

## SUING BAD BUILDERS NOW HARDER *by Issac J. Bailey,*

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Homes along the Grand Strand are selling at a record pace - an average of 85 days for single-family homes and a lightning-fast 11 days for condominiums.

No one knows when the market will cool down, but one thing is for certain: New homeowners have a much shorter window than previous homeowners to discover whether the builder did not do a fine job building their home. A new law, which went into effect July 1, reduces a builder's liability from 13 years to eight years. A homeowner now only has eight years from the date of purchase to sue for shoddy work. Exceptions to the time limit include fraud and gross negligence.

In a state known for its "buyer-beware" status, the law puts even more of the onus on the home buyer to do due diligence before having a home built. It seems to be part of the recent movement to limit lawsuits in general.

"They say [the change] is going to stimulate the econ-

omy," said Myrtle Beach attorney Bobby Wylie, who has represented several local homeowners and homeowners associations in multimillion construction-liability cases. "That's just what we need in Horry County, more people building houses."

The problem with the law is that lots of construction problems aren't discovered until years down the road, as has been the case with the myriad problems that arose with a synthetic stucco system that left homes with undetected mold and rotting wood and led to a host of lawsuits.

"With all the high-tech products they are using, you couldn't see what's going on in your walls," Wylie said. "Some of [the problems] weren't found out until after eight years."

Fortunately, most area builders do good work, Wylie said. And the state has a grievance system designed to persuade buyers and builders to work for a mutual solution before litigation is necessary.

But when that doesn't work, suing is a homeowner's primary shot at a satisfactory resolution.

Homeowners can protect themselves by using an established builder, asking for several references, knocking on doors in the neighborhood where the builder made his mark and checking with officials at the S.C. Department of Labor, Licensing and Regulation to find out about any unresolved complaints.

"You can go buy a Hyundai and get a 10-year warranty, [but] these builders don't want to stand behind their products any longer than they have to," Wylie said. "I think a house should last at least as long as the mortgage."

