

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2003 Legislative Session

Bill No. CB-45-2003
 Chapter No. 39
 Proposed and Presented by Council Member Dean
 Introduced by Council Members Dean and Peters
 Co-Sponsors _____
 Date of Introduction July 8, 2003

BILL

1 AN ACT concerning

2 General Aviation Airport Environment Disclosure Notice

3 For the purpose of amending the role of real estate agents in disclosing the proximity of certain
 4 airports in real estate contracts.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 2. ADMINISTRATION.

7 Section 2-162.01,

8 The Prince George's County Code

9 (1999 Edition, 2002 Supplement, as amended by CB-15-2003).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Section 2-162.01 of the Prince George's County Code be and the same is hereby
 12 repealed and reenacted with the following amendments:

13 SUBTITLE 2. ADMINISTRATION.

14 DIVISION 8. CONSUMER PROTECTION.

15 Subdivision 2. Real Estate Practices.

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

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

19 "Seller(s) certifies that Seller(s) has no knowledge of any published preliminary or adopted land
 20 use plan (or adopted Zoning Map Amendment) which may result in condemnation or taking of
 21 any part of Seller's(s') property. Purchaser(s) acknowledge(s) that Purchaser(s) is aware that
 22 information relative to (1) government plans for land use, roads, highways, parks, transportation,

1 etc., and (2) rezoning is available for inspection at the County Administration Building, Upper
2 Marlboro, Maryland."

3 (b) Any contract for the sale of residential real property located in this County, for which
4 the Department of Public Works and Transportation has recorded a covenant deferring future
5 costs for street improvements for which the purchaser may be liable, shall contain disclosure of
6 this condition by the seller (owner).

7 (c) Any contract for the sale of residential real property that is located within one mile of a
8 general aviation airport, as defined in Section 27-107.01 of the County Code, shall include, as an
9 attachment to the contract of sale, a General Aviation Airport Environment Disclosure Notice, in
10 a form approved by the Planning Board. The General Aviation Airport Environment Disclosure
11 Notice shall be dated and signed by the purchaser(s) and the seller(s). If the seller is represented
12 by a real estate agent, the agent shall [witness the signature(s) of the seller(s)] ensure that the
13 Disclosure Notice is provided to the purchaser, or purchaser's agent.

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

19 (e) No contract for the sale of real property located in the County shall contain any
20 statement in violation of Sections 29-124 and 29-125.

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

1 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this 29th day of July, 2003.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
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.