

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

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By: Councilmembers Praisner, Berlage, and Leggett

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**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

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*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 impervious 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	/S/	10/6/00
	Michael L. Subin, President, County Council	Date

35 *Approved:*

36	/S/	10/13/00
	Douglas M. Duncan, County Executive	Date

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

38	/S/	10/16/00
	Mary A. Edgar, CMC, Clerk of the Council	Date