

1 SENATE MEMORIAL 136

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 A MEMORIAL

11 REQUESTING THE OFFICE OF THE ATTORNEY GENERAL AND THE
12 CONSTRUCTION INDUSTRIES DIVISION OF THE REGULATION AND
13 LICENSING DEPARTMENT TO INVESTIGATE THE USE OF DEFECTIVE
14 PLUMBING SYSTEMS IN NEW MEXICO HOMES THAT ARE THE SUBJECT OF
15 CLASS-ACTION LITIGATION AND TO OFFER POSSIBLE REMEDIES FOR
16 HOMEOWNERS.

17
18 WHEREAS, many homeowners whose homes have defective
19 plumbing systems are not aware of plumbing problems until years
20 later, when a break occurs, causing burst pipes and water
21 mains; and

22 WHEREAS, in New Mexico, there is an absolute ten-year
23 limitation on taking action for defective or unsafe conditions
24 of construction projects; and

25 WHEREAS, many homeowners whose homes have defective

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1 plumbing systems do not experience problems from those
2 installations until after the ten-year limitation period
3 expires; and

4 WHEREAS, class-action lawsuits have been filed that sought
5 to have the manufacturer and contractors who installed
6 defective products reimburse residents and re-plumb entire
7 communities; and

8 WHEREAS, a settlement agreement has been entered into to
9 be used for the benefit of class-action members to partially
10 pay for the repair of buildings, homes, residences or any other
11 structures with defective plumbing systems; and

12 WHEREAS, there are no records of how many New Mexico homes
13 built after 1995 had defective plumbing systems installed; and

14 WHEREAS, there are no records that identify the location
15 of homes built after 1995 that had defective plumbing systems
16 installed or of homes built after 2005, when the plumbing
17 products were identified as being defective; and

18 WHEREAS, the remedies, if any, that builders have offered
19 to homeowners whose homes have plumbing issues as a result of
20 defective plumbing system installations are not known;

21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
22 OF NEW MEXICO that the office of the attorney general and the
23 construction industries division of the regulation and
24 licensing department be requested to investigate the use of
25 defective plumbing products in New Mexico construction projects

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1 to determine:

2 A. the approximate number of homes built after 1995
3 using defective plumbing products;

4 B. the approximate number of homes that were built
5 using defective plumbing products after 2005, when some
6 products were identified as being defective;

7 C. whether or not purchasers of those homes were
8 commonly notified that their homes were constructed using
9 defective plumbing system products;

10 D. the approximate number of homeowners whose homes
11 have experienced defective or unsafe conditions stemming from
12 the installation of those plumbing system products; and

13 E. remedies, if any, that have been provided to New
14 Mexico homeowners whose homes have defective or unsafe plumbing
15 system installations; and

16 BE IT FURTHER RESOLVED that the office of the attorney
17 general and the construction industries division be requested
18 to determine whether homeowners whose homes have defective
19 plumbing systems knew or should have known that the plumbing
20 materials were defective or unsafe when the homeowner purchased
21 the home, including real estate full disclosure requirements;
22 and

23 BE IT FURTHER RESOLVED that the office of the attorney
24 general be requested to consider legal remedies for knowingly
25 concealing defective or unsafe conditions relating to home

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1 construction projects; and

2 BE IT FURTHER RESOLVED that the office of the attorney
3 general and the construction industries division be requested
4 to report on remedies, if any, that could be offered to
5 affected homeowners, as well as possible statutory changes that
6 would protect homeowners, to the appropriate interim committee
7 of the legislature; and

8 BE IT FURTHER RESOLVED that copies of this memorial be
9 transmitted to the attorney general, the superintendent of
10 regulation and licensing and the director of the construction
11 industries division of the regulation and licensing department.