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New homes create headaches for homeowners

Several homes in Williamson County have defects. Builder is making repairs, but homeowners say that's not enough.

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By [Andrea Lorenz](#)

AMERICAN-STATESMAN STAFF

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HUTTO — Problems with Sean Bourke's new home started with what he calls "small stuff." Pools of water gathered in the driveway. Chunks of limestone broke off the outside walls. Heat stopped flowing to the upstairs bedrooms.

New neighborhoods such as Bourke's, the Legends of Hutto subdivision, are common in Hutto. In the past five years, 3,855 houses have sprouted in this city that was home to only 1,250 people seven years ago.

The street Bourke lives on is quiet and friendly, and many of the homes are barely a year old. But he's had enough of the problems in his new home.

Now, he and his neighbors say their home builder, Lennar Corp., told them that the roofs of their homes were attached too tightly, not giving the walls room to settle. The drywall is cracking and will have to be replaced.

Lennar representatives in Texas and its home base of Florida did not return repeated calls for comment last week. Austin Division President James Giddens also did not return calls for comment.

Dan McDowell, Hutto's chief building inspector, said he knows of several Lennar homes in the

HuttoParke and Legends of Hutto subdivisions that have the same roof problem, which he called a cosmetic one.

He said the builders are doing everything possible to fix the problem.

"This isn't an issue of the roof is going to cave in," he said.

The problem stems from a prefabricated roof truss that is attached to a house's walls with screws or nails, McDowell said. On these homes, he said, too many screws were used, and cracks formed in the drywall.

Homeowners in Legends of Hutto said they heard from Lennar that many of the company's homes have the same problem, including in Taylor and Georgetown. Neither city has received complaints about the problem.

Eight homeowners in the Austin area have complained about Lennar to the Texas Residential Construction Commission since the agency was created in 2003.

When builders are not receptive to a homeowner's complaint, the homeowner can go through the agency's formal process, during which an independent inspector investigates problems.

Ten Lennar homeowners statewide have gone through the process since 2003. Inspectors found defects in eight of those cases; the builder fixed the problems.

In comparison, Newmark Homes had eight inspections in Texas, with seven finding defects, and Centex Homes had three inspections, all of which found defects.

Patrick Fortner, director of communications and legislative affairs at the Texas Residential Construction Commission, said it sounds like Lennar is being proactive in agreeing to fix the problem to prevent further damage down the road.

"I think that's good customer service," he said.

Lennar has a good customer satisfaction rating compared with other builders, said Dale Haines, senior director of real estate and construction practice for J.D. Power and Associates.

Lennar was ranked slightly below average in the J.D. Power and Associates 2006 New-Home Builder Customer Satisfaction Study of the Austin market, but, Haines said, "That's a little bit deceiving, because the (Austin) market performs so well."

Homeowners in Austin are more satisfied with their home builders than others in the nation, according

to the study, and Lennar's Austin-area ranking is above the national average in consumer satisfaction.

Lennar entered the Texas market in 1991. The company's 2006 annual report said it uses a small labor force to design and build houses and uses subcontractors for "virtually all work involved in the construction of the homes."

Lennar built about 50,000 homes nationwide in 2006.

Bourke and some of his neighbors refused Lennar's first offer to fix their homes because, he said, they have not received anything in writing that details the problem or whether the work will be under warranty.

Based on previous problems with the home — the concrete on the driveway had to be poured several times until it was done correctly — he's not confident this defect will be resolved.

"First they said it was the foundation, second defective trusses, and now it's only cosmetic," said Bourke's girlfriend, Conny Thibodeaux.

Bourke's neighbor Eva Marie Cole and her sons stayed in a hotel for a week while repairs were made to their home. She said she had to hound the company to pay for the hotel upfront.

"One customer care lady won't return my phone calls because I yelled at her so bad," Cole said.

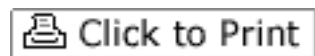
Janet Ahmad, the president of HomeOwners for Better Building, a homeowner's advocacy group based in San Antonio, said her organization is working with other consumer advocacy groups to get a home lemon law, similar to those that protect people when they unknowingly buy a defective car, passed in the Legislature this session.

Homeowners are "entitled to a home that's going to last," Ahmad said. "Believe me, this happens every day. The homeowners have to fight for everything they can get."

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