

2004 SESSION

INTRODUCED

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SENATE BILL NO. 256

Offered January 14, 2004

Prefiled January 14, 2004

A BILL for the relief of Marshall and Allison Lineberry.

Patron—Puckett

Referred to Committee on Finance

Whereas, in 1999, Marshall and Allison Lineberry purchased a house located at 1130 Cove Road in Wytheville and made it their residence; and

Whereas, less than a year later, defects began to appear in the house, including the floors buckling, windows cracking, doors closing improperly and drywall cracking; and

Whereas, such defects are not typical for a home constructed in 1995, only four years earlier; and

Whereas, approximately eight months later Mr. and Mrs. Lineberry learned that Wytheville's building inspector issued multiple stop-work orders during construction of the house in 1995; and

Whereas, one such stop-work order, issued on August 2, 1995, cited problems with the house's foundation, structural elements, missing sill and anchors, missing crawl space ventilation, and uninstalled truss tie-downs; and

Whereas, a second stop-work order, issued on November 8, 1995, alleged that work was underway to conceal the defects cited in the August 2, 1995, stop-work order; and

Whereas, on September 5, 1996, a temporary certificate of occupancy was issued so that the builder could live in the house and finish work on it so long as electricity, heat, water and exits were functioning properly; and

Whereas, a permanent certificate of occupancy was never issued for the house; and

Whereas, Mr. and Mrs. Lineberry cannot sell the house without a certificate of occupancy; and

Whereas, the house's defects are so severe that they cannot be repaired, therefore requiring that the house be demolished and rebuilt in order to receive a certificate of occupancy; and

Whereas, Mr. and Mrs. Lineberry received estimates of approximately \$231,000 for the demolition and reconstruction of the house; and

Whereas, because Mr. and Mrs. Lineberry purchased the home not from the builder but from the home's second owner, Mr. and Mrs. Lineberry did not have a contract with the builder and therefore cannot sue the builder; and

WHEREAS, Mr. and Mrs. Lineberry attempted to obtain relief from the Department of Housing and Community Development, the Department of Professional and Occupational Regulation, the Governor, Wythe County's Commonwealth's Attorney, and the town of Wytheville, but were unsuccessful; and

Whereas, Mr. and Mrs. Lineberry wish to move out of the house, but are unable to afford two mortgages; and

Whereas, Mr. and Mrs. Lineberry have suffered physical, emotional and financial hardship as a result of the situation with the house and have no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there shall be paid for the relief of Marshall and Allison Lineberry from the general fund of the state treasury, upon execution of a release of all claims they may have against the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision in connection with the aforesaid occurrence, the sum of \$200,000 to be paid to Marshall and Allison Lineberry on or before August 1, 2004, by check issued by the State Treasurer on warrant of the Comptroller.*

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