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# NEVADA TRIAL LAWYERS ASSOCIATION

SB273

## More Harassment for Mistreated Homeowners

SB273 would require that any time a homeowner hired someone to “inspect the residence or appurtenance to obtain information related to any condition or damage which has the potential to result in a claim for a constructional defect . . .” to give at least three days notice to the contractor who built the home so that the contractor could be present anytime someone evaluates or repairs any defective condition in a home.

As is generally known, most builders tell home buyers that the builder is only going to be responsible for any problems with the home for the first one year. So, assuming that two years after John and Jane Smith bought their house, in the middle of the night they discover a plumbing leak. So they look up in the yellow pages and find a 24 hour plumbing service to come out and deal with the problem. SB273 would say that they couldn't do that. They would have to give the builder notice and wait three days.

Let's try a different scenario. Assume that during the first year of living in their home the Smiths' had observed some cracks in the sheetrock walls. They contacted the builder. The builder sent someone out to patch the cracks. The builder advised the Smiths that the cracking was just normal settlement and that the builder would only patch the cracks during the first year. After the first year has expired the cracks keep showing up. The Smiths call the builder and the builder tells them “sorry, your one year warranty is up. We can't help you.”

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ASSEMBLY JUDICIARY  
DATE: 5-8-03 ROOM 3138 EXHIBIT CC  
SUBMITTED BY: Robert Maddox

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So, anxious and distressed, the Smiths decide they need to consult with someone to figure out what is happening. SB273 would require the Smiths to give the builder notice so that the builder could be present when the Smiths want to talk confidentially to an engineer even though the builder has already told the Smiths the builder has no responsibility for the problem.

SB273 is based on the premise that homeowners or attorneys for homeowners or experts hired by homeowners are going to engage in fraudulent conduct and create defects that didn't really exist at the time the home was turned over to the home buyer. If there really are people who are so devious to do such a thing, is SB273 really going to stand in their way? Of course not. On the other hand, if SB273 were enacted, would it become just another way to make life difficult for homeowners already stressed out because their dream home has become smitten by nightmarish problems? Yes, indeed and maybe that would discourage a homeowner from bringing a justifiable claim against a builder.

SB273 should be rejected because it will not solve any problem. The premise upon which it is based is extremely tenuous and it creates unnecessary hassles for homeowners.

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