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Danny McGlaughlin Statement
March 2002

Mr. Chairman. Senators. My name is Danny McGlaughlin. My wife and I proudly moved to Nevada in 1996. I am President of a Las Vegas homeowners association known as Pueblo at Santa Fe. After receiving my bachelors degree in management from Clearly College in Michigan, I served on the Ann Arbor, Michigan police force for 21 years, until retiring due to injuries sustained in the line of duty.

While on the force, one of my duties included serving as an ordinance officer. Because I enforced building codes, I am very familiar with their purpose and importance.

When I speak to you today, I believe that I am speaking for the 168 families living within my community. Now they too are aware of the importance of building code compliance.

I know you have heard a great deal of complaints from builders that construction defect lawsuits are frivolous. This infuriates me greatly, as on a daily basis, I see the impact shoddy construction has on the families within my community. Their homes are the greatest investment of their lives. The pride they held when buying their homes, quickly deflated as they soon realized that the promise of owning a properly constructed home vanished.

Our homeowners wrote countless letters and made endless phone calls to our builder asking, pleading, and demanding that it do the right thing. After years of being ignored, it became very apparent that our builder had no intention of standing behind its

work. Let me give you some examples of what we have endured:

The sewer laterals in our community were not properly sloped. This may seem benign enough, until homes began flooded with raw sewage. We of course sought help from our builder. Out of the several repairs that were needed, the builder only addressed one problem. We allowed the builder onto the property, and after fixing only one sewer line, they broke an electrical box off one of our building. To fix the electrical box, the builder backed a truck into the electrical box to bend it back up. It then strapped the box to the building with a bolt. This, they deemed to be an appropriate repair.

To fix the remaining sewage problems, we needed to get into the other sewer laterals. Unfortunately this was no easy task. The builder had buried the manhole covers with asphalt in our parking areas. The covers in the landscaped areas were also buried under dirt and sod. It was quite clear that the builder had absolutely no regard for our well-being.

Similarly, the sewer line clean-out covers were attached with screws that were too long. Common sense would have told any idiot that these screws should not have been used. The screws pierced the sewer lines and raw sewage to slowly seep into the individual units. Mold resulted.

The builder also used unacceptable parts to connect our water heaters. They burst and leak with alarming frequency and when it happens in a second-floor unit, the downstairs homeowners must share in their neighbors' construction defect experience. They endure water making its way through walls and ceilings, and watch it seep through

electrical outlets and lighting. The builder has taken no interest in fixing our water heaters. So once again, we took it upon ourselves to fix the problems. Unfortunately, however, the plumbing subcontractor chose to use cheap offshore valves in our walls that service our individual units. When the plumbers tried to turn the water off, they found it to be impossible. The gate valves were so defective that they broke off and the water continued to run into the units. Worse yet, when the plumbers tried to turn off the loop valves that service entire buildings, they broke as well. The plumbers had to turn off the water from under the city streets. Dozens of families go without water every time we have a plumbing leak.

If there should be a fire at Pueblo at Santa Fe, our families will be in deep trouble. The supposed firewalls offer no comfort that fire will not immediately spread from unit to unit. There are severe breaches caused by the electrician who cut large holes in the firewalls but did not seal them, the drywall subcontractor left gaps in the firewalls, and the insulation subcontractor chose not to stuff wall cavities.

It is my understanding that SB 241 would not view our firewalls to be defective. Rather, SB 241 would make us wait for a fire before the walls are considered to be defective.

Our community also has many FHA violations. We entered into a reconciliation agreement with our builder that gave it the right to repair the violations within a certain time. The builder attempted a few half-hearted and shoddy repairs. Now the United States Department of Justice is prosecuting our claims against the builder.

We also have missing hold-downs and anchor bolts in our buildings. These devices attach the wood framing to the foundation and keep the building from swaying or overturning. Under SB 241, this is not a defect until the building begins falling down.

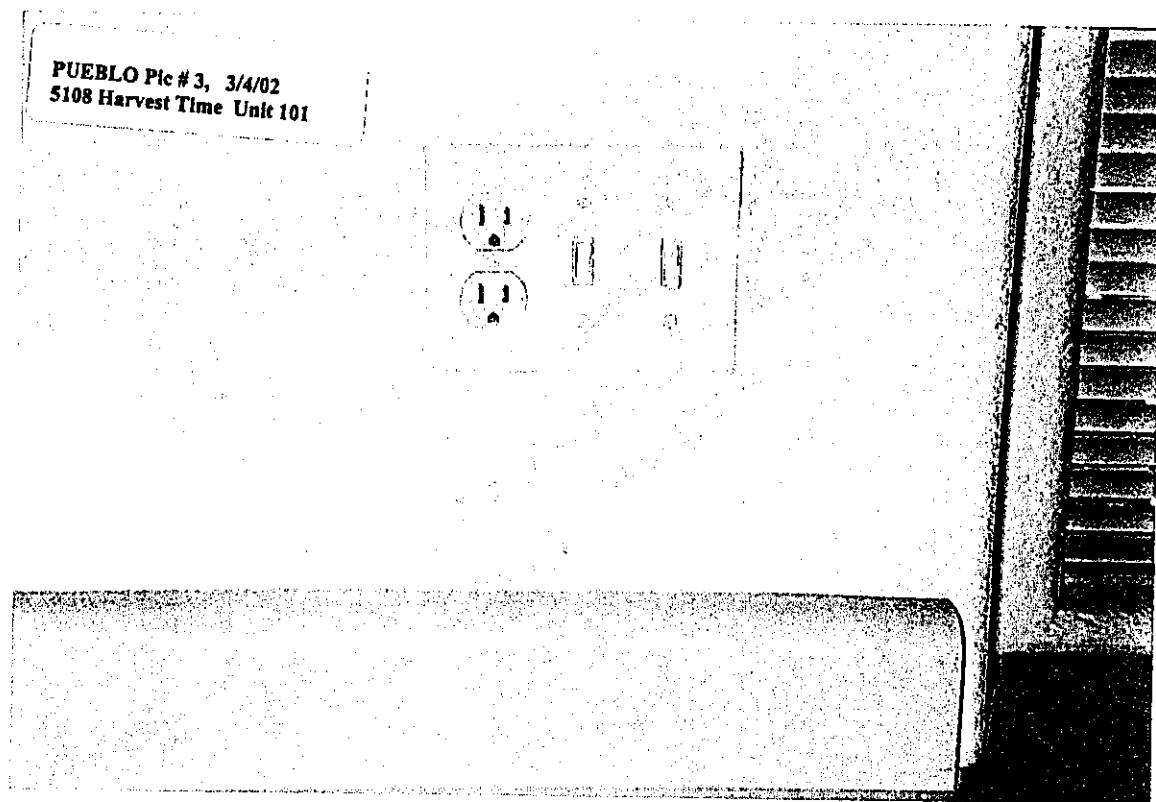
The Uniform Building Codes are designed to keep walls from cracking, buildings from tipping, roofs from leaking, fires from starting, windows from leaking, and fires from spreading. SB 241 changes all of that. It asks the homeowner wait from something to be destroyed or someone to be killed before a builder can be held accountable.

For decades, the building codes have given us minimum standards that must be met in order to avoid property damage and life threatening conditions. Nevada should uphold this ideal.

To me, Senate Bill 241 is a complete farce. It allows the builder to pick what repairs it wishes to make, no matter how ineffective or wasteful they may be. If a homeowner objects to the builders repairs, the homeowner is forced to go to the state contractors board. Everyone in this rooms knows that this is designed to give homeowners the runaround and keep them from asserting their right to have their homes built to code.

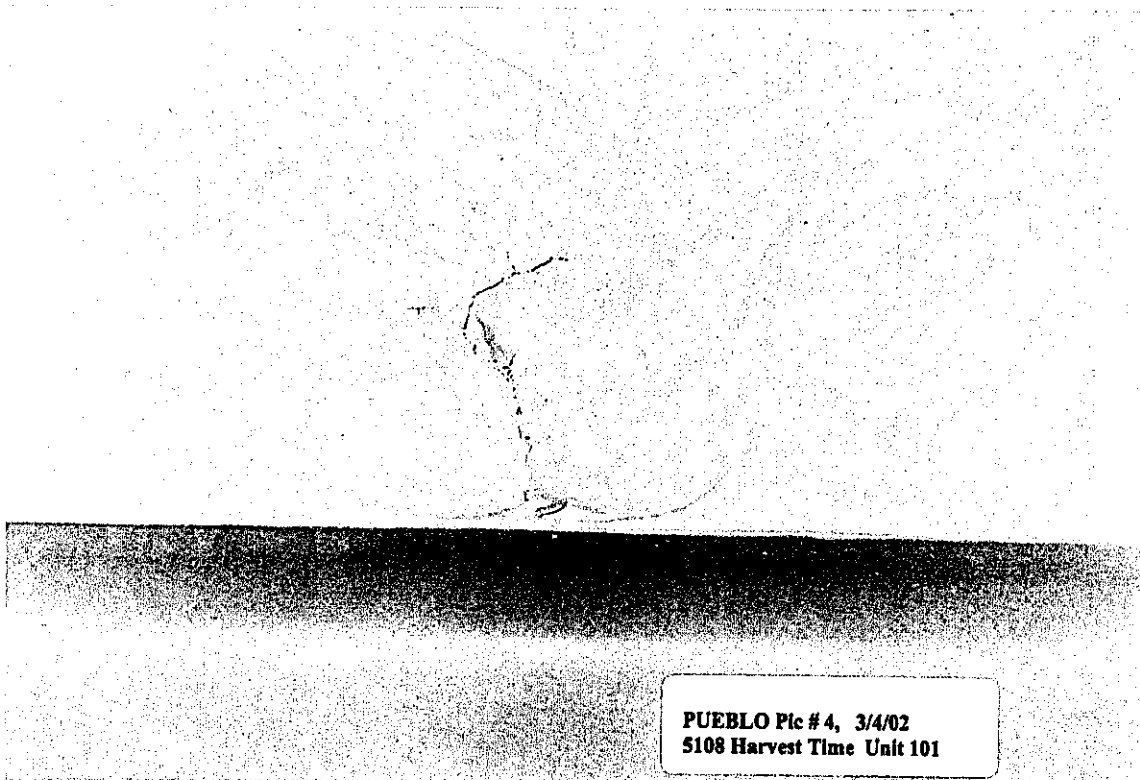
Builders always have the right to repair. They always will have the right to repair without the nonsense imbedded in SB 241. If builders do not timely fix their shoddy workmanship, homeowners must have immediate access to the courts to protect their rights. Our protections lay in your hands.

Thank you Mr. Chairman.



PUEBLO Pic # 61, 4/5/02
5108 Harvest Time Unit 101





PUEBLO Pic # 4, 3/4/02
5108 Harvest Time Unit 101