

SENATE BILL 1185

N1

7lr3791
CF HB 1413

By: **Senator Muse**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 9, 2017

Assigned to: Judicial Proceedings

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 defining certain terms; and generally relating to new residential construction and
7 the correction of drainage defects.

8 BY adding to

9 Article – Real Property

10 Section 10–711

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2016 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Real Property**

16 **10–711.**

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) "HOME BUILDER" MEANS A PERSON THAT UNDERTAKES TO**
2 **ERECT OR OTHERWISE CONSTRUCT A NEW HOME.**

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

5 **(II) "NEW HOME" INCLUDES:**

6 1. **A CUSTOM HOME AS DEFINED IN § 10-501 OF THIS**
7 **TITLE; OR**

8 2. **A MOBILE HOME AS DEFINED IN § 8A-101 OF THIS**
9 **ARTICLE.**

10 **(5) "OWNER" MEANS THE PURCHASER OF A NEW HOME WHO USES**
11 **THE HOME PRIMARILY FOR RESIDENTIAL PURPOSES.**

12 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOME BUILDER**
13 **SHALL CORRECT A DRAINAGE DEFECT WITHIN 30 DAYS AFTER RECEIVING WRITTEN**
14 **NOTICE OF THE DEFECT IF:**

15 **(1) THE OWNER NOTIFIES THE HOME BUILDER OF A DRAINAGE**
16 **DEFECT WITHIN 1 YEAR AFTER THE DAY THE OWNER TAKES POSSESSION OF THE**
17 **NEW HOME OR THE DAY THE HOME BUILDER COMPLETES ANY GRADING OR**
18 **LANDSCAPING WORK ON OR ADJACENT TO THE LOT OCCUPIED BY THE NEW HOME,**
19 **WHICHEVER OCCURS LATER; AND**

20 **(2) THE WRITTEN NOTICE INCLUDES DOCUMENTATION OF THE**
21 **FLOODING, INCLUDING THE FREQUENCY AND EXTENT, CAUSED BY THE DRAINAGE**
22 **DEFECT.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2017.