

Homeowners Push For Ryland Lawsuit To Get Class Action Status

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ORLANDO, Fla. -- The hurricane season of 2004 uncovered a major problem with thousands of Central Florida homes. They didn't keep water out. The first lawsuit against a major builder could be heading for class action status.

It'll be up to an arbitrator to decide if Ryland homeowners can turn their claim into a class action suit. At a hearing, the arbitrator heard testimony that could bring thousands of people into the case and lead to a better settlement.

A lot of talk Wednesday was about stucco versus decorative cementitious finish, water-resistant versus weather-resistant, but lawyers representing unhappy Ryland homeowners said it's not about words, it's about houses.

Orange County Building Director Bob Olin was questioned for more than two hours Wednesday about the county's building codes and whether Ryland homes violated them. One of the things that came out Wednesday is that the codes are contradictory.

The new edition of the Florida building code accepts stucco as a weather resistant finish actually states in the ASTM [American Society for Testing and Materials] that stucco is considered a water proofing finish, Olin said.

More than 100 unhappy Ryland homeowners are trying to prove that Ryland violated the codes and industry standards so that more than 3,000 Ryland customers with the same construction issues will be added to the lawsuit.

Some homeowners had waterfalls within their walls and flooding inside. Others had enough moisture to cause mold damage.

The walls don't work the way they're supposed to. The water gets inside and can't get homeowners attorney Dixon Robertson.

The homeowners said, regardless of whether Ryland found loopholes through the

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building code, it cannot dodge its responsibility to build homes that keep the rain out, whether the builder accomplishes that by putting a thicker coat of textured concrete over the block, putting stucco over it, using better paint or a combination of those things.

Ryland is fighting class action, which could open up the builder to higher liability. But company attorneys would not talk about it Wednesday.

Ryland's attorneys tried unsuccessfully to keep Channel 9 out of the arbitration hearing Wednesday, but it is a public proceeding. There's one more hearing and the arbitrator could make a decision in about a month and a half.

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