

HOUSE BILL 1457

C3

2lr2302

By: **Delegate Queen**

Introduced and read first time: February 24, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Real Estate Transactions – Prospective Buyer Communications – Personal**
3 **Information**

4 FOR the purpose of prohibiting a seller’s agent from providing to a seller certain
5 communications from a prospective buyer containing personal information or
6 characteristics of the prospective buyer; and generally relating to real estate
7 transactions and personal information of prospective buyers.

8 BY repealing and reenacting, without amendments,
9 Article – Business Occupations and Professions
10 Section 17–101(a) and (l) and 17–528(a), (c), and (m)
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2021 Supplement)

13 BY adding to
14 Article – Business Occupations and Professions
15 Section 17–527.5
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2021 Supplement)

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

20 **Article – Business Occupations and Professions**

21 17–101.

22 (a) In this title the following words have the meanings indicated.

23 (l) “Provide real estate brokerage services” means to engage in any of the
24 following activities:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) for consideration, providing any of the following services for another
2 person:

3 (i) selling, buying, exchanging, or leasing any real estate; or

4 (ii) collecting rent for the use of any real estate;

5 (2) for consideration, assisting another person to locate or obtain for
6 purchase or lease any residential real estate;

7 (3) engaging regularly in a business of dealing in real estate or leases or
8 options on real estate;

9 (4) engaging in a business the primary purpose of which is promoting the
10 sale of real estate through a listing in a publication issued primarily for the promotion of
11 real estate sales;

12 (5) engaging in a business that subdivides land that is located in any state
13 and sells the divided lots; or

14 (6) for consideration, serving as a consultant regarding any activity set
15 forth in items (1) through (5) of this subsection.

16 **17-527.5.**

17 (A) THIS SECTION IS INTENDED TO PREVENT A SELLER FROM SELECTING A
18 BUYER ON THE BASIS OF RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION,
19 GENDER IDENTITY, NATIONAL ORIGIN, FAMILIAL STATUS, OR DISABILITY IN
20 VIOLATION OF THE FEDERAL FAIR HOUSING ACT.

21 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A SELLER'S
22 AGENT, AS DEFINED IN § 17-528 OF THIS SUBTITLE, MAY NOT PROVIDE A SELLER
23 WITH A COMMUNICATION FROM A PROSPECTIVE BUYER THAT CONTAINS PERSONAL
24 INFORMATION OR CHARACTERISTICS OF THE PROSPECTIVE BUYER.

25 (C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO THE PROVISION
26 OF CUSTOMARY DOCUMENTS AND INFORMATION THAT ARE NECESSARY FOR A REAL
27 ESTATE TRANSACTION.

28 17-528.

29 (a) In this Part III of this subtitle the following words have the meanings
30 indicated.

31 (c) "Brokerage agreement" means a written agreement between a broker and a

1 client to provide real estate brokerage services under a brokerage relationship.

2 (m) "Seller's agent" means a licensed real estate broker who, in accordance with a
3 written brokerage agreement, acts as the listing broker for real estate, or a licensed
4 associate real estate broker or licensed real estate salesperson who is affiliated with the
5 listing broker.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2022.