



Legislation Details (With Text)

File #: 08-0042 **Version:** 0 **Name:** Residential Property - Required Disclosures on Sale or Lease
Type: Ordinance **Status:** Withdrawn
File created: 2/4/2008 **In control:** City Council
On agenda: **Final action:** 1/24/2011
Enactment date: **Enactment #:**

Title: Residential Property - Required Disclosures on Sale or Lease

FOR the purpose of that requiring certain disclosures in the sale or lease of certain properties; defining certain terms; increasing certain penalties; imposing certain other penalties; correcting, clarifying, and conforming certain language; and generally relating to the sale or lease of residential property.

Sponsors: James B. Kraft, Bill Henry, William H. Cole, IV, Robert Curran, Warren Branch, Sharon Green Middleton, Mary Pat Clarke, Agnes Welch, Edward Reisinger, Nicholas C. D'Adamo, Belinda Conaway, Rochelle Spector

Indexes: Disclosures, Lease, Property, Residential, Sale

Code sections:

Attachments: 1. 08-0042 - 1st Reader.pdf, 2. Planning - 08-0042.pdf, 3. HCD - 08-0042.pdf, 4. Law - 08-0042.pdf, 5. CHAP - 08-0042.pdf, 6. BMZA - 08-0042.pdf, 7. Finance - 08-0042.pdf

Date	Ver.	Action By	Action	Result
1/24/2011	0	City Council	Withdrawn	
3/2/2009	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
2/9/2009	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
2/7/2008	0	The City Council	Referred for a Report	
2/7/2008	0	The City Council	Referred for a Report	
2/7/2008	0	The City Council	Referred for a Report	
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2/7/2008	0	The City Council	Referred for a Report	
2/4/2008	0	City Council	Assigned	
2/4/2008	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE

COUNCIL BILL

Introduced by: Councilmember Kraft

A BILL ENTITLED

AN ORDINANCE concerning
Residential Property - Required Disclosures on Sale or Lease

FOR the purpose of requiring certain disclosures in the sale or lease of certain properties; defining certain terms; increasing certain penalties; imposing certain other penalties; correcting, clarifying, and conforming certain language; and generally relating to the sale or lease of residential property.

BY repealing and reordaining, with amendments

Article 2 - Consumer Protections

Subtitle 14, to be under the amended subtitle designation,

"Subtitle 14. Real Estate Practices - Sales of Residential Properties"

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 2. Consumer Protections

Subtitle 14. Real Estate Practices - [Single-family Dwellings]
SALES OR LEASE OF RESIDENTIAL PROPERTIES

PART I. GENERAL PROVISIONS

§ 14-1. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) CONTRACT OF SALE.

(1) IN GENERAL.

"CONTRACT OF SALE" MEANS ANY AGREEMENT OR WRITTEN INSTRUMENT THAT PROVIDES FOR THE TRANSFER OF TITLE TO ANY PROPERTY FROM ONE PERSON TO ANOTHER.

(2) INCLUSIONS.

"CONTRACT OF SALE" INCLUDES ANY:

(I) LAND INSTALLMENT CONTRACT;

(II) CONDITIONAL CONTRACT OF SALE;

(III) LEASE WITH AN OPTION TO PURCHASE;

(IV) LEASE BY WHICH THE LESSEE MAY ACQUIRE TITLE AFTER A STIPULATED NUMBER OF PAYMENTS OR AFTER A STIPULATED PERIOD OF TIME; OR

(V) SIMILAR WRITTEN INSTRUMENT.

(C) INCLUDES; INCLUDING.

"INCLUDES" OR "INCLUDING" MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

(D) PERSON.

(1) IN GENERAL.

"PERSON" MEANS:

(I) AN INDIVIDUAL;

(II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, LIMITED LIABILITY COMPANY, OR OTHER ENTITY OF ANY KIND; AND

(III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

(2) INCLUSIONS.

"PERSON" INCLUDES, EXCEPT AS USED IN § 14-7 {"PENALTIES"} AND § 14-11 {"PENALTIES"} OF THIS SUBTITLE, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(E) RESIDENTIAL PROPERTY.

"RESIDENTIAL PROPERTY" MEANS ANY PROPERTY THAT:

(1) IS ZONED IN WHOLE OR IN PART FOR RESIDENTIAL USE;

(2) IS OR WAS LAST OCCUPIED IN WHOLE OR IN PART AS A RESIDENCE; OR

(3) THE SELLER KNOWS OR HAS REASON TO BELIEVE THAT THE PROSPECTIVE BUYER INTENDS TO USE IT IN WHOLE OR IN PART FOR RESIDENTIAL USE.

§ 14-2. MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.

(A) MANDATORY TERMS.

"MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO

IMPOSE A DUTY.

(B) PROHIBITORY TERMS.

"MUST NOT", "MAY NOT", AND "NO ... MAY" ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

(C) PERMISSIVE TERMS.

"MAY" IS PERMISSIVE.

§ 14-3. SCOPE.

THE DISCLOSURES REQUIRED BY THIS TITLE ARE IN ADDITION TO AND NOT IN SUBSTITUTION OF ANY OTHER DISCLOSURE REQUIRED BY LAW, INCLUDING THOSE CONTAINED IN:

- (1) CITY ZONING CODE, TITLE 2, SUBTITLE 5 {"TRANSFER CERTIFICATES"}.
- (2) CITY ARTICLE 7, § 5-9 {"NOTICE [OF FLOOD HAZARD AND VARIANCE] ON DEED"}.
- (3) ARTICLE 13, SUBTITLE 6 {"TENANT'S RIGHT OF FIRST REFUSAL"}.
- (4) ARTICLE 13, § 9-2 {"NOTICE [OF FLOOD PLAIN] TO PROSPECTIVE TENANT"}.

§§ 14-4 AND 14-5. {RESERVED}

PART II. SINGLE-FAMILY DWELLINGS

§ 14-6. [§ 14-1.] Disclosure of [zoning] limitation REQUIRED.

No person[, firm, or corporation] may advertise, through any medium, the sale or lease of any property that, under the CITY'S Zoning OR BUILDING [Code] CODES [of Baltimore City], ANY RENEWAL PLAN, OR ANY OTHER LAW, REGULATION, OR COVENANT, is restricted in its use and occupancy to 1 family, without clearly including in the advertisement a statement to that effect.

§ 14-7. [§ 14-2.] Penalties.

Any person[, firm, or corporation] who violates any provision of § 14-6 OF this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [\$50] \$500 for each offense.

§§ 14-8 AND 14-9. {RESERVED}

PART III. USE AND OTHER RESTRICTIONS

§ 14-10. DISCLOSURES REQUIRED.

(A) IN GENERAL.

THE SELLER OF ANY RESIDENTIAL PROPERTY MUST DISCLOSE IN WRITING TO THE PROSPECTIVE BUYER, BEFORE THE EXECUTION OF ANY CONTRACT OF SALE, THE FOLLOWING INFORMATION.

(B) ZONING STATUS.

(1) THE SELLER MUST DISCLOSE:

(I) THE ZONING DISTRICT AND, IF ANY, SUBDISTRICT WITHIN WHICH THE PROPERTY LIES; AND

(II) THE SCOPE AND TENOR OF THE LATEST USE PERMIT ISSUED BY THE ZONING ADMINISTRATOR FOR THE PROPERTY.

(2) THE SELLER MUST ALSO DISCLOSE:

(I) WHETHER THE PROPERTY LIES WITHIN AN OVERLAY DISTRICT OR A PLANNED UNIT DEVELOPMENT; AND

(II) IF SO, THE SUBSTANCE OF ALL USE, SIZE, REHABILITATION, MAINTENANCE, AND OTHER RESTRICTIONS, CONTROLS, REGULATIONS, OR STANDARDS THEREBY IMPOSED ON THE PROPERTY.

(C) RENEWAL AREA.

THE SELLER MUST DISCLOSE:

(1) WHETHER THE PROPERTY LIES WITHIN A RENEWAL AREA; AND

(2) IF SO:

(I) THE SUBSTANCE OF ALL USE, SIZE, REHABILITATION, MAINTENANCE, AND OTHER RESTRICTIONS, CONTROLS, REGULATIONS, OR STANDARDS THEREBY IMPOSED ON THE PROPERTY; AND

(II) WHETHER THE PROPERTY IS DESIGNATED BY THE RENEWAL PLAN FOR POSSIBLE ACQUISITION.

(D) HISTORIC, ARCHITECTURAL PRESERVATION.

THE SELLER MUST DISCLOSE:

(1) WHETHER THE PROPERTY IS ON A HISTORICAL OR ARCHITECTURAL LANDMARK LIST OR SPECIAL LIST OR LIES WITHIN A HISTORICAL OR ARCHITECTURAL DISTRICT; AND

(2) IF SO, THE SUBSTANCE OF ALL USE, SIZE, REHABILITATION, MAINTENANCE, AND OTHER RESTRICTIONS, CONTROLS, REGULATIONS, OR STANDARDS THEREBY IMPOSED ON THE PROPERTY.

(E) COVENANTS.

THE SELLER MUST DISCLOSE:

(1) WHETHER THE PROPERTY IS SUBJECT TO ANY RECORDED COVENANTS THAT AFFECT THE USE OR ENJOYMENT OF THE PROPERTY; AND

(2) IF SO, THE SUBSTANCE OF ALL USE, SIZE, REHABILITATION, MAINTENANCE, AND OTHER RESTRICTIONS, CONTROLS, REGULATIONS, OR STANDARDS THEREBY IMPOSED ON THE PROPERTY.

§ 14-11. PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISION OF § 14-10 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 30 DAYS OR TO A FINE OF NOT MORE THAN \$1,000 OR TO BOTH IMPRISONMENT AND FINE FOR EACH OFFENSE.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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