

Chapter 350

(House Bill 219)

AN ACT concerning

Prince George’s County – New Homes – ~~Correction of Drainage Defects~~

PG 408–19

FOR the purpose of requiring the governing body of Prince George’s County to establish a program ~~for the correction to evaluate complaints~~ of drainage defects ~~in new homes~~ in the county under certain circumstances; requiring the program to include certain procedures; ~~requiring the county to arrange to complete and seek reimbursement for the correction of a drainage defect under certain circumstances~~; defining certain terms; providing for a delayed effective date; and generally relating to drainage defects in new homes in Prince George’s County.

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

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

Article – Local Government

1–1313.

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

(2) “DRAINAGE DEFECT” MEANS IMPROPER GRADING, POOR SOIL COMPOSITION, OR ANY OTHER DESIGN OR WORKMANSHIP DEFECT ATTRIBUTABLE TO A HOMEBUILDER THAT RESULTS IN A FLOODED YARD OR WATER IN THE BASEMENT OF A NEW HOME.

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

~~(4) (i) “NEW HOME” MEANS A NEWLY CONSTRUCTED SINGLE-FAMILY DWELLING UNIT.~~

~~(ii) “NEW HOME” INCLUDES:~~

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

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

~~(5)~~ (4) “OWNER” MEANS THE PURCHASER OF A NEW HOME WHO USES THE HOME PRIMARILY FOR RESIDENTIAL PURPOSES IN PRINCE GEORGE’S COUNTY.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNING BODY OF PRINCE GEORGE’S COUNTY SHALL ESTABLISH A PROGRAM ~~FOR THE CORRECTION TO EVALUATE COMPLAINTS OF DRAINAGE DEFECTS IN NEW HOMES~~ IN THE COUNTY.

(C) THE PROGRAM REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE PROCEDURES FOR:

(1) ~~A CLAIMS PROCEDURE FOR AN OWNER TO FILE A COMPLAINT FOR THE CORRECTION~~ REQUEST AN EVALUATION OF A DRAINAGE DEFECT; AND

(2) ~~AN EVALUATION PROCEDURE FOR DETERMINING WHETHER THE HOMEBUILDER IS RESPONSIBLE FOR THE DRAINAGE DEFECT THAT IS THE BASIS OF A COMPLAINT~~ REQUIRING THE COUNTY TO COMPLETE A WRITTEN EVALUATION OF ALLEGED DRAINAGE DEFECTS; AND

(3) REQUIRING THE COUNTY TO COLLECT DATA REGARDING HOMEBUILDERS WHO HAVE BUILT HOMES WITH DRAINAGE DEFECTS.

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

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

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

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

Approved by the Governor, April 30, 2019.