

SENATE BILL 380

N1

9lr1015
CF HB 69

By: **Senators Kelley, Benson, Guzzone, Hester, Lam, Lee, Patterson, Peters, Rosapepe, West, and Young**

Introduced and read first time: January 31, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Maryland Condominium Act – Implied Warranties From**
3 **Developers**

4 FOR the purpose of establishing that certain common elements of a condominium are
5 covered under certain implied warranties; applying certain implied warranty
6 coverage to a certain portion of a condominium under certain circumstances; and
7 generally relating to implied warranties from developers in condominiums.

8 BY repealing and reenacting, with amendments,
9 Article – Real Property
10 Section 11–131(d)(1)
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2018 Supplement)

13 BY adding to
14 Article – Real Property
15 Section 11–131(g)
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2018 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Real Property**

21 11–131.

22 (d) (1) In addition to the implied warranties set forth in § 10–203 of this article
23 there shall be an implied warranty on common elements from a developer to the council of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 unit owners. The warranty shall apply to[:] **ALL COMMON ELEMENTS, INCLUDING** the
2 roof, foundation, external and supporting walls, mechanical, electrical, and plumbing
3 systems, and other structural elements.

4 **(G) THE IMPLIED WARRANTY ON THE COMMON ELEMENTS UNDER**
5 **SUBSECTION (D) OF THIS SECTION SHALL ALSO APPLY TO ANY PORTION OF THE**
6 **CONDOMINIUM THAT THE COUNCIL OF UNIT OWNERS IS REQUIRED TO MAINTAIN,**
7 **REPAIR, OR REPLACE UNDER THE DECLARATION, BYLAWS, OR OTHER INSTRUMENT**
8 **MADE BY A DEVELOPER OR VENDOR IN ACCORDANCE WITH THIS TITLE,**
9 **REGARDLESS OF WHETHER THE PORTION OF THE CONDOMINIUM IS DESIGNATED AS**
10 **A UNIT OR A COMMON ELEMENT.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2019.