

## **Despite Homebuilders Concerns, Arizona Proposition 201 May Actually Decrease Litigation**

*Most Arizona homebuilders are adamantly opposed to Proposition 201, fearing that the proposed revisions will increase litigation. Arizona real estate attorney Kevin Harper believes that if Proposition 201 is successful it could decrease litigation because homebuilders will have greater incentive to avoid mistakes in construction and correct defects when they are discovered.*

([PRWeb](#)) October 6, 2008 -- Most Arizona homebuilders are adamantly opposed to Proposition 201, which will be before Arizona voters on November 4, 2008. Homebuilders fear that the proposed revisions will increase litigation. What they are not telling the public or failing to see themselves is that the proposition may actually decrease litigation for homebuilders by forcing builders to improve the quality of construction and make repairs in a timely manner before homeowners are forced to file suit. [Arizona real estate attorney](#) Kevin Harper believes that if Proposition 201 is successful it could decrease litigation because homebuilders will have greater incentive to avoid mistakes in construction and correct defects when they are discovered.

Opponents of Proposition 201, including Homebuilders, are stating that Proposition 201 would create a lawsuit nightmare for Arizona consumers and would dramatically increase the cost of housing at a time when our housing industry is in crisis. Mr. Harper counters that the threat of an increased cost of housing is a red herring, being used to discourage buyers from voting for the proposition. "Although there is no question Proposition 201 holds builders to a higher standard, which should ultimately result in better initial quality and better ongoing service -- and that's a good thing," states Harper.

Harper explains that Proposition 201 may actually decrease litigation in the long run because it puts some teeth into a current statutory scheme that has not proven to be an effective litigation deterrent or mechanism to get defects fixed. Proposition 201 reduces the builders time to respond, requires the builder to conduct an inspection, and requires more complete disclosure to buyers. By compelling a meaningful response, buyers will often be satisfied with the outcome and no litigation will proceed.

Historically home builders could receive a notice of alleged defects but there was no requirement to respond. These notices frequently were ignored and litigation ensued after buyers sat idly waiting. "With the new proposition builders would have to respond and potentially fix any problems before the buyers can file a lawsuit. In the end, it could save buyers and builders millions in litigation expenses by forcing a meaningful investigation before litigation ensues," says Harper. "In many cases builders are not aware of the extent and seriousness of problems until we are mired in a lawsuit, because they never really investigated the problem. Hopefully, this law would change that."

If you have questions regarding how Proposition 201 could affect you or your business, or for additional information about [Harper Law PLC](#), please contact Kevin Harper at 602-256-6400 or visit [www.HarperLawArizona.com](http://www.HarperLawArizona.com).

About Harper Law PLC -- Harper Law represents individuals and businesses throughout the State of Arizona and around the world, from our offices in downtown Phoenix, Arizona. The firm's focus is on providing quality legal



services as affordably and expeditiously as possible.

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