COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Praisner, Berlage, and Leggett

AN EMERGENCY ACT to:

(1) require certain disclosures to buyers of real property located in a special protection area;
(2) require buyers of certain real property to indicate whether they received certain information about special protection areas and water quality review; and
(3) generally amend the law governing disclosure of information in real estate transactions.

By adding

Montgomery County Code
Chapter 40, Real Property
Section [[40-13]] 40-12

By renumbering

Chapter 40, Real Property
Section 40-12

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Chapter 40 is amended by adding Section [[40-13]] 40-12 and
renumbering existing Section 40-12:


(a) If any real property is located in an area designated as a special
protection area under Section 19-62, the seller must disclose that fact to
each prospective buyer before the buyer signs a contract for the sale of
the property.

(b) A prospective buyer must indicate, by signing an addendum to the
contract or a separate section of the contract printed in boldface type in
a clearly demarcated box, that:

(1) the seller has provided the information required by subsection (a);

and

(2) the buyer understands that special water quality measures [[are
required as part of a proposed development plan, diagrammatic
plan, schematic development plan, project plan, preliminary plan
of subdivision, site plan, or special exception, as provided in
Section 19-64]] and certain restrictions on land uses and
impervious surfaces may apply to this property.

[[40-12]] 40-13. Other disclosure requirements not affected.

This Article does not supersede or otherwise affect any duty of a property
seller, real estate agent, or broker to fully disclose all specific facts relevant to or
affecting any property, imposed by any other law or regulation or any common law
principle.

Sec. 2. Emergency Effective Date.
The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This act takes effect on the date on which it becomes law.

Sec. 3. Effective Date. Section [[40-13]] 40-12, added by this act, takes effect on January 1, 2001, and applies to any contract for the sale of real property signed on or after that date except a contract for the sale of a single-family residence. Section 40-12 applies to any contract for the sale of a single-family residence signed on or after April 1, 2001.

Approved:

Michael L. Subin, President, County Council

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council