

HOUSE BILL 219

L2

9lr0577
CF SB 1015

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

Introduced and read first time: January 23, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

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~~ to evaluate complaints of drainage defects ~~in new homes~~
6 in the county under certain circumstances; requiring the program to include certain
7 procedures; ~~requiring the county to arrange to complete and seek reimbursement for~~
8 ~~the correction of a drainage defect under certain circumstances~~; defining certain
9 terms; providing for a delayed effective date; and generally relating to drainage
10 defects in 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.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

9 ~~(4) (I) "NEW HOME" MEANS A NEWLY CONSTRUCTED
10 SINGLE FAMILY DWELLING UNIT.~~

11 ~~(II) "NEW HOME" INCLUDES:~~

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

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

16 ~~(5) (4)~~ "OWNER" MEANS THE PURCHASER OF A NEW HOME WHO
17 USES THE HOME PRIMARILY FOR RESIDENTIAL PURPOSES IN PRINCE GEORGE'S
18 COUNTY.

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.