



Legislation Details (With Text)

File #: 08-0097 **Version:** 0 **Name:** Sale of Residential Property - Disclosure of Property Tax
Type: Ordinance **Status:** Enacted
File created: 4/7/2008 **In control:** City Council
On agenda: **Final action:** 5/7/2009
Enactment date: **Enactment #:** 09-162
Title: 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; 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 property.

Sponsors: James B. Kraft, Bill Henry, William H. Cole, IV, Helen L. Holton, Mary Pat Clarke, Belinda Conaway, Edward Reisinger, Agnes Welch, Stephanie President Rawlings-Blake, President Young, Sharon Green Middleton

Indexes: City Property - Sale, Property, Sale

Code sections:

Attachments: 1. 08-0097 - 1st Reader.pdf, 2. Finance - 08-0097.pdf, 3. Law - 08-0097.pdf, 4. HCD - 08-0097.pdf, 5. Real Estate - 08-0097.pdf, 6. 08-0097 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
5/7/2009	0	Mayor	Signed by Mayor	
4/27/2009	0	City Council	Approved and Sent to the Mayor	
4/20/2009	0	Taxation, Finance and Economic Development Committee	Recommended Favorably with Amendment	
4/20/2009	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
10/28/2008	0	Taxation, Finance and Economic Development Committee	Scheduled for a Public Hearing	
6/16/2008	0	Taxation, Finance and Economic Development Committee	Scheduled for a Public Hearing	
4/10/2008	0	The City Council	Referred for a Report	
4/10/2008	0	The City Council	Referred for a Report	
4/10/2008	0	The City Council	Referred for a Report	
4/10/2008	0	The City Council	Referred for a Report	
4/7/2008	0	City Council		
4/7/2008	0	City Council	Introduced	

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

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.**

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Kraft

A BILL ENTITLED

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; 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 property.

BY renaming

Article 2 - Consumer Protections
Subtitle 14. Real Estate Practices - SingleFamily Dwellings
to be
Subtitle 14. Real Estate Practices - Residential Property
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)

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 - [SingleFamily Dwellings]
RESIDENTIAL PROPERTIES

§ 14-1. DEFINITIONS.

(A) IN GENERAL.

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

(B) INCLUDES; INCLUDING.

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

(C) MUST OR SHALL.

“MUST” AND “SHALL” ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

(D) PERSON.

(1) IN GENERAL.

“PERSON” MEANS:

- (1) AN INDIVIDUAL;
- (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; OR
- (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

(2) EXCLUSIONS.

“PERSON” DOES NOT INCLUDE, UNLESS OTHERWISE EXPRESSLY PROVIDED, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

§ 142: {RESERVED}

§ 143: [§ 14L] Disclosure of zoning limitation.

(A) IN GENERAL.

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

(B) PENALTIES. [§ 142: Penalties.]

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

§ 144: {RESERVED}

§ 145: DISCLOSURE OF ESTIMATED PROPERTY TAX.

(A) “FULL-YEAR PROPERTY TAX” DEFINED.

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

- (1) ALL STATE PROPERTY TAXES;
- (2) ALL CITY PROPERTY TAXES, INCLUDING ANY APPLICABLE SPECIAL TAX DISTRICT OR COMMUNITY BENEFITS DISTRICT SUPPLEMENTAL TAX OR ASSESSMENT; AND
- (3) ANY NON-TAX FEE OR CHARGE INCLUDED ON THE CONSOLIDATED TAX BILL.

(B) DISCLOSURE REQUIRED.

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

(C) EQUAL PROMINENCE.

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

- (1) FEATURE BOTH AMOUNTS WITH EQUAL PROMINENCE; AND
- (2) PRESENT THE PROPERTY TAX THAT THE BUYER WOULD BE OBLIGATED TO PAY EITHER IMMEDIATELY BEFORE OR IMMEDIATELY AFTER THE PROPERTY TAX THAT THE CURRENT OWNER IS OBLIGATED TO PAY.

(D) UPDATING.

THE ESTIMATE REQUIRED BY THIS SECTION MUST BE UPDATED:

- (1) EACH JULY 1, TO REFLECT CHANGES IN APPLICABLE RATES; AND
- (2) BY JANUARY 31, IF THE CURRENT FISCAL YEAR IS THE 3RD YEAR OF THE PROPERTY’S 3-YEAR ASSESSMENT CYCLE, TO REFLECT THE REVISED ASSESSED VALUE OF THE PROPERTY.

(E) ASSISTANCE.

- (1) ON REQUEST OF A SELLER, THE DEPARTMENT OF FINANCE MUST ASSIST THE SELLER IN ESTIMATING THE FULL-YEAR PROPERTY TAX REQUIRED TO BE DISCLOSED.
- (2) A SELLER OR A SELLER’S AGENT IS NOT LIABLE FOR PROVIDING AN INCORRECT ESTIMATE IF, IN MAKING THAT ESTIMATE, THE SELLER RELIED IN GOOD FAITH ON A METHOD APPROVED OR RECOMMENDED BY THE DEPARTMENT OF FINANCE.

(F) PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR TO BOTH FINE AND IMPRISONMENT 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 September 1, 2008.

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art2/DisclPropTx/aa:me

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