

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 562

(Montgomery County Delegation)

Environment and Transportation

Judicial Proceedings

Montgomery County - Sale of Residential Real Property - Septic Systems
Outreach Toolkit
MC 16-19

This bill requires a contract for the sale of residential real property in Montgomery County to include notification of the availability of the Septic Systems Outreach Toolkit through the U.S. Environmental Protection Agency’s website, with an Internet address that links to the Septic Systems Outreach Toolkit. This provision in the contract must be independently initialed by the purchaser. Even so, the failure of a vendor to include, or for the purchaser to initial, this provision in a contract for the sale of residential real property may not void the contract.

Fiscal Summary

State Effect: The bill is not anticipated to affect State operations or finances.

Local Effect: The bill is not anticipated to affect Montgomery County operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: “Septic Systems Outreach Toolkit” means a set of materials that promote homeowner education and awareness regarding septic systems and are available to the public for download from the U.S. Environmental Protection Agency’s [website](#).

Current Law/Background: Generally, under the Real Property Article, “vendor” means the seller of real property.

Statute does not require a contract for the sale of residential real property to include notification of the availability of a Septic Systems Outreach Toolkit. However, statute does require various other statements and disclosures. For example, a *home builder*, prior to executing a contract for the initial sale of a new home, must provide written information to the purchaser of a new home about energy-efficient options, including a statement that tax credits may be available related to the energy-efficient options that are available for installation in the home before construction is completed. A home builder is also required to offer specified minimum visitability or accessibility features as an option for purchase at the time of offering new homes in a subdivision for sale. In Prince George’s County, a contract for the initial sale of residential real property for which there are deferred private water and sewer assessments must contain a disclosure that includes information about the assessments. This pertains to assessments recorded by a covenant or declaration that defers the costs for water and sewer improvements for which the purchaser may be liable.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2019
mm/kdm Third Reader - March 26, 2019
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Analysis by: Nathan W. McCurdy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510