

No. 13

(Senate Joint Resolution No. 41)

A Senate Joint Resolution concerning

Real Estate Commission - Property Condition Guidelines

FOR the purpose of urging the Real Estate Commission to adopt guidelines and recommendations concerning the responsibility of brokers, salesmen, and owners for the physical condition of residential property offered for sale.

WHEREAS, Real estate brokers and salesmen are required by the Code of Ethics promulgated by the Maryland Real Estate Commission to make a reasonable effort to ascertain all material facts concerning every property for which they accept the agency; ;and

WHEREAS, The Real Estate Commission has been inconsistent in its enforcement of this obligation and has failed to establish specific guidelines under which this obligation may be met by brokers and salesmen, and

WHEREAS, As a result brokers and salesmen are being charged with violations of this obligation without having the benefit of specific guidelines to follow; and

WHEREAS, As a further result persons are buying residential properties with serious deficiencies for which they often have no adequate remedies; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Real Estate Commission is urged to develop specific guidelines with respect to:

(1) The duty a listing or selling broker or salesman has to inquire into or otherwise investigate the physical condition of residential property offered for sale;

(2) The extent to which a broker or salesman may rely upon representations made by the owner of residential property which is being offered for sale; and

(3) The duty that a broker or salesman has to volunteer information to a potential buyer; and be it further

RESOLVED, That the Real Estate Commission is urged to study the extent to which the owner of residential property should impliedly warrant the condition of a house or