

'Homeowners Bill of Rights' isn't what it says, would force lawsuits

As Arizona's Attorney General for eight years, I tried to be a champion for the consumer. With my fellow attorneys general from other states around the nation, I led the effort to make big tobacco accountable to the American people and won. Here in Arizona, I took on con men and schemers of all sorts who were trying to rip off Arizonans.

So when I see out-of-state special interests abuse Arizona's cherished initiative process for their own gain, I feel compelled to get involved and set the record straight.

Proposition 201 on the Nov. 4 ballot, misleadingly titled as the 'Homeowners Bill of Rights,' is a deceptive special interest ploy that will create a lawsuit nightmare for Arizona consumers. It could dramatically increase the cost of housing at a time when the dream of owning a home is harder and harder to realize.

Let's take a real look at why this proposition is bad for Arizona consumers:

It is unnecessary

Current Arizona law works. Arizona's landmark 'Opportunity to Repair Act' was vetted through multiple public hearings, involved all stakeholders, was approved

and Proposition 201 strikes the current mediation language in our statutes. So who are they trying to fool? At a time when we are trying to unclog our courts of frivolous lawsuits, Proposition 201 would do the opposite.

It is unfair

This proposition will ensure that most, if not all, disputes will end up in court where cases could be tied up for years. And it's unfair because it forbids the prevailing defendant from recovering attorney's fees. With no risk to the unscrupulous, there is nothing to prevent them from filing lawsuits hoping for a big payday.

It goes too far

Proposition 201 allows "prospective" home buyers to sue. In other words, a person would not even have to own a home to claim to have been damaged! This will allow questionable attorneys to shop for clients so they can file frivolous lawsuits for money. Trust me, I see it all the time. This is a legal 'cottage industry' that is rampant in California. It gives my profession a bad name and we don't need trial lawyers coming into our state to try to make a fast buck



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by a majority of the legislature and signed by the Governor. In contrast, Proposition 201 was drafted in secret by a California trial attorney without legal review or any open public hearings. In fact, 99 per-

cent of this proposition's funding has come from out-of-state interests.

It takes us in the wrong direction

Proposition 201 throws out existing law and Arizona's renowned mediation process that new home owners may use to resolve issues with their homebuilder. Instead, under Proposition 201, new home buyers would have only one remedy: go to court. Why would the out-of-state backers of this proposition outlaw sensible mediation if they are trying to help consumers? The backers of Proposition 201 claim it does not eliminate mediation but Propo-

It does not benefit consumers

All Arizona consumers today have the right to file a lawsuit if they aren't happy with the results of mediation. Again, the only people better off if this proposition passes will be out of state trial lawyers and the plaintiffs they recruit for frivolous lawsuits.

It is just wrong

Under Proposition 201, homebuilders will not be able to make repairs even if they want to fix the problem. This is not about problem solving, which is what most consumers really want.

I ask Arizona voters to look beyond feel-good titles and realize it will take years of litigation and great expense to determine the full impact of Proposition 201. In the meantime, consumers are at risk of being victimized by unnecessary and frivolous lawsuits.

Join me in opposing Proposition 201.

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