

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2006 Legislative Session

Bill No. CB-22-2006
 Chapter No. 15
 Proposed and Presented by Council Member Knotts
 Introduced by Council Members Knotts, Peters, Dean, Exum, Harrington, Bland, Dernoga
 Co-Sponsors _____
 Date of Introduction June 13, 2006

BILL

1 AN ACT concerning

2 Notice to Purchasers of Real Estate

3 For the purpose of amending the wording required in the notice that sellers must give to
 4 purchasers of residential real property, to correct an inadvertent error in the legislation that
 5 imposed the notice requirement.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 2. ADMINISTRATION.

8 Section 2-162.01,

9 The Prince George's County Code

10 (2003 Edition, 2005 Supplement).

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 13 repealed and reenacted with the following amendments:

14 SUBTITLE 2. ADMINISTRATION.

15 DIVISION 8. CONSUMER PROTECTION.

16 Subdivision 2. Real Estate Practices.

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

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

20 "Seller(s) certifies that Seller(s) has no knowledge of any published preliminary or
 21 adopted land use plan (or adopted Zoning Map Amendment) which may result in

condemnation or taking of any part of Seller's(s') property. Purchaser(s) acknowledge(s) that Purchaser(s) is aware that information relative to (1) government plans for land use, roads, highways, parks, transportation, etc., and (2) rezoning is available for inspection at the County Administration Building, Upper Marlboro, Maryland."

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

(c) Any contract for the sale of residential real property located in this County, for which the seller does not hold record title or a Land Records receipt for recording at the time the contract is signed, shall be accompanied by the following notice, on a separate sheet no smaller than the largest contract page:

NOTICE TO PURCHASERS

PLEASE TAKE NOTICE that the Seller of the Property in this Contract Does Not Presently Hold Title to the Property, in the Land Records of Prince George's County.

[IF THE SELLER of the Property Does Not Presently Hold Title, this Contract May Be Rescinded by the Purchaser, Made Void and of No Effect.]

COUNTY LAW REQUIRES THE SELLER [IS REQUIRED] to Inform the Purchaser, at the Time the Contract is Signed, that the Seller Does Not Presently Hold Title to the Property.

This notice shall be signed and dated by purchaser and seller at the time the contract is signed, and copies shall be retained by purchaser and seller as part of the contract. Any person who violates requirements in this Subsection is guilty of a misdemeanor and subject to the penalties provided in Subtitle 1.

(d) Any contract for the sale of residential real property that is located within one (1) mile of a general aviation airport, as defined in Section 27-107.01 of the County Code, shall include, as an attachment to the contract of sale, a General Aviation Airport Environment Disclosure Notice, in a form approved by the Planning Board. The General Aviation Airport Environment Disclosure Notice shall be dated and signed by the purchaser(s) and the seller(s). If the seller is represented by a real estate agent, the agent shall ensure that the Disclosure Notice is provided to the purchaser, or purchaser's agent.

(e) Any contract for the sale of residential real property located in this County which is subject to a Tree Conservation Plan shall be accompanied by the following notice, on a separate sheet no smaller than the largest contract page:

NOTICE TO PURCHASERS

PLEASE TAKE NOTICE that the Property in this Contract is subject to a Tree Conservation Plan that requires the conservation and protection of the trees and other woody plants that comprise the woodland and restricts the use of the property by the owner within the Tree Conservation Plan area. Failure of the owner of the Property to protect the woodland in a Tree Conservation Area may result in a fine and an obligation to restore the woodland or mitigate the damage to the woodland through the payment of money or other appropriate means.

THE SELLER IS REQUIRED to inform the Purchaser at the time the Contract is signed, that the property is subject to a Tree Conservation Plan and provide a copy of a plat of the property that depicts the area subject to the Tree Conservation Plan.

This notice shall be signed and dated by purchaser and seller at the time the contract is signed, and copies shall be retained by purchaser and seller as part of the contract. Any person

1 who violates requirements in this Subsection is guilty of a misdemeanor and subject to the
2 penalties provided in Subtitle 1.

3 A purchaser who does not receive the Notice to Purchaser on or before the date the
4 contract of sale is entered into may rescind the contract within five (5) days following receipt of
5 the Notice to Purchaser.

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

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

13 (h) Notwithstanding any other provision of this Division, the jurisdiction of the
14 Department of Environmental Resources shall not extend to this Subdivision except for the
15 purpose of assisting in consumer education and information as to the requirements of this
16 Section.

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

Adopted this 11th day of July, 2006.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chairman

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.