

## *News Release*

Long Hot Summer

### AIR CONDITIONERS ARE TOO DARN SMALL TO KEEP K HOVNANIAN HOMES COOL

Summers seem extra long to families living in Yuba County homes built by K Hovnanian Forecast Homes. That's because the air conditioners are too darn small, according to Joy Henderson, a construction defect specialist with the Sacramento office of Anderson & Kriger, a law firm that handles construction defect litigation throughout the state.

"The defects that are showing up in these Wheatland Ranch homes in the City of Wheatland are mostly connected to inadequate air conditioning," Henderson said. "The 2.5 ton units are too small and not powerful enough to adequately cool the rooms in the homes K Houvanian Forecast built here. Some of the homes do not ever get under 80 degrees. No matter how long they run the a/c, they never cool down sufficiently."

She claims the builder has refused to replace the weak air conditioners. "Homeowners have been forced to go out and replace their original a/c systems with larger ones. The cost has been anywhere from \$5,000 to \$10,000 per house," she said.

Dave Hood, an inspector with Bel Esprit Builders, serves as an expert witness on the lawsuit. He has inspected ten of the Wheatland Ranch homes. "None of these homeowners have been able to bring their cooling down below 85 degrees," he said. "Three have replaced their air conditioners and have had their ductwork and vents replaced as well.

In one home, the energy bills were running \$600.00 per month, and after replacing their unit now they are running \$200.00 a month in the summer, both Hood and Henderson stated.

"People have not been happy," Henderson added. "In protest, at least one homeowner placed her old a/c unit out on her driveway with a sign. Another asked the installer of her new a/c system, Astro Air Design, to place its job site advertising sign on her lawn."

According to the complaint filed with the court, the unrelenting heat and dryness in the homes contributes to a list of maladies: cracks in the drywall, nail pops, and vinyl windows separating from the stucco. Faulty grading and soil subsidence is resulting in cracked tile on the floors and cracks on the garage slabs. Then the homes have discolored vinyl/linoleum on the bathroom floors, and many have electrical problems, too.

Sharon Davis, a Wheatlands Ranch homeowner who has joined the lawsuit, said Forecast distributed fliers listing what could be done to bring down interior temperatures.

“Everything they listed I did and the house stayed in the 80s and the old air conditioner still ran continuously,” she said. “Our PG&E bills were horrendous. We kept the windows closed and closed the drapes and the blinds, we closed off rooms, set the thermostat up, changed air filters, had professionals come in to inspect, everything on their list.

“At our own expense we put ceiling fans in every room at the time we moved in, knowing it gets hot here, but the system was just inadequate.”

At one point, Forecast asked the homeowners to document their problems. Davis kept a daily log of the temperature inside, outside, and at what temperature the thermostat was set.

Davis added that the irony was that when residents would visit the Wheatland Ranch model homes it would be so cold inside -- those units were large enough to keep the homes cool -- that people would say, “Let’s have our parties up here.”

Representing owners of 16 Wheatland Ranch homes, Anderson & Kriger filed the first case, Jeffery T. Wick, et al. v. K Hovnanian Forecast Homes, Inc., et al. in the Yuba County Superior Court on June 20. Complaint documents were served K Hovnanian’s Sacramento office on August 7.

The homes represented in the initial lawsuit are located on Anderson Way, Brock Drive, Corbin Drive, Johnson Street, McDonald Drive, Melton Way and Sullivan Way.

Subsequent to the filing, six more residents have joined the complaint, bringing the total to 22. Collectively, the plaintiff group is seeking compensation for damages and reimbursement of expenses in excess of one million dollars.

While investigating the defects in the Wheatland Ranch development, which consists of 240 homes built in 2002 and 2003, it came to the law firm’s attention that the homes K Hovnanian Forecast Homes built on the other side of town, a development called Wheatland Park, are having the same problems.

A homeowners’ meeting open to the public was held at the Pioneer Hall on July 12. Twenty-nine homes were represented, about half from Wheatland Ranch and half from Wheatland Park. Henderson said A&K is about to file a suit for the homeowners in the Wheatland Park subdivision. “Currently seven clients have signed and we continue to get more every few days,” Henderson said.

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Editors: The case, Jeffrey T. Wick vs K Hovnanian Forecast Homes, was given case number YCSCCV07-432. The judge assigned is Judge Debra L. Givens.