

OWNER BUILT RESIDENCE TRANSFER ACT (EXCERPT)
Act 6 of 2008

***** 445.889.new THIS NEW SECTION IS EFFECTIVE AUGUST 10, 2008 *****

445.889.new Failure to disclose; liability; remedies.

Sec. 9. (1) An owner-builder who fails to make the disclosures required under this act is liable for the following for up to 24 months after the completion of construction, first occupancy, or purchase, whichever occurs later:

(a) The cost of repair regarding any defects in workmanship.

(b) The cost of any repairs needed to bring the structure into compliance with the building code in effect at the time of the issuance of the occupancy permit.

(c) The cost for temporary shelter for the buyers if the repairs require the buyer to vacate temporarily or if the defects in the residential structure render it uninhabitable.

(2) The buyer of an owner-builder residential structure may bring an action in a court of competent jurisdiction for damages resulting from a violation of the disclosures required under this act. The action shall be brought not later than 24 months after completion of construction, first occupancy, or purchase, whichever comes later. If the buyer prevails in whole or part in an action brought under this section, the court shall award cost and actual attorney fees.

(3) The remedies under this act are cumulative and the use of a remedy under this act does not prevent the use of any other remedies allowed under law.

History: 2008, Act 6, Eff. Aug. 10, 2008.