

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Dear Consumer,

Thank you for contacting the Consumer Protection Division regarding the problems with your new home.

Please complete the enclosed complaint form and return it to us along with copies of all relevant documents. When we receive your completed form, we will attempt to resolve your dispute with your builder through mediation. If mediation efforts are unsuccessful and your complaint is eligible, you may seek recovery from the Home Builder Guaranty Fund. For consideration under the Guaranty Fund, the oath must be completed and signed.

Your complaint will also provide important information that can be used by the Home Builder Registration Unit in tracking the performance of builders. This Unit registers all home builders operating in Maryland, except those building exclusively in Montgomery County.

If you have not already done so, you should also do the following:

- Notify your builder in writing of the problems you are experiencing. If you are able to resolve this matter by talking to your builder, let us know and we will close your complaint. The Mediation Unit may not be able to begin mediating your complaint until several weeks after it receives your complaint form.
- Contact your local building inspection agency to find out what assistance it can offer.
- If your builder provided you with a new home warranty that covers the problems you are experiencing, you should follow the warranty's claims procedures within its stated deadlines.

Although we are able to resolve through mediation many of the complaints that we receive against new home builders, we are not able to resolve all of them. Depending upon the seriousness of your problem, you may want to contact an attorney to discuss whether pursuing a private legal action against your builder would make sense in your case. The deadline for filing a lawsuit will depend upon the nature of your legal claims. **Please note that in some cases you may need to file suit within two (2) years from the date you took possession of, or settled on, your new home.** If you are nearing the end of this two-year period, you would be well-advised to consult with an attorney immediately, regardless of the status of our mediation efforts.

If you have any questions, please call the Mediation Unit's hotline Monday through Friday, 9 a.m. to 3 p.m. at (410) 528-8662.

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NEW HOME COMPLAINT AND GUARANTY FUND CLAIM SUBMISSION FORM

LAST NAME	FIRST NAME	NAME OF BUSINESS YOU ARE COMPLAINING ABOUT	
STREET ADDRESS		STREET ADDRESS	
CITY, STATE, ZIP		CITY, STATE, ZIP	
DAYTIME PHONE #	EVENING PHONE #	PHONE #	
E-MAIL ADDRESS	FAX #	E-MAIL /WEB ADDRESS	FAX #

Name of Builder(s) / Company Owner(s) and individuals you dealt with:

My home (check one) :

Was purchased together with the land from the builder/developer (new or tract housing)

Was built on land I currently own or previously owned ("custom" home)

Is a Condominium / Cooperative (circle one). Name _____

My home was (check one) :

Stick-built (constructed on site from raw building materials)

Factory built (constructed of prefabricated units, assembled on site, including mobile or modular homes).

If so, please list:

Name of manufacturer _____

Mailing Address _____

City, State, Zip _____

Contract Date _____ **Settlement Date** _____ **Amount of Claim** _____

Date of Occupancy by You _____ **If Not Owner Occupied, Explain** _____

Your complaint involves (check all that apply):

____ **Your deposit.** Please describe the problem and attach copies of your contract, deposit disclosure and any other documents that relate to your deposit.

____ **Misrepresentations made in advertisements, sales literature, signs, contracts or by the builder's sales people.** Please describe the problem and attach copies of any relevant advertisements or sales literature.

____ **Lien(s) placed on your home by a subcontractor hired by your builder.** List the names of all subcontractors who have such liens:

____ **Construction defects.** Please use the following chart to indicate the component(s) of your home that have not been constructed to your satisfaction, and describe the problem(s).

<input type="checkbox"/>	COMPONENT	PROBLEM -- Include: <ul style="list-style-type: none"> ● Description of problem and date(s) on which you notified builder * Description and date of builder's response and current status of dispute
	Foundation / Basement	
	Frame / Walls / Insulation / Siding / Doors / Windows	
	Roofing	
<input type="checkbox"/>	COMPONENT	PROBLEM -- Include: <ul style="list-style-type: none"> ● Description of problem and date(s) on which you notified builder * Description and date of builder's response and current status of dispute
	Electrical / Plumbing	

☐	COMPONENT	PROBLEM -- Include: ● Description of problem and date(s) on which you notified builder * Description and date of builder's response and current status of dispute
	Foundation / Basement	
	Frame / Walls / Insulation / Siding / Doors / Windows	
	Roofing	
☐	COMPONENT	PROBLEM -- Include: ● Description of problem and date(s) on which you notified builder * Description and date of builder's response and current status of dispute
	Electrical / Plumbing	
	Decks / Porches / Patios / Garages	
	Driveways / Sidewalks / Landscaping	

Other (e.g. appliances, carpet, flooring, sump pumps)	
--	--

Date that written notice of defect or other claim for loss was sent to builder (See sample letters attached) _____

Has builder been provided reasonable access to the property, during regular business hours, to inspect and correct the alleged defect or other claim of loss? Explain your response. _____

Name of any Homeowner Warranty Plan you purchased or that was provided to you:

Address _____
 City, State _____
 Zip, Phone _____

Date of Claim filed with Home Warranty Plan _____

If you have contacted your Homeowner Warranty Plan about the problem, what was the plan's response?

Has a lawsuit been filed with respect to your claim? Yes No

If yes, please describe, including court where filed, case number, and current status. Please attach copies of any judgments and orders of satisfaction. _____

Has your claim been the subject of an arbitration proceeding? Yes No

If yes, please describe, including current status. Please attach copies of any arbitration award and orders of satisfaction. _____

How do you want this complaint resolved?

Please attach **copies** (not originals) of each of the following documents concerning your complaint, **if any**, including:

- Any and all contracts of sale, including all addenda and any change orders
- Copy of any claim submitted to the home warranty security plan, including all documents submitted by any party to this claim, evidence of any recoveries as a result of this claim, and claim denial
- Materials/specifications lists
- Draw schedules

- Punch lists
- Lien waivers
- Engineering, inspection or other expert reports
- Ads or sales literature that describe your home's features
- Written notice of defect sent to builder
- Documentation of attempts to permit builder access to the property to inspect and repair the damage
- Photographs, videotapes, diagrams, correspondence, etc.
- Any other evidence in support of your claim

Statement Under Oath: I, _____, hereby affirm under the penalties of perjury, that I wish to seek recovery for this loss from the Home Builder Guaranty Fund.

_____ (Signature) _____ (Date)

SAMPLE LETTER A

For notifying builder of failure to complete construction

Consumer's Name
Address
City, State Zip Code
Telephone Number

Date

Builder's Name
Address
City, State Zip Code

BY CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Dear Sir or Madam:

I am writing to formally notify you of my request that you complete the construction of my home in accordance with our contract. At the present time, the following items remain incomplete:

[List items here that are needed to complete construction or to complete the contract for sale]

Please contact me at the above address or telephone number to arrange a mutually convenient time for you to inspect the premises and make the necessary repairs and/or complete construction as needed.

Please be advised that if you do not contact me to make arrangements to complete the construction and make the necessary repairs as per our contract within a reasonable period of time, I will be filing a claim with the Maryland Home Builder Guaranty Fund to seek recovery for the losses I have sustained as a result of your failure to take the necessary action within a reasonable period of time.

Sincerely,

[Your Name}

SAMPLE LETTER B

For notifying builder of failure to comply with express or implied warranties or meet standards or guidelines required in § 14-117 of the Real Property Article, Annotated Code of Maryland.

Consumer's Name
Address
City, State Zip Code
Telephone Number

Date

Builder's Name
Address
City, State Zip Code

BY CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Dear Sir or Madam:

I am writing to formally notify you of my request that you comply with all express and implied warranties pursuant to the Real Property Article of the Annotated Code of Maryland, Sections 10-202 and 10-203 and correct any defects that do not comply with the standards or guidelines pursuant to Section 14-117. At the present time, it is my belief that you have failed to comply with the following express warranties contained within the contract:

[List items here that have not been done in accordance with what was agreed to in the written contract, or what was otherwise expressly promised]

In addition, it is my belief that the home, as presently constructed, is in violation of the implied warranty {Choose any or all below options that apply} because: (state reason).

Options for implied warranties under Maryland law:
of fitness for a particular purpose
to be free from faulty materials
to be constructed according to sound engineering standards
to be constructed in a workmanlike manner
of habitability

Please contact me at the above address or telephone number to arrange a mutually convenient time for you to inspect the premises and make the necessary repairs and/or complete construction as needed. Please be advised that if you do not contact me and make arrangements to make the necessary repairs within a reasonable period of time, I will be filing a claim with the Maryland Home Builder Guaranty Fund to seek recovery for the losses I have sustained as a result of your failure to do so.

Sincerely,

[Your Name]

SAMPLE LETTER C

For notifying builder of failure to return deposits or other payments

Consumer's Name
Address
City, State Zip Code
Telephone Number

Date

Builder's Name
Address
City, State Zip Code

BY CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Dear Sir or Madam:

I am writing to formally notify you of my request that you return the following payments to me within a reasonable period of time. [List all deposits or other payments made to the home builder that are required to be held in an escrow account or protected by a surety bond or irrevocable letter of credit under §§10-301 or 10-504 of the Real Property Article of the Annotated Code of Maryland to which you believe you are entitled and the reasons why you are so entitled].

Please be advised that if you do not return these funds within thirty (30) days, I will be filing a claim with the Maryland Home Builder Guaranty Fund to seek recovery for the losses I have sustained as a result of your failure to do so.

Sincerely,

[Your Name}