



Real Property Section

To: Environment and Transportation Committee

From: Legislative Committee of the Real Property Section Counsel

Date: March 3, 2023 [Hearing Date March 7, 2023]

Subject: **HB 1056** – Real Property - Warranties - Duration of Warranties and Repair of Defects

Position: **Technical Comments**

The Real Property Section Counsel of the Maryland State Bar Association (MSBA) offers **technical comments to House Bill 1056** – Real Property - Warranties - Duration of Warranties and Repair of Defects. The bill seeks to alter the expiration date of certain implied warranties for dwellings and establish a procedure for the resolution of an alleged breach of an implied warranty prior to an owner commencing an action regarding the alleged breach.

On page 3, lines 9-11, the bill states that a “Major Construction Defect” does not include damage due to the movement of the soil caused by flood, earthquake, or other natural disaster.” We believe that “disaster” is unclear. Thus, the bill should be amended to replace “other natural disaster” with “other natural cause or origin”.

Thank you for your consideration.