

SENATE BILL 261

N1, M3

11r0365
CF 11r1859

By: **Senators Frosh, Forehand, Gladden, Madaleno, Manno, Pugh, and Raskin**
Introduced and read first time: January 28, 2011
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Commercial Buildings – Disclosures**

3 FOR the purpose of requiring that, on or after a certain date, an owner or operator of
4 certain privately owned commercial buildings disclose certain energy
5 benchmarking information to certain persons; providing that a purchaser or
6 lessee that does not receive an energy benchmark disclosure statement on or
7 before entering into a contract for sale or lease has the right to rescind the
8 contract within a certain time and to the immediate return of any deposit;
9 providing that a benchmark is valid for a certain time period; defining certain
10 terms; and generally relating to the disclosure of energy usage information for
11 privately owned commercial buildings.

12 BY adding to

13 Article – Real Property
14 Section 10A–101 through 10A–104 to be under the new title “Title 10A.
15 Commercial Buildings – Disclosures”
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2010 Supplement)

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

20 **Article – Real Property**

21 **TITLE 10A. COMMERCIAL BUILDINGS – DISCLOSURES.**

22 **10A–101.**

23 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

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



1 **(B) “BENCHMARK” MEANS TO OBTAIN ENERGY STATISTICS FOR**
2 **STRUCTURES COMPARABLE TO A PARTICULAR STRUCTURE AND, IF**
3 **APPLICABLE, ENERGY STAR RATINGS, USING THE EPA PORTFOLIO MANAGER.**

4 **(C) “EPA PORTFOLIO MANAGER” MEANS THE INTERNET-BASED**
5 **PORTFOLIO MANAGER ENERGY MANAGEMENT TOOL DEVELOPED BY THE**
6 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.**

7 **10A-102.**

8 **THIS TITLE APPLIES TO PRIVATELY OWNED COMMERCIAL BUILDINGS IN**
9 **THE STATE WITH AN INTERIOR SPACE OF MORE THAN 10,000 SQUARE FEET.**

10 **10A-103.**

11 **FOR PURPOSES OF THIS TITLE, A BENCHMARK IS VALID FOR 12 MONTHS**
12 **AFTER IT IS ESTABLISHED.**

13 **10A-104.**

14 **(A) ON OR AFTER JANUARY 1, 2013, THE OWNER OR OPERATOR OF A**
15 **COMMERCIAL BUILDING SHALL DISCLOSE THE BUILDING’S BENCHMARKING**
16 **DATA AND RATINGS TO A PROSPECTIVE:**

17 **(1) BUYER OF THE BUILDING; AND**

18 **(2) LESSEE OF MORE THAN 2,000 SQUARE FEET OF THE**
19 **BUILDING.**

20 **(B) (1) A PURCHASER OR LESSEE WHO DOES NOT RECEIVE AN**
21 **ENERGY BENCHMARK DISCLOSURE STATEMENT ON OR BEFORE ENTERING INTO**
22 **A CONTRACT FOR SALE OR LEASE HAS THE UNCONDITIONAL RIGHT, ON**
23 **WRITTEN NOTICE TO THE BUILDING’S OWNER, OPERATOR, OR AGENT:**

24 **(I) TO RESCIND THE CONTRACT FOR SALE OR LEASE AT**
25 **ANY TIME BEFORE RECEIPT OF THE DISCLOSURE STATEMENT OR WITHIN 5 DAYS**
26 **AFTER RECEIPT OF THE DISCLOSURE STATEMENT; AND**

27 **(II) TO THE IMMEDIATE RETURN OF ANY DEPOSIT MADE ON**
28 **ACCOUNT OF THE CONTRACT.**

29 **(2) A PURCHASER’S OR LESSEE’S RIGHT TO RESCIND THE**
30 **CONTRACT FOR SALE OR LEASE UNDER THIS SUBSECTION TERMINATES IF NOT**

1 EXERCISED WITHIN 60 DAYS AFTER THE PURCHASER OR LESSEE TAKES
2 POSSESSION OF THE PROPERTY.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.