HOUSE BILL 1086

N1 8lr1482

By: Delegates Proctor, Ali, Angel, Atterbeary, D. Barnes, Conaway, Fennell, C. Howard, Jalisi, Jameson, Moon, Patterson, Pena-Melnyk, Queen, Sanchez, Tarlau, and Valentino-Smith

Introduced and read first time: February 7, 2018 Assigned to: Environment and Transportation

A BILL ENTITLED

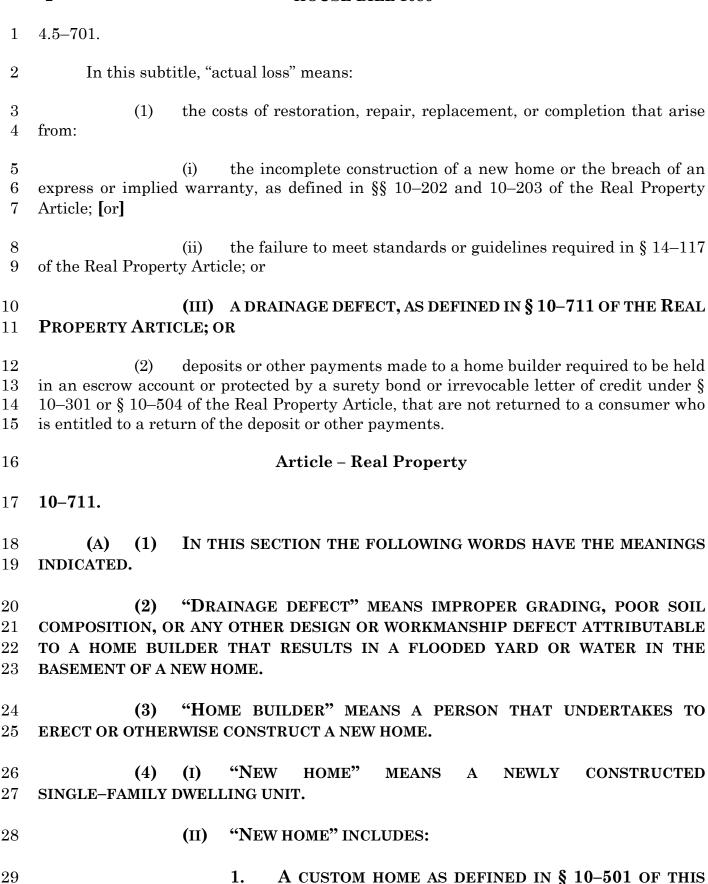
1 AN ACT concerning

2 Real Property - New Residential Construction - Correction of Drainage Defect

- 3 FOR the purpose of requiring a certain home builder to correct a certain drainage defect 4 within a certain time period if a certain owner provides written notice of the defect, 5 including certain documentation, to the home builder within a certain time period; 6 authorizing a certain owner to pursue a claim for compensation from the Home 7 Builder Guaranty Fund for a certain actual loss if a certain home builder fails to 8 correct a certain drainage defect in a certain manner; providing that a certain owner 9 is deemed to have complied with certain mediation requirements under certain 10 circumstances; altering a certain definition; defining certain terms; and generally 11 relating to new residential construction and the correction of drainage defects.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Business Regulation
- 14 Section 4.5–701
- 15 Annotated Code of Maryland
- 16 (2015 Replacement Volume and 2017 Supplement)
- 17 BY adding to
- 18 Article Real Property
- 19 Section 10–711
- 20 Annotated Code of Maryland
- 21 (2015 Replacement Volume and 2017 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 23 That the Laws of Maryland read as follows:
- 24 Article Business Regulation

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TITLE; OR



- 1 2. A MOBILE HOME AS DEFINED IN § 8A-101 OF THIS
- 2 ARTICLE.
- 3 (5) "OWNER" MEANS THE PURCHASER OF A NEW HOME WHO USES 4 THE HOME PRIMARILY FOR RESIDENTIAL PURPOSES.
- 5 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOME BUILDER 6 SHALL CORRECT A DRAINAGE DEFECT WITHIN 30 DAYS AFTER RECEIVING WRITTEN 7 NOTICE OF THE DEFECT IF:
- 8 (1) THE OWNER NOTIFIES THE HOME BUILDER OF A DRAINAGE
- 9 DEFECT WITHIN 1 YEAR AFTER THE DAY THE OWNER TAKES POSSESSION OF THE
- 10 NEW HOME OR THE DAY THE HOME BUILDER COMPLETES ANY GRADING OR
- 11 LANDSCAPING WORK ON OR ADJACENT TO THE LOT OCCUPIED BY THE NEW HOME,
- 12 WHICHEVER OCCURS LATER; AND
- 13 (2) THE WRITTEN NOTICE INCLUDES DOCUMENTATION OF THE
- 14 FLOODING, INCLUDING THE FREQUENCY AND EXTENT, CAUSED BY THE DRAINAGE
- 15 DEFECT.
- 16 (C) If A HOME BUILDER FAILS TO CORRECT A DRAINAGE DEFECT AS REQUIRED BY SUBSECTION (B) OF THIS SECTION, THE OWNER:
- 18 (1) SUBJECT TO ITEM (2) OF THIS SUBSECTION AND IN ACCORDANCE
- 19 WITH THE PROVISIONS OF TITLE 4.5, SUBTITLE 7 OF THE BUSINESS REGULATION
- 20 ARTICLE, MAY PURSUE A CLAIM FOR COMPENSATION FROM THE HOME BUILDER
- 21 GUARANTY FUND FOR AN ACTUAL LOSS; AND
- 22 (2) SHALL BE DEEMED TO HAVE COMPLIED WITH THE
- 23 REQUIREMENTS FOR MEDIATION UNDER § 4.5–706(A) AND (B) OF THE BUSINESS
- 24 REGULATION ARTICLE.
- 25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 26 October 1, 2018.