

Therefore an urgent need for homeowners'/homebuyers' protection exists.

Whereas there are enormous dangers and pitfalls of confidentiality settlement agreements in construction defect litigation, and

Whereas our tax-dollar-funded government agencies designed to protect the home buying consumer are rendered useless by confidentiality agreements, and

Whereas time and again, consumers are victimized by industries and individuals who host a hidden history of unscrupulous business practices, a history often agreed upon by both parties in a legal dispute which further buries and makes such information unobtainable to the public sector, and

Whereas most victims do not desire to settle with confidentiality, it is often forced upon them after years of stressful litigation and a desire for closure. This results in further injuries to a trusting and ill-informed home-buying public. Therefore,

The Homeowners' Bill of Rights shall encompass:

The Prohibition of Confidentiality Settlements in Construction Defect Litigation. The Homeowners' Bill of Rights shall allow injured/distressed homeowners to disclose fraudulent business ethics, code violations, and other substandard building practices to federal, state, and local agencies designed to protect the consumer. That does not mean you can publicly criticize your builder as you please, but there would be absolute, accurate, and accessible records for public scrutiny and homebuyer protection. All legal judgments and/or out-of-court settlements shall be made obtainable to the public sector. This bill shall include remodeling/home improvement contractors.

Whereas builders/developers are often aware of code violations, problems with compactions, and other defects to a home during the building process. Therefore,

The Homeowners' Bill of Rights shall encompass:

New Home Disclosure Act. Regardless of local government inspections, finals, and/or certificates of occupancy, builders/developers must disclose any and all known problems in new home construction. Laws that govern disclosure on resale homes shall be applied to new homes. Any and all code violations of state and/or municipal building regulations must be disclosed. Within the same subdivision, builders/sellers of new construction must disclose to the home buyer any past and/or pending litigation for defects.

Whereas there are no punitive and/or emotional distress awards, and after attorney fees and costs, homeowners are usually left with less than half the monies awarded to make repairs. Therefore,

The Homeowners' Bill of Rights shall encompass:

The Right to Wholeness. Reimbursements of attorney fees and expert costs involving both in-court and out-of-court settlements. Such reimbursements will include emotional distress awards for homeowners who have had to suffer the mental anguish of living in substandard housing and/or illness(es) contracted due to substandard housing. This bill shall encompass new construction and remodeling/home improvement.

Whereas homebuyers often receive "bandage" repairs for serious defects and code violations, as opposed to appropriate repairs, they are often forced to live in homes that are uninhabitable and/or dangerous to occupants' health (i.e., unsafe structures or toxic molds such as mycotoxins due to defective construction). Therefore,

The Homeowners' Bill of Rights shall encompass:

Obligation to Repair/"The Home Lemon Act". Obligation to repair. Homeowners have the legal obligation to allow homebuilders the opportunity to repair. All repairs shall be at the homeowner's discretion, be verified by a qualified third party (of the homeowner's choosing). Homeowners will be reimbursed for any costs of inspection. Should the qualified third party feel that there is no adequate remedy for repair, builders/developers must purchase the home and reimburse the homeowner for all costs

pertaining to purchase, resolution, legal fees, inspections, etc. This reimbursement will also include the costs of any upgrades, plus increased market value. This bill shall encompass new home construction and/or remodeling/home improvement.

Whereas binding arbitration and/or mediation is unconstitutional and takes away the homeowners' right to a trial of their peers, there are often no options for appeal. The arbitrator's decision is final, and

Whereas plaintiffs are often denied discoveries and/or witnesses, and

Whereas homebuyers are typically unaware of the perplexity of arbitration, along with hidden costs, many homeowners find the expense of arbitration to far exceed court costs, and

Whereas arbitration translates to "No jury of your peers to weigh the facts, reports, photos, and other documentation, or relate to the hardships". These hardships often include living with illness due to toxic molds, fear for family safety, excessive stress, and financial losses. All need and deserve to be heard by one's peers, and

Whereas there are too many known cases of bias due to the fact that certain arbitrators are often chosen by builders and others in the building industry and develop an "Industry rapport". Therefore,

The Homeowners' Bill of Rights shall encompass:

The Prohibition of Arbitration. The prohibition of any and all binding arbitration and mediation clauses in homeowner purchase contracts and/or warranties. All arbitration and/or alternative dispute resolutions shall be optional. Homeowners will have the right to decide if they would prefer a form of mediation outside of the courts and shall never be, in any binding manner, forced to give up their rights to a trial of their peers regarding home purchase contracts, home defects of any type, and/or home warranties. This bill shall encompass new home construction and/or remodeling/home improvement.

Whereas home blueprints, vital tools for litigation purposes and a necessity to complete repairs to homes, are often found to be "missing" and/or "destroyed" by builders and/or city building departments. Therefore,

The Homeowners' Bill of Rights shall encompass:

Preservation of Documents. All builders and/or cities' building departments are mandated by law to maintain, archive, and make available to homeowners, copies of all residential blueprints for a period of ten years from completion or face penalties and fines up to \$5,000 for noncompliance. This bill shall encompass new home construction and/or remodeling/home improvement. Cities that do not enforce this article shall forfeit any sovereign immunity for construction defects and may be held liable for required repairs.

Whereas deficient building materials are often used in new construction. Therefore,

The Homeowners' Bill of Rights shall encompass:

Proven Materials. That no building materials that are proven to fail and/or that have been subject to class actions shall be used in the process of new home building and/or in home improvement/remodeling.

Whereas in some states (i.e., California Supreme Court Aas Decision) builders are no longer held liable for building code violations, codes (laws) that are the bare minimum in health and safety standards, and

Whereas homeowners/buyers have the right to expect that their home is built in accordance with all applicable local, state, and federal building codes and ordinances, and

Whereas homeowners pay for builders' negligence and must by law disclose these code violations to potential homebuyers, and

Whereas, for example, a home whose electrical system or structural integrity is not to code, and is thus a potential safety hazard, is deemed suitable for habitation until occupants and/or said structure is injured, and

Whereas other states have and are now initiating legislation to relieve builders from pending liabilities of defective building and/or meeting local, state, and federal building codes and ordinances. Therefore,

The Homeowners' Bill of Rights shall encompass:

Safe and Sound Housing. Holding all builders/developers responsible and liable for any and all building code violations. All builders must abide by and build in accordance with applicable federal, state, and local building laws and regulations. Builders are responsible for the proper application of all building materials, according to manufacturer specifications.

The Homeowners' Bill of Rights shall encompass:

Building Industry Regulation. The licensing, bonding, proof of liability insurance, and finger printing of all contractors and/or subcontractors in each state. Fingerprinting shall be mandatory for all corporate officers filed under licensee.

The Homeowners' Bill of Rights shall encompass:

The Right to Inspect. All homebuyers have the legal right to have their homes inspected by an independent inspector of their choice, prior to purchase, regardless of the status of the home--new, older, manufactured, remodeled, and/or from the ground up.

TAKE ACTION! Letter Campaign for the Homeowners' Bill of Rights---members, affiliates, please cut and paste the Homeowners' Bill of Rights and forward to your Representatives, both state and federal. . . We have provided a letter below to assist you in writing your legislators... Should you desire to, you may simply cut and paste the letter below, or write your own to accompany the Bill of Rights. Thank You

The Honorable _____

Address

Date

RE: An urgent need exists for homeowner/buyer protection.

Dear _____,

I am a member of Homeowners Against Deficient Dwellings, Inc. I have for your consideration enclosed a copy of the Homeowners' Bill of Rights. I am asking that you will consider sponsoring legislation based on the heartache and knowledge gained from those families who have suffered the devastating losses of negligent, deficient home construction.

When I bought my home, I thought it would be safe for my family to live in. I was wrong. Mere words cannot express what my family and others have gone through in respect to defective housing. To make matter worse, existing laws are stacked against the homebuyer/owner. Today, auto buyers have more protection than homeowners do. Therefore, now more than ever, we need our legislators looking out for home consumers' best interests.

The Building Industry would like you to believe that consumer groups such as ours are trying to sensationalize the issue and serve only to needlessly alarm prospective home buying consumers. Nothing could be further from the truth. We have firsthand knowledge of the crises in defective housing, which include deficient building materials being used nationwide, new homes that are either not inspected or under-inspected by the responsible yet "immune" municipalities, families suffering the ill of effects of toxic mold, losses of life savings, destruction of marriages, and a host of other problems too numerous to mention.

We are not attorneys, realtors, nor builders. But rather the very individuals who are living and working out

of our own deficient homes. Our homeowners are doctors, teachers, ministers, war veterans, steelworkers--all of whom are taxpayers and families who have lost everything, often including their health. We have witnessed far too many families fall apart from the devastation defective housing imposes, including my very own.

Homeowners are completely tired and dissatisfied with an elitist system of white-collar crime and "justice". If anyone else (i.e., auto dealers) inflicted these types of costs--fraudulent business practices and devastation--on someone, they would face imprisonment. How can we as an advanced society still afford the rich such privileges? Builders' insurance companies just continue to clean up after them. To make matters worse, insurance companies and homebuilders have lobbied successfully to pass legislation that excludes builder defects, code violations, and molds from homeowners' policies. Builders never feel repercussions for building defective housing. Both the building industry and insurance industry continually support legislation to lower builders' liabilities and take away homeowners' rights to resolution. This industry simply wants--and gets--"off the hook" for violating laws and destroying lives.

Too, we feel that simply seeking monetary awards for repairs is often not enough. Builders of defective housing need to be held accountable for their actions. Homeowners deserve justice, a sense of wholeness. Set back a speedometer, do the time. Destroy one's single largest investment, the home, and sit at the next community redevelopment meeting with your feet up, blissfully spending taxpayer money.

Justice defined is the merit for both rewards and punishment--- it is intended for the purpose of correctness. In construction defect law there are no punitive and/or emotional distress awards for us to send a message to enforce correctness. We have no large jury awards from our peers to send a message that we have "hadd" enough and that poor building practices and the violations of building codes and laws will not be tolerated. Construction defect laws are contractual and make no provisions for the victims' emotional duress, duress that often can and does lead to physical ailments. Construction litigation lawsuits are expensive and lengthy, and after attorney fees and expert costs, homeowners typically have less than half of their award to make necessary repairs. **Justice** eludes homeowners.

Please support us in our mission for safe and sound residential construction. Thank you for your consideration.

Sincerely, include your name, address, phone number.... Titles and memberships

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