Article - Real Property

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§10–601.

(a) In this subtitle the following words have the meanings indicated.

(b) "Appliances, fixtures, and items of equipment" means furnaces, boilers, oil tanks and fittings, air purifiers, air handling equipment, ventilating fans, air conditioning equipment, water heaters, pumps, stoves, refrigerators, garbage disposals, compactors, dishwashers, automatic door openers, washers and dryers, bathtubs, sinks, toilets, faucets and fittings, lighting fixtures, circuit breakers, and other similar items.

(c) "Builder" means any person, corporation, partnership or other legal entity:

(1) That is engaged in the business of erecting or otherwise constructing a new home; or

(2) That purchases a completed new home for resale in the course of its business.

(d) "Division" means the Consumer Protection Division of the Office of the Attorney General.

(e) "Electrical systems" means all wiring, electrical boxes, switches, outlets and connections up to the public utility connection.

(f) "Heating, cooling, and ventilating systems" means all duct work, steam, water and refrigerant lines, registers, convectors, radiation elements and dampers.

(g) "Load–bearing portions of the home" means the load–bearing portions of the:

(1) Foundation system and footings;

(2) Beams;

(3) Girders;

(4) Lintels;

(5) Columns;

(6) Walls and partitions;

(7) Floor systems; and

(8) Roof framing system.

(h) "Local jurisdiction" means any county and any municipal corporation in Maryland subject to the provisions of Article XI–E of the Constitution.

(i) (1) "New home" means every newly constructed private dwelling unit in the State and the fixtures and structure that are made a part of a newly constructed private dwelling unit at the time of construction.

(2) "New home" does not include:

(i) Outbuildings, including detached garages and detached carports, except outbuildings that contain plumbing, electrical, heating, cooling, or ventilation systems serving the new home;

(ii) Driveways;

(iii) Walkways;

(iv) Patios and decks;

(v) Boundary walls;

(vi) Retaining walls not necessary for the structural stability of the new home;

(vii) Landscaping;

(viii) Fences;

(ix) Off–site improvements;

(x) Appurtenant recreational facilities; and

(xi) Other similar items as determined by the Secretary of Labor.

(j) "New home warranty" means a series of written promises made by a builder that meets the requirements of this subtitle.

(k) "New home warranty security plan" means a plan that meets the requirements of § 10–606 of this subtitle.

(l) "Owner" means the purchaser of a new home who uses the home primarily for residential purposes during the warranty period.

(m) "Plumbing systems" means:

(1) Gas supply lines and fittings;

(2) Water supply, waste, and vent pipes and their fittings;

(3) Septic tanks and their drain fields; and

(4) (i) Water, gas, and sewer service piping and their extensions to the tie–in of a public utility connection; or

(ii) On–site wells and sewage disposal systems.

(n) (1) "Structural defect" means any defect in the load–bearing portions of a new home that adversely affects its load–bearing function to the extent that the home becomes or is in serious danger of becoming unsafe, unsanitary, or otherwise uninhabitable.

(2) "Structural defect" includes damage due to subsidence, expansion, or lateral movement of soil that has been located or relocated by the builder.

(3) "Structural defect" does not include damage caused by movement of the soil:

(i) Resulting from a flood or earthquake; or

(ii) For which compensation has been provided.

(o) "Warranty date" means the first day that the owner occupies the new home, settles on the new home, makes the final contract payment on the new home, or obtains an occupancy permit for the new home if the home is built on the owner's property, whichever is earlier.

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