

HOUSE BILL 437

N1

11r0437

By: ~~Delegate Niemann~~ Delegates Niemann, Gilchrist, Beidle, Healey, and Glenn

Introduced and read first time: February 4, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2011

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Sales of New Homes – Minimum Visitability Features**

3 FOR the purpose of requiring a ~~developer of new homes in a subdivision~~ home builder
4 at the time of offering new homes in a subdivision for sale to ~~make available for~~
5 ~~inspection a model home that contains minimum visitability features and to~~
6 offer minimum visitability features as an option for purchase under certain
7 circumstances; requiring a certain offer of minimum visitability features to be
8 accompanied by a certain document and a certain drawing or photograph;
9 defining certain terms; providing for the application of this Act; providing for a
10 delayed effective date; and generally relating to minimum visitability features
11 in the sale of new homes.

12 BY adding to

13 Article – Real Property

14 Section 10–801 to be under the new subtitle “Subtitle 8. Miscellaneous
15 Provisions”

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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 1. A CUSTOM HOME AS DEFINED IN § 10-501 OF THIS
2 TITLE; OR

3 2. A MOBILE HOME AS DEFINED IN § 8A-101 OF THIS
4 ~~TITLE~~ ARTICLE.

5 (B) THIS SECTION DOES NOT APPLY TO:

6 (1) A NEW HOME THAT IS LOCATED ABOVE ANOTHER NEW HOME;

7 (2) AN ATTACHED NEW HOME;

8 ~~(I) WITH A WIDTH OF LESS THAN 18 FEET; OR~~

9 ~~(II) THAT DOES NOT HAVE ON THE GROUND FLOOR EITHER~~
10 ~~A BATHROOM OR A KITCHEN;~~

11 (3) A NEW HOME:

12 (I) THAT DOES NOT HAVE A GARAGE; AND

13 (II) IN WHICH THE SLOPE BETWEEN THE FINISHED GROUND
14 LEVEL AT ALL UNIT ENTRANCES TO THE NEAREST POINT ALONG A PROPERTY
15 LINE THAT BORDERS A PUBLIC RIGHT-OF-WAY IS GREATER THAN 10%; OR

16 (4) A NEW HOME IN WHICH COMPLIANCE WITH THE DESIGN
17 FLOOD ELEVATION RESTRICTIONS WILL CAUSE:

18 (I) THE FINISHED FLOOR TO BE MORE THAN 30 INCHES
19 ABOVE THE FINISHED GROUND LEVEL AT ALL UNIT ENTRANCES; OR

20 (II) THE SLOPE BETWEEN THE FINISHED FLOOR AT ALL
21 UNIT ENTRANCES TO THE NEAREST POINT ALONG A PROPERTY LINE THAT
22 BORDERS A PUBLIC RIGHT-OF-WAY TO BE GREATER THAN 10%.

23 (C) THIS SECTION APPLIES ONLY TO A HOME BUILDER THAT
24 CONSTRUCTS 11 OR MORE NEW HOMES IN A SUBDIVISION THAT CONTAINS:

25 ~~(1) 11 OR MORE NEW HOMES; AND~~

26 ~~(2) 3 OR MORE MODEL HOMES.~~

27 (D) (1) ~~AT~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT
28 THE TIME OF OFFERING NEW HOMES IN A SUBDIVISION FOR SALE, A DEVELOPER
29 HOME BUILDER SHALL:

1 ~~(1) MAKE AVAILABLE FOR INSPECTION A MODEL HOME THAT~~
2 ~~CONTAINS MINIMUM VISITABILITY FEATURES; AND~~

3 ~~(2) OFFER~~ OFFER MINIMUM VISITABILITY FEATURES AS AN
4 OPTION FOR PURCHASE.

5 (2) THE OFFER OF MINIMUM VISITABILITY FEATURES SHALL BE
6 ACCOMPANIED BY:

7 (I) A POINT OF SALE DOCUMENT THAT DESCRIBES THE
8 MINIMUM VISITABILITY FEATURES; AND

9 (II) A GENERIC DRAWING OR PHOTOGRAPH THAT SHOWS
10 THE MINIMUM VISITABILITY FEATURES AND THE LOTS AND NEW HOME TYPES
11 THAT ARE CONDUCTIVE TO THE MINIMUM VISITABILITY FEATURES THAT COULD
12 BE CONSTRUCTED.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
14 any subdivision that receives preliminary plan approval on or after October 1, 2012.

15 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2012.

Approved:

_____ Governor.

_____ Speaker of the House of Delegates.

_____ President of the Senate.