HOUSE BILL 826

By: Howard County Delegation
Introduced and read first time: February 3, 2020
Assigned to: Economic Matters and Ways and Means

A BILL ENTITLED

AN ACT concerning
Howard County – Residential Property and New Home Construction
Advertisements – School District Information
Ho. Co. 02–20

FOR the purpose of providing for the purpose of certain provisions of law; requiring a certain real estate broker, associate real estate broker, or real estate salesperson who includes in an advertisement for the sale or rental of a residential property in Howard County the name of the school or school district in which the residential property is located to include a certain notice stating that school boundaries are not guaranteed and may change at any time; providing that certain provisions of law do not prohibit a certain real estate broker, associate real estate broker, or real estate salesperson from including the name of a certain school district in a certain written communication; requiring the State Real Estate Commission to enforce certain provisions of law; requiring a certain registered home builder or a registered home builder sales representative who includes in an advertisement for the sale or rental of a residential property in Howard County the name of the school or school district in which the residential property is located to include a certain notice stating that school boundaries are not guaranteed and may change at any time; providing that certain provisions of law do not prohibit including the name of a certain school district in a certain written communication; requiring the Home Builder and Home Builder Sales Representative Registration Unit to enforce certain provisions of law; defining a certain term; and generally relating to school district information in advertisements for residential property and new homes in Howard County.

BY adding to
Article – Business Occupations and Professions
Section 17–526.1
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
BY adding to

Article – Business Regulation
Section 4.5–606
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – Business Occupations and Professions

17–526.1.

(A) THE PURPOSE OF THIS SECTION IS TO PROHIBIT CERTAIN
DISCRIMINATORY REAL ESTATE PRACTICES WITH RESPECT TO HOUSING IN
HOWARD COUNTY TO:

(1) ENSURE FAIR AND EQUAL REAL ESTATE HOUSING PRACTICES FOR
ALL OF ITS RESIDENTS, REGARDLESS OF RACE, COLOR, RELIGION, SEX, MARITAL
STATUS, NATIONAL ORIGIN, OR, AS DEFINED IN § 20–701 OF THE STATE
GOVERNMENT ARTICLE, DISABILITY;

(2) PROVIDE FAIR AND EQUAL REAL ESTATE HOUSING
OPPORTUNITIES FOR ALL OF ITS RESIDENTS, REGARDLESS OF RACE, COLOR,
RELIGION, SEX, MARITAL STATUS, NATIONAL ORIGIN, OR, AS DEFINED IN § 20–701
OF THE STATE GOVERNMENT ARTICLE, DISABILITY;

(3) ENSURE FAIR AND EQUAL REAL ESTATE HOUSING PRACTICES AND
PROVIDE FAIR AND EQUAL REAL ESTATE HOUSING OPPORTUNITIES FOR THOSE
INDIVIDUALS WHO ARE AT LEAST 62 YEARS OLD; AND

(4) PROTECT AND ENSURE THE PEACE, HEALTH, SAFETY,
PROSPERITY, AND GENERAL WELFARE OF ALL RESIDENTS OF HOWARD COUNTY.

(B) IN THIS SECTION, “ADVERTISEMENT” HAS THE MEANING STATED IN §
17–527.2 OF THIS SUBTITLE.

(C) THIS SECTION APPLIES ONLY TO RESIDENTIAL PROPERTY IN HOWARD
COUNTY.

(D) (1) A LICENSED REAL ESTATE BROKER, LICENSED ASSOCIATE REAL
ESTATE BROKER, OR LICENSED REAL ESTATE SALESPERSON WHO INCLUDES IN AN
ADVERTISEMENT FOR THE SALE OR RENTAL OF A RESIDENTIAL PROPERTY IN
HOWARD COUNTY THE NAME OF THE SCHOOL OR SCHOOL DISTRICT IN WHICH THE
RESIDENTIAL PROPERTY IS LOCATED SHALL INCLUDE A NOTICE IN CONSPICUOUS TYPE STATEING THAT SCHOOL BOUNDARIES ARE NOT GUARANTEED AND MAY CHANGE AT ANY TIME.

(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT PROHIBIT A LICENSED REAL ESTATE BROKER, LICENSED ASSOCIATE REAL ESTATE BROKER, OR LICENSED REAL ESTATE SALESPERSON FROM INCLUDING THE NAME OF A SCHOOL DISTRICT IN A WRITTEN COMMUNICATION WITH A FACTUAL DESCRIPTION OF THE FEATURES OF THE RESIDENTIAL PROPERTY AND THE COMMUNITY IN WHICH THE RESIDENTIAL PROPERTY IS LOCATED.

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

Article – Business Regulation

4.5–606.

(A) THE PURPOSE OF THIS SECTION IS TO PROHIBIT CERTAIN DISCRIMINATORY REAL ESTATE PRACTICES WITH RESPECT TO HOUSING IN HOWARD COUNTY TO:

(1) ENSURE FAIR AND EQUAL REAL ESTATE HOUSING PRACTICES FOR ALL OF ITS RESIDENTS, REGARDLESS OF RACE, COLOR, RELIGION, SEX, MARITAL STATUS, NATIONAL ORIGIN, OR, AS DEFINED IN § 20–701 OF THE STATE GOVERNMENT ARTICLE, DISABILITY;

(2) PROVIDE FAIR AND EQUAL REAL ESTATE HOUSING OPPORTUNITIES FOR ALL OF ITS RESIDENTS, REGARDLESS OF RACE, COLOR, RELIGION, SEX, MARITAL STATUS, NATIONAL ORIGIN, OR, AS DEFINED IN § 20–701 OF THE STATE GOVERNMENT ARTICLE, DISABILITY;

(3) ENSURE FAIR AND EQUAL REAL ESTATE HOUSING PRACTICES AND PROVIDE FAIR AND EQUAL REAL ESTATE HOUSING OPPORTUNITIES FOR THOSE INDIVIDUALS WHO ARE AT LEAST 62 YEARS OLD; AND

(4) PROTECT AND ENSURE THE PEACE, HEALTH, SAFETY, PROSPERITY, AND GENERAL WELFARE OF ALL RESIDENTS OF HOWARD COUNTY.

(B) THIS SECTION APPLIES ONLY TO NEW HOME CONSTRUCTION IN HOWARD COUNTY.
(c) (1) A registrant or a registered sales representative who includes in an advertisement for the construction of a new home in Howard County the name of the school or school district in which the new home is located shall include a notice in conspicuous type stating that school boundaries are not guaranteed and may change at any time.

(2) The provisions of paragraph (1) of this subsection do not prohibit a registrant or registered sales representative from including the name of a school district in a written communication with a factual description of the features of the new home and the community in which the new home will be located.

(d) The Unit shall enforce the provisions of this section and, for this purpose, may receive complaints, conduct investigations, issue subpoenas, and hold hearings.

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