

HOUSE BILL 219

L2

9lr0577

By: **Prince George's County Delegation**

Introduced and read first time: January 23, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – New Homes – Correction of Drainage Defects**

3 **PG 408–19**

4 FOR the purpose of requiring the governing body of Prince George's County to establish a
5 program for the correction of drainage defects in new homes in the county under
6 certain circumstances; requiring the program to include certain procedures;
7 requiring the county to arrange to complete and seek reimbursement for the
8 correction of a drainage defect under certain circumstances; defining certain terms;
9 providing for a delayed effective date; and generally relating to drainage defects in
10 new homes in Prince George's County.

11 BY adding to
12 Article – Local Government
13 Section 1–1313
14 Annotated Code of Maryland
15 (2013 Volume and 2018 Supplement)

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

18 **Article – Local Government**

19 **1–1313.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(2) “DRAINAGE DEFECT” MEANS IMPROPER GRADING, POOR SOIL**
23 **COMPOSITION, OR ANY OTHER DESIGN OR WORKMANSHIP DEFECT ATTRIBUTABLE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 TO A HOMEBUILDER THAT RESULTS IN A FLOODED YARD OR WATER IN THE
2 BASEMENT OF A NEW HOME.

3 (3) "HOMEBUILDER" MEANS A PERSON THAT UNDERTAKES TO ERECT
4 OR OTHERWISE CONSTRUCT A NEW HOME.

5 (4) (I) "NEW HOME" MEANS A NEWLY CONSTRUCTED
6 SINGLE-FAMILY DWELLING UNIT.

7 (II) "NEW HOME" INCLUDES:

8 1. A CUSTOM HOME AS DEFINED IN § 10-501 OF THE
9 REAL PROPERTY ARTICLE; AND

10 2. A MOBILE HOME AS DEFINED IN § 8A-101 OF THE
11 REAL PROPERTY ARTICLE.

12 (5) "OWNER" MEANS THE PURCHASER OF A NEW HOME WHO USES
13 THE HOME PRIMARILY FOR RESIDENTIAL PURPOSES.

14 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNING
15 BODY OF PRINCE GEORGE'S COUNTY SHALL ESTABLISH A PROGRAM FOR THE
16 CORRECTION OF DRAINAGE DEFECTS IN NEW HOMES IN THE COUNTY.

17 (C) THE PROGRAM REQUIRED UNDER SUBSECTION (B) OF THIS SECTION
18 SHALL INCLUDE:

19 (1) A CLAIMS PROCEDURE FOR AN OWNER TO FILE A COMPLAINT FOR
20 THE CORRECTION OF A DRAINAGE DEFECT; AND

21 (2) AN EVALUATION PROCEDURE FOR DETERMINING WHETHER THE
22 HOMEBUILDER IS RESPONSIBLE FOR THE DRAINAGE DEFECT THAT IS THE BASIS OF
23 A COMPLAINT.

24 (D) IF A HOMEBUILDER IS FOUND TO BE RESPONSIBLE FOR A DRAINAGE
25 DEFECT, THE COUNTY SHALL:

26 (1) ARRANGE TO COMPLETE THE REQUIRED CORRECTION WITHIN 1
27 YEAR OF THE DATE OF THE FILING OF THE COMPLAINT; AND

28 (2) SEEK REIMBURSEMENT FROM THE HOMEBUILDER FOR THE
29 CORRECTION OF THE DRAINAGE DEFECT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.