-family home.

9 (b) The information required under § 13-1107(a) shall be provided if the request is
10 made [by a prospective buyer who has signed and submitted an offer to purchase] at the time the
11 contract is signed and the seller has access to the information.

12 * * * * *

13 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
14 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
15 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
16 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
17 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
18 Act, since the same would have been enacted without the incorporation in this Act of any such
19 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

20 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
21 calendar days after it becomes law.

Adopted this 20th day of November, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged