



SUMMARY OF 2023 REAL ESTATE LEGISLATION

HOUSING AND TAXES

HB 60/SB 315 – Housing Innovation Pilot Program and Housing Innovation Fund - Establishment (Housing Innovation Pilot Program Act of 2023)

DID NOT PASS

POSITION: Support

Would have established a Housing Innovation Pilot Program and to provide low and no-interest loans for the development of mixed-income, cross-subsidized housing developments.

HB 79/SB 296 – Housing and Community Development - Whole-Home Repairs Act of 2023

DID NOT PASS

POSITION: Support

The program would have provided funding to local governments or nonprofit agencies to ensure owner-occupied and rental units are free of habitability concerns, and to improve coordination across home repair programs.

HB 150/SB 166 – Housing and Community Development - Adaptive Reuse

PASSED – Effective October 1, 2023

POSITION: Support

Developers may leverage Maryland DHCD financial assistance for the adaptive reuse, retrofit, and repurpose of existing buildings as affordable multifamily housing.

HB 211 – Rental Housing Fund, Calculation of Taxable Income, and Transfer Tax - Alterations (Affordable Housing Investment Act)

DID NOT PASS

POSITION: Oppose

The bill would have increased the State transfer tax rate, from 0.25% to 0.50%, for first-time homebuyers who purchase a home exceeding \$1 million. It also would have reduced current state tax exclusions for certain capital gains and mortgage interest payments.

R® HB 239/SB 382 – Accessory Dwelling Unit Policy Task Force

PASSED – Effective June 1, 2023

POSITION: Support

This bill establishes the Accessory Dwelling Unit Policy Task Force to recommend policies for ADU usage in residential areas. The Task Force will report on its activities on November 1, 2023 and June 1, 2024.

HB 404 – Property Tax - Local Homeowners' Credit Supplement - Limitation on Combined Gross Income

PASSED – Effective June 1, 2023

POSITION: Support

Authorizes local governments to modify income limitations for local supplements to the Homeowners Property Tax Credit Program. This legislation applies to all taxable years beginning after June 30, 2023.

HB 474/SB 945 – Real Property - Offers to Purchase and Transfer Tax

DID NOT PASS

POSITION: Oppose

This bill would have imposed a 30-day lockout period for accepting an offer to purchase from large real estate investment companies (institutional investors) and would have imposed a 15% transfer tax on property sales to such companies.

HB 505/SB 198 – Elevator Safety - Privately Owned Single-Family Residential Elevators - Inspection and Registration Requirements

PASSED – Effective July 1, 2023

POSITION: Monitor

Elevators installed in a privately owned single-family residential dwelling on or after October 1, 2023, must be registered with the state at least 60 days before being placed in service.

HB 508/SB 435 – Property Tax Credit - Disabled Law Enforcement Officers and Rescue Workers - Definition and Eligibility

PASSED – Effective June 1, 2023

POSITION: Support

Allows disabled law enforcement officers and rescue workers to claim this property tax credit if they were domiciled in Maryland at any time within the 5 years prior to their death or disability determination. Applies to all taxable years beginning after June 30, 2023.

R® HB 619 – General Assembly - Legislation - Housing Impact Analysis

DID NOT PASS

POSITION: Support

This bill would have required a housing impact analysis rating and a housing impact analysis to be prepared for each bill introduced by a member of the General Assembly.

HB 625/SB 445 – Appraisal Gap From Historic Redlining Financial Assistance Program

PASSED – Effective July 1, 2023

POSITION: Monitor

Expanding the forms of financial assistance available under the Appraisal Gap From Historic Redlining Financial Assistance Program; altering eligibility requirements for projects that may receive financial assistance under the Program; altering the time period when applications may be submitted under the Program; repealing certain restrictions on the amount of financial assistance that may be provided under the Program.

HB 852 – Land Use - Expedited Development Review Processes for Affordable Housing - Application to Religious Organizations

DID NOT PASS

POSITION: Support

Counties that use an expedited development review process for proposed affordable housing developments would have been required to consider applications from bona fide religious organizations under that process.

HB 897/SB 826 – Homeowners' Property Tax Credit - Qualified Homeowner - Application and Certification Requirements

PASSED – Effective June 1, 2023 ***POSITION: Support***

Allows individuals whose gross income is limited to social security benefits, pensions, and annuities to apply for the Homeowners Property Tax Credit once every 3 years, as long as they certify their eligibility annually.

SB 32 – Property Tax - Exemption for Dwellings of Disabled Veterans - Application

PASSED – Effective June 1, 2023 ***POSITION: Support***

Allows disabled veterans or surviving spouses to submit the rating decision noting the veteran's disability and the effective date from the U.S. Department of Veterans Affairs as proof of eligibility when applying for property tax credits.

SB 61/HB 599 – Property Tax Credit - Public Safety Officer

PASSED – Effective June 1, 2023 ***POSITION: Support***

Allows counties and municipalities to define which individuals are considered “public safety officers” for the purpose of receiving this tax credit. Additionally, this legislation repeals the existing limit of this property tax credit.

REAL ESTATE BROKERAGE AND CONTRACTS

HB 144 – Real Estate Brokers - Inactive Licenses

PASSED – Effective October 1, 2023 ***POSITION: Support***

This legislation closes a loophole which allowed inactive licensees to reinstate and renew a license for up to six years after expiration. This bill limits the length of time before expiration to three years, regardless of licensee status.

HB 281/SB 485 – Frederick County - Residential Property Sales - Contract Disclosures

DID NOT PASS ***POSITION: Support with Amendments***

As amended, Frederick home sellers would have been required to disclose if a property was located within 0.5 miles of a designated Superfund site. REALTORS® sought amendments to conform this disclosure to others currently in the sales contract for the buyer to explore the distance to any Superfund site.

HB 301 – Real Estate Brokers - Brokerage Services - Real Estate Wholesaling

DID NOT PASS ***POSITION: Support with Amendments***

Would have required real estate wholesalers to be licensed as real estate brokers by the Maryland Real Estate Commission.

HB 577 – Human Relations - Discrimination in Housing - Reentry-Into-Society Status

DID NOT PASS ***POSITION: Oppose***

Would have prohibited discriminatory practices in residential real estate transactions and the sale or rental of a dwelling because of a person's past criminal history once their sentence was completed.

HB 608/SB 535 – Human Relations - Housing Discrimination - Service Dogs

PASSED – Effective October 1, 2023 ***POSITION: Monitor***

Tenants may retain their service dog in the rental unit after it has been retired from service. Tenants may not be charged a pet fee or additional rent but are liable for damages it has caused.

SB 47 – Evidence – Wiretapping and Electronic Surveillance – Fair Housing Testing

DID NOT PASS ***POSITION: Support with Amendments***

Would have allowed non-profit or government fair housing testers to use audio or video recordings to enforce fair housing laws in Maryland.

R® SB 443/HB 662 – Real Estate Brokers, Salespersons, and Associate Brokers - Continuing Education Courses

PASSED – Effective October 1, 2023 ***POSITION: Support***

The 15-hour continuing education requirement for a new licensee's first renewal period will consist of required classes in contracts, disclosures, property management, advertising, deposits, professionalism, condominium and HOA laws, and real estate financing.

SB 579/HB 728 – Residential Property - Service Agreements - Prohibitions

PASSED – Effective June 1, 2023 ***POSITION: Support***

Service agreements which bind a property owner to a future contract for the maintenance, purchase, or sale of residential property may not be in effect for longer than one year or be recorded as a lien against the property.

R® SB 651/HB 1235 – Real Estate - Real Estate Brokerage Services and Termination of Residential Real Estate Contracts (The Anthony Moorman Act)

PASSED – Effective October 1, 2023 ***POSITION: Support***

When a buyer properly terminates a real estate contract, the holder of the escrow funds shall return the buyer's deposit within 30 days. Sellers may object by filing for mediation or initiating court action within 10 days of receiving notice of the deposit release.

HB 1121 – Real Property - Residential Contracts of Sale - Buyer Privacy

DID NOT PASS ***POSITION: Oppose***

This bill would have prohibited a contract of sale for single-family residential real property from containing the name of the buyer prior to acceptance of the contract by the seller.

R® HB 1225 – Real Estate Brokers - Disability or Death and Termination of Employment of a Broker

PASSED – Effective October 1, 2023 POSITION: Support

This bill allows the owner of a real estate company to remove a terminated broker and petition the Real Estate Commission to reissue a certificate and pocket card to another broker.

COMMON OWNERSHIP COMMUNITIES

HB 52 – Condominiums - Sales Contracts - Asbestos Disclosure

DID NOT PASS

POSITION: Support with Amendments

Would have required a contract for the initial sale or resale of a condominium unit to contain notices related to the presence and abatement of asbestos in the dwelling unit or in the common areas.

HB 80 – Real Property - Regulation of Common Ownership Community Managers

DID NOT PASS

POSITION: Support

This bill would have established the State Board of Common Ownership Community Managers to regulate the provision of common ownership community (COC) property management services in Maryland.

R® HB 98/SB 403 – Condominiums - Mandatory Insurance Coverage – Alterations

PASSED – Effective October 1, 2023

POSITION: Support

Allows detached condominium units to obtain property insurance coverage as HOAs, with unit owners insuring their individual dwellings and the association insuring common areas.

HB 534 – Cooperative Housing Corporations, Condominiums, and Homeowners Associations – Funding of Reserve Accounts

DID NOT PASS

POSITION: Support

The bill would have extended the timeframe to comply with funding reserve accounts from 3 years to 5 years after the initial reserve study.

HB 844 – Housing and Community Development - Common Ownership Community Website

PASSED – Effective October 1, 2023

POSITION: Support with Amendments

DHCD will establish a website outlining the rights and responsibilities of individuals living in a common ownership community, along with website addresses for certain Condo and HOA communities.

LAND-USE, PROPERTY RIGHTS, AND THE ENVIRONMENT

HB 11/SB 483 – Private Well Safety Act

PASSED – Effective October 1, 2024

POSITION: Support with Amendments

The bill requires that properties with a private or domestic water supply undergo water quality testing as a condition of sale. Purchasers may waive the water quality testing requirements in writing, and test results are valid for 3 years.

HB 830/SB 477 – Residential Construction - Electric Vehicle Charging

PASSED – Effective October 1, 2023 ***POSITION: Oppose as Introduced***

Repeals the requirement that builders (or their agents) provide buyers with the option to include EV equipment in the garage, carport, or driveway. Instead, this bill requires the inclusion of one EVSE-installed or EV-ready parking space in new single-family and townhome units. Requirements to add these spaces during significant renovations of existing homes were removed from the bill, addressing REALTOR® concerns.

HB 831 – Environment - Septic Systems - Online Database

DID NOT PASS ***POSITION: Support***

This bill would have required the Maryland Department of the Environment (MDE) to develop and maintain an online database of all septic systems installed in the State and track specified information related to the systems and their installation.

HB 1134 – Building Performance - Fossil Fuel Use and Electric-Ready Standards

DID NOT PASS ***POSITION: Oppose***

This bill would have required that new buildings meet all energy demands of the building without the use of fossil fuels by 2025 if below 7 stories in height or by 2029 if above 7 stories.

HB 1209 – Environment – Flood Control – Flood Risk Assessment and Model Ordinance (Climate Ready Floodplain Act of 2023)

DID NOT PASS ***POSITION: Oppose***

The bill required the Maryland Department of the Environment (MDE) to publish and promote a statewide flood risk assessment map. Once established, new construction would have been prohibited and requirements imposed for existing buildings undergoing significant repairs or reconstruction within a designated areas.

PROPERTY MANAGEMENT

HB 34 – Failure to Pay Rent Proceedings - Prohibition on Rent Increases and Shielding of Court Records

DID NOT PASS ***POSITION: Support with Amendments***

Would have required the District Court to shield a tenant's court records when failure to pay rent proceedings do not result in a judgment of possession. A landlord also would have been prohibited from increasing rent solely because a judgment was entered against a tenant.

HB 36/SB 100 – Actions to Repossess – Proof of Rental Licensure

PASSED – Effective October 1, 2023 ***POSITION: Support***

Landlords who operate in jurisdictions which require licensure must show during an eviction proceeding that they are (1) in compliance with local licensing requirements; (2) exempt from licensure; or (3) unlicensed for specified reasons.

HB 102/SB 279 – Actions for Possession - Pet Protections

PASSED -- Effective June 1, 2023

POSITION: Oppose as Introduced

On or after November 1, 2023, landlords must include with the lease a link to a fact sheet on the Department of Agriculture's website if the landlord knows that a tenant possesses a pet.

HB 151 – Real Property - Residential Leases - Notification of Rent Increases

PASSED – Effective October 1, 2023

POSITION: Support

Landlords must notify a tenant in writing before increasing the tenant's rent through first-class mail or electronic delivery. The notice timelines are 90 days for tenancies over 1 month; 60 days for month-to-month tenancies; and 7 days for weekly tenancies with a written lease.

HB 215/SB 450 – Real Property - Limitations on Summoning Law Enforcement or Emergency Services - Prohibition

PASSED – Effective October 1, 2023

POSITION: Support

Local laws or ordinances may not penalize a tenant or rental property owner for summoning law enforcement or emergency services to a residential property. Landlords may not include a clause in a lease which includes the same limits or penalties against the tenant.

HB 684/SB 504 – Landlord and Tenant - Residential Leases and Holdover Tenancies - Local Just Cause Termination Provisions

DID NOT PASS

POSITION: Oppose

Would have allowed counties to prohibit a landlord from failing to renew a residential lease or from terminating a holdover tenancy without just cause, such as the tenant breaching the lease or engaging in illegal activity, or the landlord removing the property from the market.

HB 691/SB 807 – Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act)

DID NOT PASS

POSITION: Oppose

While largely dealing with tenants in multi-housing rentals bringing a collective action against landlords, the bill would have also allowed money damages to be charged against a landlord for failure to repair defects.

HB 972 – Landlord and Tenant - Rent Escrow - Mold in Residential Dwelling Units

DID NOT PASS

POSITION: Support with Amendments

Would have included the existence of mold which presents a serious and substantial threat to the health of the occupants to the list of dangerous conditions and defects for which a tenant can obtain relief under the rent escrow statute.

HB 1016 – Real Property – Residential Lease – Early Termination by Tenant

DID NOT PASS

POSITION: Oppose

This bill would have limited the liability of a tenant who terminated a residential lease prior to the end of the lease term due to a change in the location of the tenant's employment,

involuntary unemployment, or the death of an individual whose income was used to qualify for the lease.

HB 1023 – Real Property - Landlord and Tenant - Procedures for Failure to Pay Rent, Breach of Lease, and Tenant Holding Over

DID NOT PASS

POSITION: Oppose

This bill would have required a landlord to provide prior written notice to the tenant of the scheduled date on which a court-ordered warrant of restitution is to be executed.

SB 848 – Statewide Rental Assistance Voucher Program - Establishment

PASSED – Effective October 1, 2023

POSITION: Support

Establishes a Statewide Rental Assistance Voucher Program in the Department of Housing and Community Development for use by low-income families while they are on the federal voucher waiting list.

COMMERCIAL AND AFFILIATED INDUSTRIES

HB 99/SB 316 – Education - Public High Schools - Financial Literacy Curriculum

DID NOT PASS

POSITION: Support

This bill would have required the State Board of Education to design and each local school system to implement a required half-credit course in financial literacy.

HB 669/SB 455 – Real Estate Appraisers - Licensing and Certification - Qualifications

PASSED – Effective October 1, 2023

POSITION: Monitor

This bill establishes an alternate pathway for obtaining licensure and certification as a real estate appraiser through the national Practical Applications of Real Estate Appraisal program.

HB 896/SB 885 – Property Tax Appeals - Commercial and Industrial Property – Fees

DID NOT PASS

POSITION: Oppose

Would have required filing fees for commercial or industrial property assessment appeals when those properties are valued above \$1.0 million. The fees would have been refunded only for successful appeals.

HB 1150 – Commercial Law and Financial Institutions - Credit Regulation - Shared Appreciation Agreements

PASSED – Effective July 1, 2023

POSITION: Support

Shared appreciation loans provide consumers with upfront financial assistance in exchange for an interest in a dwelling or residential real estate. This bill makes these agreements subject to the Maryland Mortgage Lender Law and those that offer them subject to oversight by the Commissioner of Financial Regulation.

SB 90/HB 37 – Commercial Law - Consumer Protection - Telephone Solicitation (Stop the Spam Calls Act of 2023)

PASSED – Effective January 1, 2024 POSITION: Monitor

This bill prohibits a person from making a telephone solicitation that involves an automated system for the selection or dialing of telephone numbers or playing a recorded message when the phone is answered, unless prior written consent has been given.

[SB 550/HB 548](#) – Financial Regulation - Maryland Community Investment Venture Fund - Establishment (Access to Banking Act)

PASSED – Effective July 1, 2023 POSITION: Support

The bill creates the Maryland Community Investment Venture Fund to incentivize banking institutions and credit unions to better serve the needs of residents in low- to moderate-income areas.