

Home builder dispute intensifies

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By [BYRON HARRIS](#) / WFAA-TV

It seems reasonable that a bomb in your yard is worth complaining about, but a dispute in Arlington shows that doing so can get you in trouble with the law and with homebuilders.

Believe it or not, it's true - and it's spelled out in the details of a bare-knuckled fight between a consumer advocate, the home building industry and where it's leading.

At a public meeting in 2001, some residents of the Southridge Hills subdivision in south Arlington were told their neighborhood was once an abandoned Navy bombing range. What's come out of that discovery is an example of just how nasty conflicts can get between buyers and builders.

One homeowner insisted, "Is somebody gonna have to be injured, maimed, killed? What's it going to have to take to get some action?"

The Army Corps of Engineers has been looking at the problem for years.

"No one really foresaw that someone would be building subdivisions in these areas," said Dwayne Ford of the Army Corps of Engineers.

When Southridge Hills was built, bombs had been cleared from the surface, but there were many more underground. Soon, the Corps of Engineers will begin digging for them.

"It's very likely we'll recover a number of the Mark 23 (practice bombs)," Ford said.

Despite the bombs underground, builder KB Home built hundreds of houses on top. KB officials said the site was long ago "remediated", and certified by the U.S. government. The Corps of Engineers, however, said the site is a potential safety hazard, and is spending more than \$1 million to clean it up.

"I was angry," said homeowner Beth Liebman. "I wanted an explanation, and I wanted to know why I was never told."

That's where Janet Ahmad comes in. As a founder of Homeowners for Better Building, or HOBB, Ahmad has become a symbol of homeowners' rights throughout the state.

Since the 1970s she's been crusading for improvements in homebuilding, first in San Antonio and then throughout the state. She has battled KB Homes over quality issues all over Texas, and she said the company should never have built homes at Southridge.

Meanwhile, homeowners have become concerned for their safety, and several have sued KB Home.

"The builder has not been honest with me," Liebman said.

Last November, Ahmad appeared in a News 8 investigation on building quality. Shortly afterward, News 8 received an e-mail from a member the Arlington law firm Bush and Motes, questioning Ahmad's reliability as a news source. The e-mail said, "Ms. Ahmad ... has twice been indicted over the last couple years by the Tarrant County District Attorney's office ... where she is accused, among other things, of planting bombs in the Southridge Development."

The e-mail was, at the very least, incomplete. It did not say Bush and Motes represents KB Home. It also did not state an indictment against Ms. Ahmad was dropped last summer; it was not initiated by Arlington Police but by KB Home.



Some Arlington homeowners are worried about the fact their neighborhood sits on a former bombing range. WFAA-TV

Ahmad does faces a misdemeanor charge in Tarrant County, which she is appealing; Bush and Motes declined an interview with News 8 because it is suing Janet Ahmad for \$20 million.

The timing of the lawsuit was important in the battle between Ahmad and Texas home builders. It was filed two years ago when laws regulating homebuilding were before the Legislature. Ahmad wanted stiffer regulations, but she lost. The result was the newly formed Texas Residential Construction Commission, or TRCC.

It now costs a homeowner \$350 to file a complaint before the commission - but all nine of the commission's members are from the homebuilding industry.

"I call them the nine foxes in the henhouse, and we've got to do something to get rid of those," Ahmad said.

Ahmad is not alone in her concern over Texas builders.

"It's a terrible situation for the homeowners today," said David Becka, who heads Take Back Your Rights.

One of Becka's worries is a new clause in many homebuyers' contracts. The clause severely restricts the rights of homeowners going through arbitration, and prohibits buyers from complaining to the Better Business Bureau, any newspaper, television station or Web site about their home. It even prohibits homeowners from putting signs in their yard concerning the condition of the home. The penalty for violating this clause is \$2,000.

"Once you sign a contract with that clause in it, they have complete control over what happens to that individual if there's a problem with their home... if there's poor construction," Becka said.

News 8 asked the Home Builders Association of Greater Dallas about the no-complaint clause; they said they'd never heard of it. Representatives of The Certified Master Builders of Fort Worth said they had contracts like that, with a goal of reducing bad publicity.

One homeowner even told News 8 he was offered a settlement by KB Home, but only if he supplied information about Janet Ahmad.