

SENATE BILL 952

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0lr3365
CF 0lr2028

By: **Senators Conway, Currie, Dyson, Exum, Frosh, Harrington, Harris, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, and Pugh**
Introduced and read first time: February 18, 2010
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Home Sales – Disclosure of Utility Consumption**

3 FOR the purpose of requiring a vendor of single family residential property to include
4 certain utility information for a certain time period in a certain listing;
5 requiring the vendor to submit certain utility information to the Maryland
6 Association of Realtors under certain circumstances; requiring the vendor to
7 provide to the purchaser, before signing a sales contract, certain materials and
8 certain utility information; requiring the Maryland Association of Realtors to
9 develop and maintain a certain website; requiring the website developed under
10 this Act to publish certain utility information; providing for the scope of this
11 Act; defining certain terms; providing for the application of this Act; and
12 generally relating to disclosure of utility consumption prior to the sale of single
13 family residential property.

14 BY repealing and reenacting, without amendments,
15 Article – Real Property
16 Section 1–101(l) and (n)
17 Annotated Code of Maryland
18 (2003 Replacement Volume and 2009 Supplement)

19 BY adding to
20 Article – Real Property
21 Section 10–702.1
22 Annotated Code of Maryland
23 (2003 Replacement Volume and 2009 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Real Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 1-101.

2 (l) "Purchaser" has the same meaning as buyer or vendee.

3 (n) "Vendor" has the same meaning as seller.

4 **10-702.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) "FACT SHEET" MEANS A PUBLICATION CREATED BY THE
8 MARYLAND ASSOCIATION OF REALTORS THAT GIVES INFORMATION ABOUT
9 HOME ENERGY EFFICIENCY IMPROVEMENTS, INCLUDING HOME ENERGY AUDITS
10 THAT IS AVAILABLE:

11 (I) IN HARD COPY; AND

12 (II) ON THE MARYLAND ASSOCIATION OF REALTORS
13 PUBLIC PORTAL WEBSITE.

14 (3) "HOME ENERGY AUDITS" MEANS AN EVALUATION OF THE
15 ENERGY EFFICIENCY OF RESIDENTIAL PROPERTY THAT INCLUDES ANY TEST OR
16 DIAGNOSTIC MEASUREMENT THAT THE MARYLAND DEPARTMENT OF THE
17 ENVIRONMENT DETERMINES IS NECESSARY TO:

18 (I) ENSURE THAT THE ENERGY EFFICIENCY OF
19 RESIDENTIAL PROPERTY IS ACCURATELY MEASURED; AND

20 (II) IDENTIFY STEPS THAT CAN BE TAKEN TO IMPROVE THE
21 ENERGY EFFICIENCY OF RESIDENTIAL PROPERTY.

22 (B) (1) THIS SECTION APPLIES ONLY TO SINGLE FAMILY
23 RESIDENTIAL REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY
24 UNITS.

25 (2) THIS SECTION DOES NOT APPLY TO THE INITIAL SALE OF
26 SINGLE FAMILY RESIDENTIAL REAL PROPERTY THAT HAS NEVER BEEN
27 OCCUPIED.

28 (C) AT THE TIME OF LISTING A SINGLE FAMILY RESIDENTIAL PROPERTY
29 FOR SALE, A VENDOR SHALL:

1 **(1) INCLUDE IN THE LISTING:**

2 **(i) COPIES OF ELECTRIC, GAS, AND HOME HEATING OIL**
3 **BILLS OR COST AND USAGE HISTORY FOR THE RESIDENTIAL PROPERTY FOR THE**
4 **12-MONTH PERIOD IMMEDIATELY BEFORE THE DATE OF THE LISTING; AND**

5 **(ii) INFORMATION ABOUT HOW TO ACCESS THE FACT SHEET**
6 **ONLINE; AND**

7 **(2) SUBMIT TO THE MARYLAND ASSOCIATION OF REALTORS**
8 **COPIES OF ELECTRIC, GAS, AND HOME HEATING OIL BILLS OR COST AND USAGE**
9 **HISTORY FOR THE RESIDENTIAL PROPERTY FOR THE 12-MONTH PERIOD**
10 **IMMEDIATELY BEFORE THE DATE OF THE LISTING.**

11 **(D) A VENDOR SHALL SUBMIT UPDATED UTILITY INFORMATION TO THE**
12 **MARYLAND ASSOCIATION OF REALTORS EVERY 6 MONTHS DURING THE PERIOD**
13 **THAT THE RESIDENTIAL REAL PROPERTY IS LISTED FOR SALE.**

14 **(E) UTILITY INFORMATION SUBMITTED UNDER SUBSECTIONS (C) AND**
15 **(D) OF THIS SECTION SHALL BE CALCULATED IN KILOWATT-HOURS PER SQUARE**
16 **FOOT.**

17 **(F) BEFORE SIGNING A CONTRACT FOR THE SALE OF SINGLE FAMILY**
18 **RESIDENTIAL PROPERTY, A VENDOR SHALL PROVIDE TO THE PURCHASER:**

19 **(1) COPIES OF ELECTRIC, GAS, AND HOME HEATING OIL BILLS OR**
20 **COST AND USAGE HISTORY FOR THE RESIDENTIAL PROPERTY FOR THE**
21 **12-MONTH PERIOD IMMEDIATELY BEFORE THE DATE OF THE SALE; AND**

22 **(2) A COPY OF THE FACT SHEET OR INFORMATION ABOUT HOW TO**
23 **ACCESS THE FACT SHEET ONLINE.**

24 **(G) IF THE VENDOR DID NOT OCCUPY THE RESIDENTIAL PROPERTY FOR**
25 **THE FULL 12-MONTH PERIOD BEFORE THE DATE OF THE SALE, THE VENDOR**
26 **SHALL PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTIONS (C), (D),**
27 **AND (F) OF THIS SECTION FOR THE PART OF THE 12-MONTH PERIOD THAT THE**
28 **VENDOR OCCUPIED THE RESIDENTIAL PROPERTY.**

29 **(H) (1) THE MARYLAND ASSOCIATION OF REALTORS SHALL**
30 **DEVELOP AND MAINTAIN A PUBLIC PORTAL ON A PUBLICLY ACCESSIBLE**
31 **WEBSITE.**

1 **(2) THE PUBLIC PORTAL SHALL PUBLISH THE UTILITY USAGE**
2 **INFORMATION SUBMITTED BY VENDORS UNDER SUBSECTIONS (C) AND (D) OF**
3 **THIS SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
5 construed to apply only prospectively and may not be applied or interpreted to have
6 any effect on or application to any listing for the sale of single family residential
7 property posted before the effective date of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2010.