

Suggestions

Pass a homeowners "Lemon" law (see <http://www.hobb.org/lemon/index.shtml>). This has proven to be a sound concept for automobiles, which are far more complicated than most homes.

Require the general contractor to take out any required permits and be held liable for any corrections. Current law, as I understand it, makes the homeowner responsible for all corrective action required by the Building Department, without regard for who took out the permit or performed the work.

Implement a means to terminate a contractors ability to do business if they have a established history of problems. Improved oversight of local jurisdictions by the State, including realistic and practical means of addressing issues with jurisdictions that are not performing properly.

Require jurisdictions to actually inspect homes, with some means of verifying they did so. As an example, if field notes were required than there would be a paper trail to show the inspector actually at least looked at the project.

Implement a means whereby a homeowner who has reasonable cause for concern about the inspection process on their home can have the home re-inspected by the State or a State licensed Inspector.

Implement a process for spot checking of a jurisdictions compliance with State requirements, using a means that does not require advance notice. I would suggest a random selection of open permits and have them inspected by the State after the jurisdiction has performed their inspection.

Require jurisdictions to have a practical appeals process, and clearly notify the public of it whenever a concern about their performance is raised.

Require any agency that can be protected by the Tort Claims Act to notify anyone that has a complaint of the requirements of that Act that might limit the persons options, such as time limits.

Raise the dollar limits set by the Act to a realistic level. Current limits will barely cover legal expenses, leaving agencies free to do what they want with almost totally immunity from consequences for their actions.

Allow the public to collect attorney and legal expenses should they prevail against a public agency.

Add a provision to the Act to significantly increase the limits for cases where gross negligence is proven.

Eliminate the Building Departments authority to overrule engineers, unless they are qualified to do so and are willing to accept full liability for their decisions and become the engineer of record for the project.

Modify the rules the Construction Contractors Board operates under. An example is the rule that no complaint can be filed against a contractor if the home has been occupied for a year. This means that a contractor is exempt from CCB intervention if the owners have lived in the home for a year, even if the contractor is still working on the home. This very situation happened to us. This rule (typical of most CCB rules) was designed for the situation where a home is built, sold, and the owners later occupy it. Situations such as ours where the home is occupied during construction, or where an existing home is being remodeled, were not considered.

Increase the time that a person can bring a claim against a contractor with the CCB. I would suggest changing it from the current one year to at least five.

Increase the dollar amount for the bonds that contractors must post as part of the CCB requirements. Bonds in the \$5,000 to \$10,000 range are completely inadequate for any but the smallest projects. Even what started to be a small project can result in very expensive problems.

Prohibit contractors from having wording on their contracts that limit their liability to the amount of the project they quoted. A contractor can perform a minor job and cause enormous harm.

Implement a means of preventing a contractor from dissolving one corporation and forming another to avoid liability.

Most of these suggestions would never impact a reputable contractor or jurisdiction, only the ones that perform in a substandard manner would have reason to be concerned. The minority contractors that cause so much trouble may be weeded out, reducing costs for the good ones.

I believe the Lemon Law concept and making the builder take out any permits and be liable for corrections would be the most effective means of dealing with the builders, the remainder of what I suggested would help induce the Building Departments to do what they are supposed to exist to do, protect the public.