

HB 1169: Written Testimony from homeowners who could not attend

Mike Pretz, m_pretz@hotmail.com

Thank you, Mr. Chairman and members of the Committee. My name is Michael Pretz and I am a homeowner from Fort Collins. I am here today to speak in opposition to House Bill 1169.

Having prevailed in a construction defect litigation, I can tell you that our builder acknowledged all of our construction defects – and then gradually applied a few “band-aids” like X and Y. Then he ignored them, deciding that bankruptcy was easier than fixing the problems.

The vast majority of homeowners experience the outcome of poor or shoddy construction – flooded basements, water-soaked walls, porches pulled away from foundations, sunken sidewalks, collapsed patios – they don’t know why it’s all happening:

The truth is homeowners are wary of allowing the builder, the one who caused the problem in the first place, to fix or declare a problem fixed. This is as much a trust issue as it is a construction problem as homeowners can’t always determine if a problem has been truly and appropriately fixed. Homeowners don’t believe repairs will be done right and worry they will be on the hook for even more expensive repairs later down the road. This proposed bill only makes it worse.

The construction industry has tried to frame this problem as an affordable housing issue – but nothing in HB 1169 will reduce the cost of land, materials, labor, water taps or demand, all which are real drivers of housing costs.

I respectfully urge you to vote no on HB 1169. Thank you for listening to my testimony today.

Todd Weiss, trweiss2005@msn.com

As a Castle Rock homeowner and former HOA Board director, I urge you to vote no on HB 1169. This bill would allow builders who sold defective homes to dictate the fix of problems they created in the first place.

Early on at our development, it became clear we had serious structural problems – stairs and porches falling away from buildings, waterlogged walls and roofs and drainage issues. We also discovered arched windows that leaked water during rainstorms. Window experts evaluated them and told us they posed a serious danger as they could collapse and blow into homes in times of high winds, something that is pretty common during Colorado’s monsoon season. All 147 of our townhomes had this dangerous window situation.

Even during our earliest conversations with our developer, we realized that they were not excited about coming back to the property to make any repairs. They had moved on to build other properties. Because they were not motivated, we knew we were at a serious

disadvantage. Not only was it like trying to move a mountain to get them back on property, it was impossible to convince them to make long-term – instead of temporary – repairs.

Under HB 1169, we would have been powerless to reject the inadequate band-aid fixes – and would have been compelled by law yield to the builder, giving them absolute power.

The industry experts we worked with for our reconstruction process confirmed that developers typically are not properly equipped and prepared to return to properties to make significant repairs beyond cosmetics. Moreover, homeowners have understandable reservations about having a developer who failed to build correctly in the first place make all the decisions about how to proceed.

Colorado law already gives developers the right to repair in the “notice of claim process” – the difference is that at the moment, homeowners can reject inadequate or inappropriate proposals. This bill would force homeowners to comply with anything the developer suggests, reasonable or not.

HB 1169 would take the best interest of the homeowner out of the equation. Homeowners would be left to deal with a “caulk and walk” approach to repairs by builders.

Our HOA Board often discussed: had our builder been more attentive to building our homes right the first time, none of us would be in such a predicament in the first place. I ask you to please resist the temptation to tilt the balance toward developers so half-hearted, temporary fixes don't become the norm – and homeowners maintain control over their property rights.