

# HOUSE BILL 825

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By: **Montgomery County Delegation**

Introduced and read first time: February 3, 2020

Assigned to: Economic Matters and Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Residential Property Advertisements and Sales – School**  
3 **District Information**

4 **MC 20–20**

5 FOR the purpose of prohibiting a certain real estate broker, associate real estate broker, or  
6 real estate salesperson from including the name of a certain school district in an  
7 advertisement for the sale or rental of certain residential property in Montgomery  
8 County; providing that certain provisions of law do not prohibit a certain real estate  
9 broker, associate real estate broker, or real estate salesperson from including the  
10 name of a certain school district in a certain written communication under certain  
11 circumstances; requiring the State Real Estate Commission to enforce certain  
12 provisions of law; requiring a contract for the sale of single–family residential real  
13 property in Montgomery County to contain a certain notice concerning school district  
14 boundary changes; establishing that a certain contract may not be voided under  
15 certain circumstances; defining a certain term; and generally relating to notice of  
16 school district information in the sale of residential real property in Montgomery  
17 County.

18 BY adding to

19 Article – Business Occupations and Professions  
20 Section 17–526.1  
21 Annotated Code of Maryland  
22 (2018 Replacement Volume and 2019 Supplement)

23 BY adding to

24 Article – Real Property  
25 Section 10–711  
26 Annotated Code of Maryland  
27 (2015 Replacement Volume and 2019 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Occupations and Professions**

4 **17-526.1.**

5 (A) IN THIS SECTION, “ADVERTISEMENT” HAS THE MEANING STATED IN §  
6 17-527.2 OF THIS SUBTITLE.

7 (B) THIS SECTION APPLIES ONLY TO RESIDENTIAL PROPERTY IN  
8 MONTGOMERY COUNTY.

9 (C) (1) A LICENSED REAL ESTATE BROKER, LICENSED ASSOCIATE REAL  
10 ESTATE BROKER, OR LICENSED REAL ESTATE SALESPERSON MAY NOT INCLUDE THE  
11 NAME OF THE SCHOOL DISTRICT IN WHICH A RESIDENTIAL PROPERTY IS LOCATED  
12 IN AN ADVERTISEMENT FOR THE SALE OR RENTAL OF THE RESIDENTIAL PROPERTY  
13 IN MONTGOMERY COUNTY.

14 (2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO  
15 NOT PROHIBIT A LICENSED REAL ESTATE BROKER, LICENSED ASSOCIATE REAL  
16 ESTATE BROKER, OR LICENSED REAL ESTATE SALESPERSON FROM INCLUDING THE  
17 NAME OF A SCHOOL DISTRICT IN A WRITTEN COMMUNICATION WITH A FACTUAL  
18 DESCRIPTION OF THE FEATURES OF THE RESIDENTIAL PROPERTY AND THE  
19 COMMUNITY IN WHICH THE RESIDENTIAL PROPERTY IS LOCATED IF THE WRITTEN  
20 COMMUNICATION INCLUDES A NOTICE IN CONSPICUOUS TYPE STATING THAT  
21 SCHOOL BOUNDARIES ARE NOT GUARANTEED AND MAY BE CHANGED AT ANY TIME.

22 (D) THE COMMISSION SHALL ENFORCE THE PROVISIONS OF THIS SECTION  
23 AND, FOR THIS PURPOSE, MAY RECEIVE COMPLAINTS, CONDUCT INVESTIGATIONS,  
24 ISSUE SUBPOENAS, AND HOLD HEARINGS.

25 **Article – Real Property**

26 **10-711.**

27 (A) A CONTRACT OF SALE FOR SINGLE-FAMILY RESIDENTIAL REAL  
28 PROPERTY IN MONTGOMERY COUNTY SHALL INCLUDE THE FOLLOWING NOTICE  
29 WRITTEN IN CONSPICUOUS, BOLD, AND UNDERSCORED TYPE:

30 “NOTICE TO HOME BUYER REGARDING MONTGOMERY COUNTY SCHOOL  
31 DISTRICTS:

32 BY INITIALING THIS ADDENDUM, THE BUYER ACKNOWLEDGES THAT THE

1 MONTGOMERY COUNTY PUBLIC SCHOOL (MCPS) SCHOOLS, SCHOOL DISTRICT,  
2 AND SCHOOL BOUNDARIES DESIGNATED FOR THIS PROPERTY ARE SUBJECT TO  
3 CHANGE AT ANY TIME. THE BUYER HAS NO ASSURANCE THAT THE CURRENT MCPS  
4 SCHOOL ASSIGNMENTS FOR THIS PROPERTY WILL REMAIN IN EFFECT FOR ANY  
5 PERIOD OF TIME. THE MONTGOMERY COUNTY BOARD OF EDUCATION  
6 PERIODICALLY REVIEWS AND AMENDS THE SCHOOL BOUNDARIES FOR EACH  
7 SCHOOL AND IS ULTIMATELY RESPONSIBLE FOR ANY CHANGES TO THE ASSIGNED  
8 SCHOOLS AND THEIR BOUNDARIES.”.

9 (B) A CONTRACT SUBJECT TO THE REQUIREMENTS OF SUBSECTION (A) OF  
10 THIS SECTION MAY NOT BE VOIDED SOLELY BECAUSE:

11 (1) THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION  
12 IS NOT INCLUDED IN THE CONTRACT; OR

13 (2) THE BUYER DOES NOT INITIAL THE NOTICE REQUIRED UNDER  
14 SUBSECTION (A) OF THIS SECTION.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2020.