

SB1008/317974/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1008
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “manner;” insert “requiring certain home builders to disclose certain information to a prospective home buyer;”.

AMENDMENT NO. 2

On page 5, in line 25, after “**INCLUDE**” insert “:

(I)”;

and in line 27, after “**USE**” insert “;OR

(II) AN EMPLOYEE OR OFFICER AGENT FOR A NONPROFIT ORGANIZATION, WITH AT LEAST A 5-YEAR EXEMPLARY RECORD IN THE STATE AS A DEVELOPER OF AFFORDABLE HOUSING FOR PERSONS WITH LOW TO MODERATE INCOMES, IN THE INITIAL SALE OF A HOME IF:

1. THE HOME IS CONSTRUCTED OR REHABILITATED BY THE NONPROFIT ORGANIZATION; AND

2. THE PURCHASER OF THE HOME IS USING FEDERAL, STATE, OR LOCAL GOVERNMENT OR OTHER SUBSIDIZED FINANCING ADMINISTERED BY THE NONPROFIT ORGANIZATION FOR THE PURPOSE OF ASSISTING INDIVIDUALS WITH LOW TO MODERATE INCOMES TO PURCHASE HOMES”.

AMENDMENT NO. 3

(Over)

On page 14, after line 18, insert:

“(C) (1) A HOME BUILDER SHALL PROVIDE EACH PROSPECTIVE HOME BUYER WITH A DISCLOSURE THAT STATES: “THE SALES REPRESENTATIVE WORKS FOR THE HOME BUILDER, WHICH MEANS THAT HE OR SHE MAY ASSIST THE BUYER IN PURCHASING THE PROPERTY, BUT HIS OR HER DUTY OF LOYALTY IN ONLY TO THE HOME BUILDER.”.

(2) THE DISCLOSURE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN AT LEAST 12-POINT BOLD TYPE AND SHALL BE INCLUDED WITH:

(I) ANY WRITTEN MATERIALS MADE AVAILABLE TO CONSUMERS AT THE PROPERTY AT WHICH A REGISTERED SALES REPRESENTATIVE PRIMARILY PERFORMS WORK THAT REQUIRES REGISTRATION UNDER THIS TITLE; AND

(II) THE FIRST AGREEMENT SIGNED BY THE CONSUMER.”.

AMENDMENT NO. 4

On page 17, in line 22, strike “ARISES” and substitute “**ARISE**”; and in line 23, after “HOME” insert “**OR THE BREACH OF AN EXPRESS OR IMPLIED WARRANTY, AS DEFINED IN §§ 10-202 AND 10-203 OF THE REAL PROPERTY ARTICLE**”.

On page 21, in line 26, after “(G)” insert “**(1)**”; in line 29, after “WARRANTY” insert “**UNDER § 10-204 OF THE REAL PROPERTY ARTICLE**”; and after line 29, insert:

“(2) IF A CLAIMANT HAS FILED A CLAIM WITH A NEW HOME WARRANTY SECURITY PLAN, A CLAIMANT MAY BRING A CLAIM AGAINST THE

GUARANTY FUND WITHIN 4 MONTHS AFTER THE CLAIMS PROCESS OF THE HOME WARRANTY SECURITY PLAN IS EXHAUSTED.

On page 22, in line 6, strike the first “**THAT**” and substitute “**WHETHER**”; and in line 23, strike “**IN ACCORDANCE WITH**” and substitute “**, TAKING INTO CONSIDERATION APPLICABLE LAWS, INCLUDING EXPRESS AND IMPLIED WARRANTIES AND**”.

AMENDMENT NO. 5

On page 23, in line 8, after “**AUTHORIZES**” insert “**;**

(I)”;

and in line 11, after “**ARBITRATION**” insert “**;OR**

(II) IF THE CLAIMANT’S NEW HOME CONTRACT PROVIDES FOR MUTUAL SELECTION OF THE ARBITRATION SERVICE AND THE CLAIMANT AND REGISTRANT HAVE MUTUALLY AGREED ON AN ARBITRATION SERVICE, THE CLAIMANT MUST SUBMIT THE DISPUTE TO ARBITRATION PRIOR TO SEEKING RECOVERY FROM THE GUARANTY FUND”.