

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-23-14

AN ORDINANCE concerning

Residential rental licensing/disclosure upon sale of real property

FOR the purpose of adding a required disclosure with respect to residential rental licensing; clarifying language; and otherwise generally relating to disclosures upon the sale of real property within the City of Frederick.

BY repealing

Section 12.5-30

The Code of the City of Frederick, 1966 (as amended)

BY adding

Section 12.5-30

The Code of the City of Frederick, 1966 (as amended)

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Section 12.5-30 of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and a new Section 12.5-30 is added to read as follows:

ARTICLE III. SALE OF REAL PROPERTY

Sec. 12.5-30. Disclosure upon sale of real property.

- (a) **Buyer's right to review documents.** In addition to any other right provided by state or local law, prior to entering into a contract for sale of real property within the City, a prospective buyer may review the following documents, which are available in the offices of the City's Division of Planning:
- (1) The City's comprehensive plan, including any amendments;
 - (2) The text of the City's Land Management Code;
 - (3) Official zoning maps, including those that show the delineation of the Historic Preservation Overlay District and any individually designated properties; and
 - (4) All official applications for development review that have been filed with the City's Division of Planning.
- (b) **Historic preservation overlay.** It is the sole responsibility of the buyer to determine whether the property is subject to a historic preservation overlay and to comply with any laws resulting from that designation.
- (c) **Review period and rescission.** A buyer may request a review period of 5 calendar days for the purpose of reviewing the documents identified in subsection (a) of this section and may rescind the contract within that review period.

- (d) **Contract provision.** Each contract for sale of real property within the City must contain a clearly identified provision that notifies a prospective buyer of the buyer's right to request a review period and to rescind a contract as specified in subsection (c) of this section.
- (e) **Residential rental licensing.** For purposes of this subsection, "Ordinance" means Section 12.3-31 et seq. of the Frederick City Code, commonly known as the "Residential Rental Licensing Ordinance". Each contract for sale of residential real property within the City must contain a clearly identified provision that notifies a prospective buyer of the existence of the Ordinance. The provision must include the Ordinance's definition of "rental housing unit" as well as a statement that:
- (1) The Ordinance requires property owners to meet certain licensing requirements and maintenance standards with respect to rental housing units;
 - (2) There are licensing, inspection, and other regulatory fees associated with the Ordinance, as well as penalties for the violation of the Ordinance; and
 - (3) The buyer should review the full text of the Ordinance to understand the property owner's obligations and the impact of the Ordinance, if any, on the purchase of the subject property.
- (f) **Buyer's signature required.** Each contract for sale of real property within the City must require a buyer's signature, serving as an acknowledgement that the buyer has read and understood the disclosure requirements of this section.
- (g) **Penalties.**
- (1) A seller who fails to provide the disclosures required by this section is guilty of a municipal infraction punishable by a fine of \$100.
 - (2) Failure to comply with any provision of this section will not prevent the recording of any document or affect the title to real property or any mortgage or deed of trust made in good faith or for value, and it shall not affect the application of this section.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That this ordinance shall take effect on the date it is approved by the Mayor and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

PASSED:

DATE:



July 20, 2023

**Michael C. O'Connor, President,
Board of Aldermen**

APPROVED:

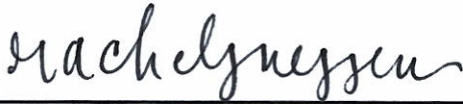
DATE:



July 21, 2023

Michael C. O'Connor, Mayor

Approved for Legal Sufficiency:



Rachel S. Nessen, City Attorney