

2. The new home is eligible for registration or has been registered in the builder's new home warranty security plan; [and]

(2) (I) DISCLOSE TO THE OWNER ANY ACTUAL KNOWLEDGE THAT THE BUILDER HAS OF ANY HAZARDOUS OR REGULATED MATERIALS, INCLUDING ASBESTOS, LEAD-BASED PAINT, RADON, METHANE, UNDERGROUND STORAGE TANKS, LICENSED LANDFILLS, UNLICENSED LANDFILLS, LICENSED RUBBLE FILLS, UNLICENSED RUBBLE FILLS, OR OTHER ENVIRONMENTAL HAZARDS, PRESENT ON THE SITE OF THE NEW HOME; OR

(II) DISCLOSE TO THE OWNER THAT THE BUILDER IS MAKING NO REPRESENTATIONS OR WARRANTIES AS TO WHETHER THERE IS ANY HAZARDOUS OR REGULATED MATERIAL ON THE SITE OF THE NEW HOME; AND

[(2)] (3) Either:

(i) Provide the new home with a new home warranty if the builder belongs to a new home warranty security plan that:

1. Requires the builder to register every new home that the builder builds; or

2. Does not require the builder to register every new home but the builder has decided to sell the new home with a new home warranty; or

(ii) If the builder belongs to a new home warranty security plan that does not require the builder to register every new home and the builder has not decided whether or not to sell the new home with a new home warranty, give the owner the option of:

1. Purchasing the new home with the new home warranty provided by the builder's new home warranty security plan; or

2. Waiving the right to warranty coverage by making the affirmative waiver described in § 10-607 of this subtitle.

10-607.

(a) If in accordance with [§ 10-604(b)(2)] § 10-604(B)(3) of this [title] SUBTITLE an owner does not wish to require that the new home be covered by a new home warranty, the owner shall make an affirmative waiver of the coverage at the time of the purchase or construction contract.

SECTION 2. AND BE IT FURTHER ENACTED, That the requirements of this Act are intended to be in addition to the requirements of any other ordinance, resolution, law, or rule, and that this Act may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 1999~~ January 1, 2000.

Approved May 27, 1999.