

Chapter 427

(House Bill 642)

AN ACT concerning

Prince George's County – Real Property – Home Builders – Community Amenities

PG 407-10

FOR the purpose of ~~requiring a home builder that agrees to provide a community amenity to a community development located in Prince George's County to include certain information in the contract of sale; requiring a certain home builder to make a certain community amenity available by a certain date; providing for a certain penalty;~~ requiring a contract of sale for certain property in Prince George's County that includes a certain agreement to include a certain disclosure statement; requiring the disclosure statement to be dated and signed by the purchaser and the home builder and included in or attached to the contract of sale; providing that a certain purchaser has an unconditional right to rescind a certain contract of sale at a certain time and under certain circumstances; requiring certain advertising for a certain community development to include disclosure of certain requirements; providing that a certain home builder may be liable for breach of contract under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to home builders and disclosure of community amenities in Prince George's County.

BY adding to

Article – Real Property

Section 10-708

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)

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

Article – Real Property

10-708.

(A) IN THIS SECTION, “COMMUNITY AMENITY” INCLUDES:

(1) A COUNTRY CLUB;

- (2) A GOLF COURSE;
- (3) A HEALTH CLUB;
- (4) A PARK;
- (5) A SWIMMING POOL;
- (6) A TENNIS COURT; AND
- (7) A WALKING TRAIL.

~~(B) (1) A HOME BUILDER THAT AGREES TO PROVIDE A COMMUNITY AMENITY TO A COMMUNITY DEVELOPMENT LOCATED IN PRINCE GEORGE'S COUNTY SHALL INCLUDE IN THE CONTRACT OF SALE THE DATE BY WHICH THE COMMUNITY AMENITY WILL BE MADE AVAILABLE IN PRINCE GEORGE'S COUNTY, A CONTRACT OF SALE FOR RESIDENTIAL REAL PROPERTY THAT INCLUDES AN AGREEMENT BY THE HOME BUILDER TO PROVIDE A COMMUNITY AMENITY SHALL INCLUDE A DISCLOSURE STATEMENT THAT:~~

(I) IDENTIFIES THE COMMUNITY AMENITY PROVIDED IN THE CONTRACT OF SALE; AND

(II) SPECIFIES WHEN THE COMMUNITY AMENITY WILL BE COMPLETED IN ACCORDANCE WITH A RECREATIONAL FACILITIES AGREEMENT RECORDED WITH THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT.

~~(2) A HOME BUILDER SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION SHALL MAKE THE COMMUNITY AMENITY AVAILABLE BY THE DATE STATED IN THE CONTRACT OF SALE THE DISCLOSURE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:~~

(I) DATED AND SIGNED BY THE PURCHASER AND THE HOME BUILDER; AND

(II) INCLUDED IN OR ATTACHED TO THE CONTRACT OF SALE.

(3) A PURCHASER WHO DOES NOT RECEIVE THE DISCLOSURE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON OR BEFORE ENTERING INTO THE CONTRACT OF SALE HAS AN UNCONDITIONAL RIGHT, ON WRITTEN NOTICE TO THE HOME BUILDER, TO RESCIND THE CONTRACT OF SALE AT ANY TIME:

(I) BEFORE THE RECEIPT OF THE DISCLOSURE STATEMENT; OR

(II) WITHIN 5 DAYS AFTER RECEIPT OF THE DISCLOSURE STATEMENT.

(C) ANY ADVERTISING FOR A COMMUNITY DEVELOPMENT IN PRINCE GEORGE'S COUNTY THAT WILL INCLUDE A COMMUNITY AMENITY SHALL INCLUDE DISCLOSURE OF THE REQUIREMENTS UNDER THIS SECTION.

~~(C) (D) A IN PRINCE GEORGE'S COUNTY, A HOME BUILDER THAT VIOLATES SUBSECTION (B) OF THIS SECTION SHALL PAY TO THE OWNER OF EACH HOME IN THE COMMUNITY DEVELOPMENT AN AMOUNT EQUAL TO 10% OF THE PURCHASE PRICE OF THE OWNER'S HOME DOES NOT MAKE THE COMMUNITY AMENITY AVAILABLE AS PROVIDED IN THE CONTRACT OF SALE MAY BE LIABLE FOR BREACH OF CONTRACT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contracts of sale for property in a community development located in Prince George's County entered into before the effective date of this Act.

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

Approved by the Governor, May 4, 2010.