

HOUSE BILL 1000

N1
HB 1121/23 – ENT

4lr2566

By: **Delegate Ruff**

Introduced and read first time: February 5, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Residential Contracts of Sale – Buyer Privacy Rights**

3 FOR the purpose of prohibiting a contract of sale for single-family residential real property
4 from containing the name of an individual buyer prior to acceptance of the contract
5 of sale by the seller; and generally relating to residential contracts of sale.

6 BY adding to
7 Article – Real Property
8 Section 10–714
9 Annotated Code of Maryland
10 (2023 Replacement Volume)

11 Preamble

12 WHEREAS, Under § 20–702 of the State Government Article, it is the policy of the
13 State to provide for fair housing throughout the State to all, regardless of race, color,
14 religion, sex, familial status, national origin, marital status, sexual orientation, gender
15 identity, disability, or source of income; and

16 WHEREAS, The name of a buyer of real property, where the buyer is a natural
17 person, can hold or be used to access information about certain of these protected
18 classifications; and

19 WHEREAS, Advances in modern technology have increased access to personal
20 information that may be indicative of a person’s membership in a protected class; and

21 WHEREAS, Fair housing guidelines and protections alone are inadequate to protect
22 citizens against the intentional or unintentional misuse of available information about a
23 buyer of real property; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



WHEREAS, The act of removing the buyer's name from the contract of sale, prior to contract acceptance, will help eliminate bias, intentional or otherwise, in housing decisions; now, therefore,

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

Article – Real Property

10–714.

(A) (1) THIS SECTION APPLIES ONLY TO A CONTRACT OF SALE FOR SINGLE-FAMILY RESIDENTIAL REAL PROPERTY THAT AN INDIVIDUAL BUYER EXECUTES WITH THE SERVICES OF A REAL ESTATE BROKER.

(2) THIS SECTION DOES NOT APPLY TO A PURCHASE BY:

(I) A CORPORATE OR OTHER BUSINESS ENTITY; OR

(II) A FIDUCIARY ACTING FOR THE BENEFIT OF A THIRD PARTY.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ELIMINATE BIAS, INTENTIONAL OR OTHERWISE, IN HOUSING DECISIONS CONCERNING THE SALE OF SINGLE-FAMILY RESIDENTIAL REAL PROPERTY TO AN INDIVIDUAL BUYER BY REMOVING THE NAME OF THE BUYER FROM THE CONTRACT OF SALE PRIOR TO ACCEPTANCE OF THE CONTRACT BY THE SELLER.

(C) A RESIDENTIAL CONTRACT OF SALE MAY NOT CONTAIN THE NAME OF AN INDIVIDUAL BUYER PRIOR TO ACCEPTANCE OF THE CONTRACT BY THE SELLER.

(D) BEFORE OR DURING THE PREPARATION OF A RESIDENTIAL CONTRACT OF SALE, THE INDIVIDUAL BUYER SHALL EXECUTE WITH THE BUYER'S REAL ESTATE BROKER:

(1) A BUYER-BROKER AGREEMENT; OR

(2) AN UNREPRESENTED BUYER AGREEMENT THAT:

(I) IDENTIFIES THE BUYER AS AN INDIVIDUAL; AND

(II) STATES THAT THE BUYER:

1. HAS NOT MISREPRESENTED THE BUYER'S STATUS AS AN INDIVIDUAL;

1 **2. HAS NOT BEEN CONVICTED OF FRAUD FOR A**
2 **MISREPRESENTATION MADE IN CONNECTION WITH THE PURCHASE OF RESIDENTIAL**
3 **REAL PROPERTY; AND**

4 **3. INTENDS TO OCCUPY THE RESIDENTIAL REAL**
5 **PROPERTY AS THE INDIVIDUAL BUYER'S PRINCIPAL PLACE OF RESIDENCE.**

6 **(E) NOTHING IN THIS SECTION MAY BE INTERPRETED TO AFFECT**
7 **REQUIREMENTS REGARDING THE IDENTIFICATION OF AN INDIVIDUAL BUYER:**

8 **(1) IN A DEED OR OTHER INSTRUMENT OFFERED FOR RECORDATION**
9 **IN THE LAND RECORDS UNDER TITLE 3 OF THIS ARTICLE;**

10 **(2) IN A MORTGAGE APPLICATION, MORTGAGE, OR DEED OF TRUST**
11 **SECURED BY RESIDENTIAL REAL PROPERTY;**

12 **(3) MARKING THE INDIVIDUAL BUYER'S INITIALS ON THE**
13 **RESIDENTIAL CONTRACT OF SALE AS VALID AND BINDING ACCORDING TO THE**
14 **STATUTE OF FRAUDS; OR**

15 **(4) ON THE RESIDENTIAL CONTRACT OF SALE AT THE TIME OF**
16 **CONTRACT ACCEPTANCE BY THE SELLER.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
18 apply only prospectively and may not be applied or interpreted to have any effect on or
19 application to any residential contract of sale before the effective date of this Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2025.