

2. WAIVING THE RIGHT TO WARRANTY COVERAGE BY MAKING THE AFFIRMATIVE WAIVER DESCRIBED IN § 10-607 OF THIS TITLE.

(C) (1) IF THE PURCHASE OR CONSTRUCTION CONTRACT PROVIDES THAT THE NEW HOME SHALL BE COVERED BY A NEW HOME WARRANTY UNDER A NEW HOME WARRANTY SECURITY PLAN IT SHALL CONSTITUTE A MATERIAL BREACH OF THE CONTRACT IF EITHER:

(I) THE BUILDER WAS NOT A PARTICIPANT IN GOOD STANDING ON THE DATE OF THE CONTRACT WITH A NEW HOME WARRANTY SECURITY PLAN THAT SATISFIES THE REQUIREMENTS OF § 10-606(A) OF THIS TITLE; OR

(II) THE NEW HOME HAS NOT BEEN REGISTERED IN THE PLAN ON OR BEFORE THE WARRANTY DATE.

(2) IF THERE HAS BEEN A MATERIAL BREACH OF THE CONTRACT, THE OWNER SHALL BE ENTITLED TO WHATEVER REMEDIES ARE PROVIDED BY LAW INCLUDING, BUT NOT LIMITED TO:

(I) RESCISSION OF THE CONTRACT; AND

(II) EXCEPT IN THE CASE OF A CONSTRUCTION CONTRACT FOR A NEW HOME BUILT ON THE OWNER'S PROPERTY, A REFUND OF ANY MONEY PAID TO THE BUILDER FOR THE NEW HOME.

(D) (1) THE BUILDER SHALL NOTIFY THE NEW HOME WARRANTY SECURITY PLAN OF EACH NEW HOME BEING CONSTRUCTED BY THE BUILDER ON THE EARLIER OF THE DATE OF THE PURCHASE OR CONSTRUCTION CONTRACT OR THE START OF CONSTRUCTION OF THE NEW HOME.

(2) UPON RECEIPT OF NOTIFICATION BY THE BUILDER AS REQUIRED IN SUBSECTION (1) OF THIS SECTION, THE NEW HOME SHALL BE ELIGIBLE FOR REGISTRATION IN THE BUILDER'S NEW HOME WARRANTY SECURITY PLAN.

(E) (1) UPON ~~ENROLLMENT~~ REGISTRATION OF THE NEW HOME IN THE NEW HOME WARRANTY SECURITY PLAN, WARRANTY COVERAGE WHICH HAS NOT BEEN WAIVED BY THE OWNER SHALL BE PROVIDED BEGINNING ON THE WARRANTY DATE FOR THE NEW HOME CONSTRUCTED BY THE BUILDER, PROVIDED THAT THE BUILDER WAS IN GOOD STANDING WITH THE NEW HOME WARRANTY SECURITY PLAN AT THE TIME OF THE CONTRACT;

(2) ON THE WARRANTY DATE, THE BUILDER SHALL PROVIDE THE OWNER WITH EVIDENCE, IN A FORM APPROVED BY THE SECRETARY THAT THE NEW HOME IS COVERED BY A NEW HOME WARRANTY THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND