

Fundamental fears

HOMEOWNERS AIR CONCERNS AT MANCHESTER MEETING ON CONCRETE PROBLEMS

By Mike Savino

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MANCHESTER — A group of residents concerned about their homes' foundations expressed frustration Thursday with what they perceive to be slow action and mixed messages about whether to participate in a state investigation.

Some residents said they don't intend to file claims with the Department of Consumer Protection because they are worried it would require them to also notify their home insurance providers that their homes' foundations are crumbling.

DCP Commissioner Jonathan Harris said he understood the concern and urged residents at Town Hall to consult with a lawyer and other experts before deciding what to do.

He also echoed statements that Gov. Dannel P. Malloy made Wednesday, that more homeowners coming forward would help the department conduct a more comprehensive investigation.

"It's not like if we don't have complaints it's gonna be a failure," he told the audience of more than 100 people. "It's helpful — it gives us more leads, more information, it shows more on the geographic extent. But you have to do, in consultation with professionals, what's best for you."

The DCP, in conjunction with the attorney general's office, is investigating possible causes of crumbling concrete foundations across northeastern and north-central Connecticut.

Harris said the DCP has jurisdiction over unfair trade practices. A separate study, involving the DCP and a number of other state agencies, is looking for ways to provide financial relief to residents whose foundations are cracking and crumbling.

He told the audience the state needs to get a better sense of the scope of the problem before it can identify solutions.

Residents, though, expressed fear that coming forward and filing claims could affect their ability to seek restitution in the future.

Willington resident Bob Swanson said he's one of the 169 residents who have come forward and filed a complaint, but he knows several other homeowners who have stated they will not do the same.

He specifically referenced legislation that would define "peril of collapse" in homeowners policies, a bill that lawmakers said would be prospective and wouldn't apply to those who've already notified their insurance companies.

“As far as I can tell, we are what you’d refer to as collateral damage,” he said.

Many homeowners expressed concern and confusion about how long they have after filing a complaint before they would need to notify insurance companies.

While homeowners questioned whether that notification would need to come within one year or two, Harris said his agency is trying to examine that issue.

He also said that he expects the insurance bill will die, as did Rep. Jeffrey Currey, D-East Hartford, who attended Thursday’s meeting and is on the committee that approved it.

Harris said he has asked lawmakers not to take any action until the DCP finishes its investigation — he expects a first report later this month, with the investigation fully concluded in the fall.

Harris also told residents they could submit an anonymous complaint with pictures and their town, information that wouldn’t be deemed a formal complaint but that could help the DCP understand the scope of the problem.

He also said the insurance commissioner has told insurance companies they cannot cancel a policy or refuse renewal to homeowners who discover crumbling foundations.

Some in attendance Thursday also expressed frustration about the pace of the investigation, saying the DCP already should be giving recommendations to the public.

“I feel like what you guys are doing, I know you’re doing your best, but the frustration, and the level of terror and anxiety that I feel — it’s extraordinary,” said a man who identified himself as only Jim.

The man, one of several who declined to fully identify themselves when they spoke, said he didn’t feel like he was hearing solutions from Harris, Currey, or Reps. Jason Rojas, D-East Hartford, and Kelly J.S. Luxenberg, D-Manchester, who were also in attendance.

Harris defended the length of the investigation, saying his staff has been working on this issue consistently since it began the task last summer.

“We only have one shot to do this investigation correctly,” he said, adding a hasty or poorly run investigation could hamper the state’s ability to take legal action, should the DCP determine such course is appropriate.

Additionally, the DCP doesn’t want to overlook solutions or give bad advice to residents, he also said.

Luxenberg, who organized the meeting as a forum for residents to talk with Harris, agreed on the need for diligence, as well as for homeowners to consult with lawyers and engineers.

“I know patience is hard as people think clocks are ticking on their homes, and in many cases they may be, but I think that people can consult their own professionals as well and not putting all their eggs into the government’s basket,” said Luxenberg.

Harris also tried to brace homeowners in attendance that there likely won’t be a “silver bullet,” and that the DCP may ultimately produce a “menu of options” that still might not provide full reimbursement of expenses to all residents.

“I just want people to understand and be realistic that, until we get all that information, until we develop things, you can’t say that people are going to fully recover,” he said.

Anthony Spinella, a lawyer with Barry & Barrall, disagreed, pointing to a jury ruling in Bridgeport federal court that forced an insurance company to pay more than that to a Tolland homeowner.

“While it’s portrayed here we’re inventing new ground and we need all this testing ... this case has been litigated, this case has been decided,” he said. “I don’t understand why that’s so overlooked.”

Barry & Barrall is representing some of the homeowners who are suing insurance providers that have denied claims.

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