

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 6/17/2003

Reference No.: CB-15-2003

Proposer: Dean

Draft No.: 2

Sponsors: Dean, Knotts, Peters

Item Title: An Act amending the Consumer Protection laws of the County to require disclosure in real estate contracts of the proximity of certain airports and to provide certain remedies to purchasers for the failure to provide the required notice

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Eugene L. Singleton
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 3/18/2003

Executive Action: 6/26/2003 S

Committee Referral: 3/18/2003 THE

Effective Date: 8/11/2003

Committee Action: 5/05/2003 FAV(A)

Date Introduced: 5/13/2003

Public Hearing: 6/10/2003 10:00 A.M.

Council Action: 6/17/2003 ENACTED

Council Votes: PS:A, MB:A, SHD:A, TD:A, CE:A, DCH:A; TH:A, TK:A, DP:A

Pass/Fail: P

Remarks: _____

TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE DATE: 5/05/03

Committee Vote: Favorable as Amended, 5-0 (In favor: Council Members Dean, Bland, Dernoga, Peters and Shapiro)

Staff gave an overview of CB-15-2003 and informed the Committee of referral comments that were received. CB-15-2003 amends the Consumer Protection laws contained in the County Code to require residential real estate contracts to include a notice to prospective purchasers that the property is located within one mile of a general aviation airport. CB-15-2003 requires that the notice be on a form provided by the Planning Board and be signed by the seller, purchaser, and any real estate agent representing the seller. The Planning Board approved a form in

September 2002 that provides for the signatures of the owner and the prospective purchaser of the property.

The Planning Board provided written comments in support and recommends that if the Council approves CB-15-2003, the Planning Board should approve a revised form that provides for the signature of the real estate agent.

The Prince George's County Association of Realtors, Inc., provided written comments in opposition to CB-15-2003. Their concern is that a residential contract of sale is between a buyer and seller. Third parties, like real estate agents, mortgage brokers, home inspectors, etc., are not part of the contract and should not be a signatory to the contract.

CB-15-2003 was amended to require the real estate agent to sign the statement as a witness. The Legislative Officer finds CB-15-2003 to be in proper legislative form. Correspondence was received from Aircraft Owners and Pilots Association (AOPA) in support of CB-15-2003.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

In 2002, the Council amended the Zoning Ordinance to regulate the areas around general aviation airports and to require disclosure in deeds and covenants of the existence and proximity of a general aviation airport to residential areas. Because disclosure in land records is usually provided too late for a purchaser to make an informed decision about assuming the risks of living near airports, the proposed legislation requires such disclosure at the time of contracting for residential property. The proposed disclosure will be based upon the regulations contained in the Zoning Ordinance and will use forms prepared by the Planning Board.

CODE INDEX TOPICS: