

Emergency Bill No. 24-00
Concerning: Real Property - Disclosure -
Special Protection Areas
Revised: 9-29-00 Draft No. 3
Introduced: August 1, 2000
Enacted: October 3, 2000
Executive: October 13, 2000
Effective: October 13, 2000
Sunset Date: None
Ch. 28, Laws of Mont. Co. 2000

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

Boldface
Underlining
[Single boldface brackets]
Double underlining
[[Double boldface brackets]]
* * *

Heading or defined term.
Added to existing law by original bill.
Deleted from existing law by original bill.
Added by amendment.
Deleted from existing law or the bill by amendment.
Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Chapter 40 is amended by adding Section ~~[[40-13]] 40-12 and~~**
 2 **renumbering existing Section 40-12:**

3 **[[40-13]] 40-12. [Reserved] Disclosure of Location in Special Protection Area.**

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

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

11 **(1) the seller has provided the information required by subsection (a);**
 12 **and**

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

19 **[[40-12]] 40-13. Other disclosure requirements not affected.**


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

24 **Sec. 2. Emergency Effective Date.**

25 The Council declares that an emergency exists and that this legislation is
26 necessary for the immediate protection of the public health and safety. This act takes
27 effect on the date on which it becomes law.


28 **Sec. 3. Effective Date.** Section ~~[[40-13]]~~ 40-12, added by this act, takes effect
29 on January 1, 2001, and applies to any contract for the sale of real property signed on
30 or after that date except a contract for the sale of a single-family residence. Section
31 40-12 applies to any contract for the sale of a single-family residence signed on or
32 after April 1, 2001.

33 *Approved:*

34 
Michael L. Subin, President, County Council

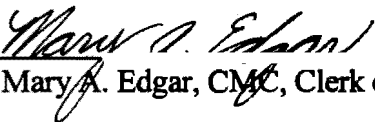
10/6/00
Date

35 *Approved:*

36 
Douglas M. Duncan, County Executive

10/13/00
Date

37 *This is a correct copy of Council action.*

38 
Mary A. Edgar, CMC, Clerk of the Council

10/12/00
Date