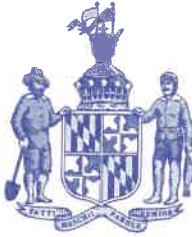


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February 25, 2020

To: The Honorable Kumar Barve
Chair, Environment and Transportation Committee

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 1070 – Maryland Condominium Act – Implied Warranties From Developers –
Common Amenities (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of House Bill 1070 submitted by Delegate Marvin E. Holmes, Jr. This bill provides that the implied warranty on common elements also applies to common amenities, including, but not limited to, the pool, tennis and basketball courts, and community center.

Items such as the pool, tennis and basketball courts, a community tot lot, and the community center are all common elements. However, governing documents often use different names to attempt to separate them from the implied warranties available to common elements. This bill would ensure that regardless of how they are named in the governing documents, the implied warranties would apply to these common elements. To allow otherwise, would run afoul of the legislative intent and would permit developers to avoid their responsibilities that are clearly described in statute.

The Consumer Protection Division has received complaints about developers not completing the common amenities or failing to correct issues involving these amenities. The developer has a responsibility to ensure that the common amenities are constructed in a workmanlike manner, free from faulty materials, constructed according to sound engineering standards and fit for the purpose for which they were built. By ensuring that these items are properly constructed, the developer ensures that association members can trust that their community will not be faced with unnecessary and unreasonable expenses.

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For these reasons, we ask that the Environment and Transportation Committee return a favorable report on this bill.

cc: The Honorable Marvin E. Holmes, Jr.
Members, Environment and Transportation Committee