

February 25, 2020

The Honorable Kumar Barve
Chairman, House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen Street
Annapolis, MD 21401

RE: Support of House Bill 1070 (Maryland Condominium Act - Implied Warranties From Developers - Common Amenities)

Dear Chairman Barve:

The Maryland Building Industry Association (MBIA), representing 100,000 employees of the building industry across the State of Maryland, supports House Bill 1070 (Maryland Condominium Act - Implied Warranties From Developers - Common Amenities).

Under the current law, the implied warranty between developers and unit owners includes fundamental structural elements like the roof, foundation, and walls. This measure requires that the common amenities of a condominium including pools, tennis and basketball courts, and community centers be covered under an implied warranty as well. This is a limited and sensible expansion.

An implied warranty that covers structural elements is reasonable; these are fundamental to the integrity of the buildings in a condominium community, and the developer has unique expertise in their construction and maintenance. They are also permanent and difficult to alter by design; if a problem occurs within a structural element, it is reasonable to conclude that the developer may have done something wrong and should be responsible for fixing it. The same may be said for pools, tennis and basketball courts, and community centers; these are significant permanent structures not unlike codified structural elements.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: House Environment and Transportation Committee Members