

IN THE NEWS

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Builders Face Public Heat in Quality Probes

New Jersey agency, Florida paper target sloppy work

High-profile investigations in two states have shined an unusually harsh spotlight this winter on quality control problems in the home building industry. In November, New Jersey's State Commission of Investigation slammed the state's builders at high-profile public hearings. Releasing the results of an 18-month probe into building practices, commission chairman Francis Schiller didn't mince words: "Builders large and small, their bottom lines increasingly defined by speed and volume rather than quality and craftsmanship, are churning out second-rate structures assembled by unsupervised subcontractors using unskilled, untrained laborers," he said

in a prepared statement. "Rampant code violations go undetected because individuals charged with conducting inspections are unqualified or corrupt or, sadly, both — or are simply overwhelmed by their workload."

A Florida newspaper used strikingly similar language in November in a multipart series of articles based on an 18-month inspection of the area's new homes. *Orlando Sentinel* reporter Dan Tracy wrote that a team of engineering students supervised by two professors and an experienced home inspector had uncovered "a systemic lack of quality control by builders who are producing too many homes too fast, with not enough trained workers and

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Engineer Michael Pierce stands knee-deep in a sinkhole in this photo, which ran in a number of newspapers after it was displayed at hearings held by New Jersey state investigators. The cause was traced to an unconnected drain pipe joint, which Pierce believes was overlooked by town inspectors.

Playing Local Politics, Opponents Slow I-Code Advance

A steady wave of state-level adoptions has put the International Codes in a strong position nationally, with more than 30 states using the *International Building Code* statewide, and many states adopting the entire I-Code series.

But opponents, organized around a core of local and state plumbing and electrical trade organizations, are fighting a determined rearguard action in small political arenas.

By applying pressure at the city council or legislative committee level, NFPA advocates have held up the I-Code advance with a series of small local victories.

Arizona: define "consensus." In

Phoenix, Ariz., the city Development Advisory Board voted 9 to 6 in favor of the *NFPA 5000* code, reversing a vote two months earlier to recommend the *International Building Code (IBC)*. The reason: pressure from lobbyists based on a city council directive from 1997 that instructed the board to consider competing "consensus" codes — a term that NFPA backers insist does not include I-Codes.

Only state or local building officials can vote on language in the International Codes, while NFPA code committees, like ASTM or ANSI committees, follow a "consensus" process that allows interested parties such as unions and corporations to appoint

voting members. In Phoenix, consensus meant that the city's advisory board had only one code to consider: *NFPA 5000*.

St. Louis: a flood of plumbers. In St. Louis, Mo., the city council had to choose a new plumbing code based on conflicting advice: Building department staff preferred the *International Plumbing Code*, while the appointed Plumbers Examining & Appeals Board favored the *Uniform Plumbing Code* authored by NFPA ally IAPMO. Sixty people, mostly plumbers, attended the council meeting, and a show of hands indicated strong support for the IAPMO code.

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inadequate oversight.” Surveying 406 homes, Tracy wrote, the inspection teams found “leaks, cracks and bad weatherstripping around windows and doors in 64% of the houses; major wall, floor and deck cracking in 61%; significant cooling/heating system problems in 50%; mold in 20%; and poor drainage in 18%.” Just four houses — 1% of the sample — were found to be defect free.

The *Sentinel* also criticized “over-



Engineer Edward Betz testified at a New Jersey hearing about home defects such as this house’s floor frame, which misses the foundation by 2 or more inches. The flaw was found after stucco was removed to investigate leaks. Final grading left soil in contact with one house exterior a foot above the foundation, according to Betz.

Disregarding plans that called for balloon framing in this wall, the builder used a truss atop an 8-foot wall, creating a hinge joint that weakens the wall, according to engineer Betz. This is a critical flaw in New Jersey coastal wind zones. The wall’s integrity was further compromised when the plate and bottom truss chord were hacked out to make room for hvac ducts.



worked and uncritical” building inspectors, citing “numerous examples of inspectors checking 60 houses a day — triple what’s considered a reasonable workload.” In Osceola County, Fla., said the paper, inspectors pass houses after the first inspection an average of 94% of the time.

The New Jersey hearings went a step further, charging actual corruption of building inspectors and a widespread pattern of gifts and payoffs. His face and voice disguised, a confidential witness appearing via closed-circuit television described pressure from town officials to come through with gifts and favors in return for easy inspections — or even no inspections at all. The anonymous witness said it was common for his supervisors to hand



Architect and engineer Michael Pierce found piles of snow in the attics of houses in one development, sucked in by unbalanced ridge vents. According to Pierce, the builder advised residents to spread plastic in their attics to catch the snow.

him blank inspection forms from the town, telling him to forge the signatures. After the hearings, Monmouth County prosecutors brought a warrant to the town hall in Manalapan, N.J., and seized all the building records for the Manalapan Chase development built by Calton Homes. “We’re boxing up the records, bringing them back and analyzing them,” prosecutor John Kaye told the *Maplewood (N.J.) News Record*, “then we’ll go from there.”

Builders stonewall. Facing homeowner lawsuits as well as state investigations, New Jersey tract builders had little to say beyond a general defense of their homes’ quality. In Florida, most of the production builders named by the paper — a list that includes virtually all of the nation’s biggest builders — declined to talk to *Sentinel* reporters.

But with the market booming and with houses, however flawed, continuing to appreciate in value, contrition and repentance were not on the Florida builders’ agenda. Calling the reported defects “minor,” builder spokesmen said the student inspectors were unqualified and that homeowner maintenance was to blame for many problems. Orlando Homebuilder Association director Tom Lagomarsino told the paper, “This is the biggest single investment you are going to make in your life. And you walk into it and just roll the dice? Say, ‘Here’s the down payment and give me a Tudor 410 on lot 63’? I think you’re real stupid.”

The HBA has taken a similarly confrontational approach to the press: Soon after the report appeared, the association canceled its contract with the paper’s publisher to produce this year’s Parade of Homes display book.

As a second round of New Jersey hearings approached last month, officials announced plans to extend the probe to more developments and to hold more hearings in May, this time with testimony from builders.

OFFCUTS

California legislative leaders say it is unlikely the Democrat-controlled legislature will meet a March 1 deadline set by Governor Arnold Schwarzenegger for action on his proposal to reform workers' comp in the state, reports the *Sacramento Bee*. The governor's plan aims to cut employer expenses by \$11 billion and includes independent medical review of claims and uniform guidelines for payouts. Opponents argue that it may result in unacceptable cuts in benefits.

Water harvesting systems are now required for all new residential and commercial projects in the Santa Fe County jurisdiction, reports the *Albuquerque Journal*. Commercial buildings must capture all roof runoff and store it in buried or insulated cisterns for reuse as irrigation water. Residences only have to capture runoff from 85% of the roof, and homes smaller than 2,500 square feet can use rain barrels or other inexpensive methods instead of cisterns.

Safety training materials for Spanish-speaking construction workers are now posted on Georgia Tech's website at www.oshainfo.gatech.edu. Hispanics make up a large percentage of construction workers and suffer



an even larger proportion of the injuries on site because of inadequate training and poor communication. The Georgia Tech site's *recursos* page also has links to other websites offering Spanish-language safety information.

Owners of houses built with insulating concrete forms (ICFs) may qualify for insurance discounts under a Texas law that took effect January 1. The Texas Insurance Department is still working on setting the discount amount.

Subs Take the Fall in LA Campaign Donation Crackdown

Los Angeles County district attorney Steve Cooley says that Alan Casden, one of the city's most prominent developers, is the target of his grand jury probe into illegal donations to Los Angeles politicians. But it wasn't Casden who had to face a judge in late November. Instead, Cooley presented indictments for felony conspiracy against thirteen of Casden's subcontractors, along with John Archibald, a Casden Properties vice president. According to prosecutors, Archibald leaned on the subs to get friends, family, and employees to donate money to campaigns by reimbursing the donors from company or personal funds.

When questioned by investigators, many of the defendants admitted participating in the scheme but said they had not realized it was illegal. The felony charges came as a shock: The underlying campaign violation is only a misdemeanor, and several defendants say Archibald had told them they faced at worst an Ethics Commission fine in case of trouble.

The indicted men cover the whole range of building trades from concrete to drywall and painting. Most are involved in Casden's ongoing and controversial La Brea project, which faces opposition from neighborhood groups.

Politicians named as receiving illegal gifts, but not indicted, included mayoral candidate Kathleen Connell, city council members Jack Weiss and Wendy Gruel, and city attorney Rocky Delgadillo.

Denying all guilt, Casden launched an immediate counterattack against the prosecutor. Cooley himself, a Casden spokesman charged, had asked Casden for donations (Cooley denies it). Casden's attorney also filed an ethics complaint against Cooley for naming Casden as a target of the investigation even though he was not indicted.

But the political effect of the indictments was also immediate, according to the *Los Angeles Times*: Jack Weiss, one of the council members named as a gift recipient, had hedged for months on approval for Casden's La Brea plans. Within days of the indictments, he announced that he would oppose the project.

Town Officials Stymied on Rebar Rule

State authorities have blocked an attempt by the town of Amherst, N.Y., to require steel reinforcement for basement walls in all new homes in the town. Amherst has gone through intense political turmoil after unusual soil conditions led to a rash of foundation failures.

Inspector Tom Ketchum began enforcing the rule after observing that walls with rebar had not experienced any damage from soil subsidence. But after hearing from builders, the state's Code Council withheld its approval, instead giving the town six months to come up with another solution and lift the rebar rule.

Phil LaRoque, a Builders Association executive, told the board that Amherst was "overreacting." Soil testing and site-specific design, he reasoned, would serve the purpose without adding cost to every house. Board member Robert Shibley, an architect and professor at the University of Buffalo, agreed: "I'm not persuaded we have a unique situation in the Town of Amherst, nor a need to put in new code language."

But with lawsuits looming and at



Above, angle iron is in place under an Amherst, N.Y., residential footing at the start of a helical pier foundation jacking job. Subsidence of plastic clay subsoils has damaged an uncertain number of Amherst homes that were built on unreinforced concrete basements, but a state panel has shot down the town's move to mandate rebar in all basement walls.

least a year to go before a Corps of Engineers study may resolve confusion over Amherst's actual soil conditions, a fuming Tom Ketchum blasted the state board's thinking as "idealistic, almost academic."

The town's biggest builder supports

the rebar rule, Ketchum pointed out, and town residents are demanding immediate action. "This is not simply an engineering issue or a code issue," Ketchum told the *Buffalo News*. "It's very much a human situation we have to deal with."

OFFCUTS

The years have overcome the barn and smokehouse that once stood on the old Pitcher farm in Perry Township, Ind., but a developer has saved one piece of history: the outhouse. When Community Development, Inc., found the outhouse 30 feet inside the property bought for its Oak Park community, superintendent Mark Young had the plank structure moved over the line to the land still owned by Georgia Ann Pitcher, who grew up on the former farm and lives in a carriage house built there by her father.

TV's Michael Holigan plans a new twist for the next project on his "Your New House" syndicated program, says the *Dallas Business Journal*: He's going to gut and remodel a unit in a ten-story Dallas building. Holigan told the paper he gets "a lot of e-mails and letters" asking the show to profile a

condo or townhouse project. "So this is showing how to renovate a fixed space that has someone above you, below you, and on both sides." The show is carried by 135 stations.

A new owner is restoring the grounds of Two Gables, the historic mansion in Chicago's tony Lake Forest suburb that helped inspire a tree preservation ordinance in the 1980s. The strongman actor Mr. T purchased the estate in 1986 and promptly chopped down dozens of full-grown trees he said made him allergic. Ironically, says expert Arthur Miller, the "A-Team" star probably did the restorers a favor, making it easier to recreate the original sunlit garden designed by famous landscape architect Jens Jensen. "Now they don't have to worry about a lot of overgrown stuff," says Mr. Miller.

Massachusetts Agency Nails Wetland Violators With Aerial Photos

After spending half a million dollars in 2001 on flyovers and infrared aerial photography, Depart-



Bird's-eye lowdown: Aerial photos taken years apart helped the Massachusetts Department of Environmental Protection identify illegal destruction of wetlands on the property of a concrete ready-mix firm, said the agency. The agency has surveyed the entire state from the air and is systematically comparing new and old images to catch violators.



ment of Environmental Protection (DEP) officials have begun systematically identifying illegal destruction of wetlands, using computers to compare their new state photo map with older images on file. In December, officials announced penalties totaling \$280,000 against a concrete ready-mix firm and an automobile towing company. Strong photo evidence convinced both companies to accept negotiated fines.

The new technique lets the state nab violators who wouldn't be noticed by the local conservation commission volunteers who handle most wetland regulation in Massachusetts. Changes the volunteers can't see from the nearest road show up clearly in the aerial shots. DEP officials say that they've already found more than 1,500 illegally filled wetlands in just the eastern third of the state, and Commissioner Robert W. Gollidge, Jr., told reporters to expect stepped-up enforcement and steeper fines in coming years. Several major cases identified from the aerial survey have been referred to the attorney general for criminal prosecution.

"We can find you where maybe in the past we couldn't have," said Assistant Commissioner Cynthia Giles. "People shouldn't think that just because it was done seven to eight years ago, they're not going to get caught."

Playing Local Politics

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Eight to zero, the council concurred — leaving plumbers the only trade in the city not working under the 2000 International Codes.

Denver: on again? A Building Code Review Committee set up by former Denver mayor Wellington Webb recommended I-Code adoption in January of 2001. The idea was dropped and the group disbanded in the face of electrician and plumber opposition. But with most of the surrounding suburbs on the I-Codes, getting in step

would simplify life for Denver contractors and architects. New mayor John Hickenlooper has revived the review committee, and the code issue is back on the table.

New York: labor pains. Plumbers in New York couldn't stop the I-Codes, but they did manage to find another way to preserve elements of the old *Uniform Plumbing Code*. In the fading hours of the 2001 legislative session, a friendly committee slipped a clause into the state's labor law that adopts

the *UBC* limitations on plastic pipe in buildings more than six stories high and requires iron waste pipe in all commercial buildings. Last June, some developers in the state found themselves facing a demand not from building officials, but from the Labor Department, to strip plastic pipe out of 23 buildings. Given the complicated turf arrangements in Albany, say observers, this one might take a while to straighten out.