

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 08-0097**

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Introduced by: Councilmembers Kraft, Henry, Cole, Holton, Clarke, Conaway, Reisinger,  
Welch, President Rawlings-Blake, Councilmembers Middleton, Young, Spector

Introduced and read first time: April 7, 2008

Assigned to: Taxation, Finance and Economic Development Committee

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Committee Report: Favorable with amendments

Council action: Adopted

Read second time: April 20, 2009

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**AN ORDINANCE CONCERNING**

**Sale of Residential Property – Disclosure of Property Tax**

FOR the purpose of ~~requiring certain materials used in connection with the sale of certain residential property to disclose the estimated amount of property taxes and assessments a buyer would be obligated to pay~~ specifying certain minimum information to be given by a seller whenever the seller provides property tax information as part of an advertisement or a good-faith estimate of closing costs; defining certain terms; imposing certain penalties; correcting, clarifying, and conforming related language; raising the penalty for failure to disclose a certain zoning limitation; providing for a special effective date; and generally relating to the sale of ~~residential~~ real property.

BY renaming

Article 2 - Consumer Protections

Subtitle 14. Real Estate Practices – Single-Family Dwellings

to be

Subtitle 14. Real Estate Practices – ~~Residential Property~~ Disclosures

Baltimore City Code

(Edition 2000)

BY renumbering, repealing, and reordaining, with amendments

Article 2 - Consumer Protections

Section(s) 14-1 and 14-2

to be

Section(s) 14-3

Baltimore City Code

(Edition 2000)

BY adding

Article 2 - Consumer Protections

Section(s) 14-1 and 14-5

Baltimore City Code

(Edition 2000)

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.



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1 § 14-3. [§ 14-1.] **Disclosure of SINGLE-FAMILY zoning limitation.**

2 (A) *IN GENERAL.*

3 No person[, firm, or corporation] may advertise, through any medium, the sale or lease of  
4 any property that, under the Zoning Code of Baltimore City, is restricted in its use and  
5 occupancy to 1 family, without [clearly] including in the advertisement a CLEAR  
6 statement to that effect.

7 (B) *PENALTIES.* [§ 14-2. **Penalties.**]

8 Any person[, firm, or corporation] who violates any provision of this [subtitle] SECTION is  
9 guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [\$50]  
10 \$500 for each offense.

11 § 14-4. *{RESERVED}*

12 ~~§ 14-5. DISCLOSURE OF ESTIMATED PROPERTY PROPERTY TAX.~~

13 ~~(A) “FULL-YEAR PROPERTY TAX” DEFINED:~~

14 ~~IN THIS SECTION, “FULL-YEAR PROPERTY TAX” INCLUDES:~~

15 ~~(1) ALL STATE PROPERTY TAXES;~~

16 ~~(2) ALL CITY PROPERTY TAXES, INCLUDING ANY APPLICABLE SPECIAL TAX DISTRICT~~  
17 ~~OR COMMUNITY BENEFITS DISTRICT SUPPLEMENTAL TAX OR ASSESSMENT; AND~~

18 ~~(3) ANY NON-TAX FEE OR CHARGE INCLUDED ON THE CONSOLIDATED TAX BILL.~~

19 ~~(B) DISCLOSURE REQUIRED:~~

20 ~~ANY WRITTEN OR ELECTRONICALLY TRANSMITTED MATERIAL THAT A PERSON PRODUCES~~  
21 ~~OR DISTRIBUTES IN CONNECTION WITH THE SALE OF A SPECIFIC RESIDENTIAL PROPERTY~~  
22 ~~LOCATED IN THE CITY MUST DISCLOSE THE ESTIMATED FULL-YEAR PROPERTY TAX THAT,~~  
23 ~~BASED ON ALL APPLICABLE RATES IN FORCE WHEN THE MATERIAL IS DISSEMINATED, A~~  
24 ~~BUYER WOULD BE OBLIGATED TO PAY IN THE NEXT FULL TAX YEAR AFTER THE PROPERTY~~  
25 ~~IS TRANSFERRED.~~

26 ~~(C) EQUAL PROMINENCE:~~

27 ~~IF ANY MATERIAL SUBJECT TO THIS SECTION MENTIONS BOTH THE PROPERTY TAX THAT~~  
28 ~~THE CURRENT OWNER IS OBLIGATED TO PAY AND THE PROPERTY TAX THAT A BUYER~~  
29 ~~WOULD BE OBLIGATED TO PAY AFTER TRANSFER, THE MATERIAL MUST:~~

30 ~~(1) FEATURE BOTH AMOUNTS WITH EQUAL PROMINENCE; AND~~

31 ~~(2) PRESENT THE PROPERTY TAX THAT THE BUYER WOULD BE OBLIGATED TO PAY~~  
32 ~~EITHER IMMEDIATELY BEFORE OR IMMEDIATELY AFTER THE PROPERTY TAX THAT~~  
33 ~~THE CURRENT OWNER IS OBLIGATED TO PAY.~~

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1 ~~(D) UPDATING.~~

2 ~~THE ESTIMATE REQUIRED BY THIS SECTION MUST BE UPDATED:~~

3 ~~(1) EACH JULY 1, TO REFLECT CHANGES IN APPLICABLE RATES; AND~~

4 ~~(2) BY JANUARY 31, IF THE CURRENT FISCAL YEAR IS THE 3<sup>RD</sup> YEAR OF THE~~  
5 ~~PROPERTY'S 3-YEAR ASSESSMENT CYCLE, TO REFLECT THE REVISED ASSESSED~~  
6 ~~VALUE OF THE PROPERTY.~~

7 ~~(E) ASSISTANCE.~~

8 ~~(1) ON REQUEST OF A SELLER, THE DEPARTMENT OF FINANCE MUST ASSIST THE SELLER IN~~  
9 ~~ESTIMATING THE FULL-YEAR PROPERTY TAX REQUIRED TO BE DISCLOSED.~~

10 ~~(2) A SELLER OR A SELLER'S AGENT IS NOT LIABLE FOR PROVIDING AN INCORRECT~~  
11 ~~ESTIMATE IF, IN MAKING THAT ESTIMATE, THE SELLER RELIED IN GOOD FAITH ON A~~  
12 ~~METHOD APPROVED OR RECOMMENDED BY THE DEPARTMENT OF FINANCE.~~

13 ~~(A) "SELLER" DEFINED.~~

14 ~~IN THIS SECTION, "SELLER" MEANS:~~

15 ~~(1) THE OWNER OF REAL PROPERTY BEING OFFERED FOR SALE; OR~~

16 ~~(2) A REAL ESTATE AGENT, ATTORNEY, LENDER, OR OTHER PERSON ACTING ON BEHALF~~  
17 ~~OF THE OWNER OF THE PROPERTY BEING OFFERED FOR SALE.~~

18 ~~(B) ADVERTISEMENTS.~~

19 ~~IF A SELLER OF REAL PROPERTY PROVIDES PROPERTY TAX INFORMATION AS PART OF AN~~  
20 ~~ADVERTISEMENT, THAT INFORMATION MUST INDICATE, AT A MINIMUM:~~

21 ~~(1) THE TAX YEAR FOR WHICH THE INFORMATION IS BEING PROVIDED; AND~~

22 ~~(2) THE PRODUCT OF:~~

23 ~~(I) THE SUM OF THE STATE AND LOCAL PROPERTY TAX RATES, MULTIPLIED BY~~

24 ~~(II) THE FULL ASSESSED VALUE FOR THE TAX YEAR INDICATED.~~

25 ~~(C) ESTIMATE OF CLOSING COSTS.~~

26 ~~PROPERTY TAX INFORMATION TO BE PROVIDED AS PART OF A GOOD-FAITH ESTIMATE OF~~  
27 ~~CLOSING COSTS MUST BE BASED ON THE PRODUCT OF:~~

28 ~~(1) THE SUM OF THE STATE AND LOCAL PROPERTY TAX RATES, MULTIPLIED BY~~

29 ~~(2) THE FULL ASSESSED VALUE FOR THE TAX YEAR IMMEDIATELY FOLLOWING THE~~  
30 ~~PURCHASE DATE OF THE PROPERTY.~~

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1        ~~(F)~~ (D) *PENALTIES.*

2            ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A  
3            MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 ~~OR~~  
4            ~~TO IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR TO BOTH FINE AND IMPRISONMENT~~  
5            FOR EACH OFFENSE.

6            **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
7            are not law and may not be considered to have been enacted as a part of this or any prior  
8            Ordinance.

9            **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on ~~September~~  
10           ~~1, 2008~~ the 90<sup>th</sup> day after it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City