

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

Bill No. CB-15-2003

Chapter No. 22

Proposed and Presented by Council Member Dean

Introduced by Council Members Dean, Knotts and Peters

Co-Sponsors _____

Date of Introduction May 13, 2003

BILL

1 AN ACT concerning

2 General Aviation Airport Environment Disclosure Notice

3 For the purpose of amending the Consumer Protection laws of the County to require disclosure
4 in real estate contracts of the proximity of certain airports and to provide certain remedies to
5 purchasers for the failure to provide the required notice.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 2. ADMINISTRATION.

8 Section 2-162.01,

9 The Prince George's County Code

10 (1999 Edition, 2002 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13 repealed and reenacted with the following amendments: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 adopted land
21 use plan (or adopted Zoning Map Amendment) which may result in condemnation or taking of

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

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

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

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

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

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

26

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 17th day of June, 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.