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## [Questions About City Enforcement In Builders' Paperwork Oversight](#)

Mon, Feb 22, 2010

[Business](#), [City Government](#), [News](#)

Building companies that construct homes in West University Place are already responding after learning that some homes they built over the past decade failed to earn the city's official stamp of approval indicating the homes were safe and up to code.

Master Permit Number: [REDACTED] Date Issued: 7/03/07  
 Project Address: [REDACTED] Contractor: [REDACTED]

All inspections must be called in 24 hours in advance. 24 hour inspection line: 713-662-8885

The City of West University Place  
 Building Inspection Card

INSPECTION TYPE	CODE	PASS	DATE	COMMENTS	NOTES
PERM	PER	✓	7/03/07	Required for Building Final	201
As-Built Form Survey	FM5V	✓	7/03/07	Required prior to pouring slab (before backfill - see elevations)	201
Foundation	FOTN	✓	7/03/07	Required for Building Final	201
FOUNDATION As-Built Labels	FLTR	✓	7/03/07	Required prior to finishing (expansions)	201
Windstopper System	BSWP	✓	7/03/07	Required for Building Final	201
Building Height Certificate	REHT	✓	7/03/07	Required prior to building inspection	201
Finishing	FRM	✓	7/03/07	Required for Building Final	201
Emergency Egress Forms	FRSG	✓	7/03/07	Required for Building Final	201
Area Labels/Survey	FLSZ	✓	7/03/07	Required for Building Final	201
Final Final	FRM	✓	7/03/07	Required for Building Final	201
Fire Alarm	FZM	✓	7/03/07	Required for Building Final	201
Energy Compliance	ENZY	✓	7/03/07	Required before final final	201
Final Final	FRM	✓	7/03/07	Required for Cert. of Occupancy	201
<b>PLUMBING</b>					
Plumbing Ground	PGRD	✓	7/03/07	Required for Plumbing Final	201
New Down Line	PNRW	✓	7/03/07	Required for Plumbing Final	201
New Water Line	PNWL	✓	7/03/07	Required for Plumbing Final	201
Shower Pan	SPAN	✓	7/03/07	Required for Plumbing Final	201
Top Soil	PTOP	✓	7/03/07	Required for Plumbing Final	201
Unit Test	PTST	✓	7/03/07	Required for Plumbing Final	201
Plumbing Final	PRM	✓	7/03/07	Required for Building Final	201
<b>ELECTRICAL</b>					
Temporary Pole	ETPL	✓	7/03/07	Required for Electrical Final	201
Wire & Conduit Cover	ECVC	✓	7/03/07	Required for Electrical Final	201
Water Loop & Service	ELWS	✓	7/03/07	Required for Electrical Final	201
Electrical Final	EFNL	✓	7/03/07	Required for Building Final	201
<b>MECHANICAL</b>					
High In	ACVI	✓	7/03/07	Required for Mechanical Final	201
Mechanical Final	MFNL	✓	7/03/07	Required for Building Final	201
<b>SITE WORK</b>					
Area Ordinance	PAON	✓	7/03/07	Required for Building Final	201
Topographical Survey	TOPS	✓	7/03/07	Prior to Drainage Final	201
Drainage Storage Labels	DSLB	✓	7/03/07	Prior to Drainage Final	201
Drainage Final	DFNL	✓	7/03/07	Required for Building Final	201
CEMP PERM Record	CRPS	✓	7/03/07	Required for Building Final	201
APSC Final	APSC	✓	7/03/07	Required for Building Final	201
Final Final	FRM	✓	7/03/07	Required for Building Final	201
Water Billing Account Number	WBLN	✓	7/03/07	Required for Cert. of Occupancy	201

\*\*\*It is a Class C Misdemeanor to occupy this building without a certificate of occupancy\*\*\*  
 \*\*\*Each day of occupancy being a separate offense\*\*\*  
 \*\*\*This inspection card must remain on site through project completion and returned to the Building Department with all appropriate signatures to receive a certificate of occupancy\*\*\*

When builders get a city permit, they get a card listing all the inspections they must complete. Card courtesy of Karl Caillouet.

The city discovered 39 homes built from 2000 to 2009 that never received certificates of occupancy, and on Feb. 12 sent letters to the responsible builders, who now have until March 12 to clear the problems. Normal building procedures require [builders to complete a litany of inspections](#) before asking the city to conduct a building final inspection to earn the important certificate.

The fact that 39 homes never earned certificates has raised questions about the city's enforcement procedures. Building and Standards Commission Member Karen Johnson was the first to raise concerns about the city's role at a public hearing on Feb. 4, when the information first became public.

"It's not good if we didn't do this. We all know that. No one is saying this is fine, we didn't do this original paperwork," Johnson said. "It seems to me we dropped the ball as well."

Although it is the official legal responsibility of the builder to complete necessary inspections and earn the certificate, the city is responsible for enforcing its own laws. However, whatever happened to allow 39 homes to slip through the cracks, it seems to be a problem of the past caused by building booms, occasional under staffing, and an outdated computer system that doesn't adequately alert staff when building permits expire. In this story, InstantNewsWestU examines these past problems.

Builders and West U. staffers agree that things are better now, and the city has within

the past couple years hired new staff members and instituted new procedures that better ensure that all future homes earn certificates. [Tomorrow, InstantNewsWestU will explain the changes the city has made to make sure this doesn't happen again.](#)

## Builders' Reactions

Some builders reacted with surprise upon learning their names were on the list. David Crow, owner of Stonehenge Custom Homes, said his company has built 30 homes in West U. this decade. He said he was surprised to learn after so long that two homes he built in 2000 never earned certificates.

"I would never let anyone move in a house without a C.O. and I'm totally flabbergasted how they have two houses back in 2000," Crow said. "It looks obvious to me they had some problems back then."

Crow added later:

"All I'm concerned about is what do you want me to do?" he said. "I'm just going to resolve the two houses I have and clear my name."

He said it will be difficult to prove that he did complete the inspections the city shows have not been done, since much of the original paperwork is gone now.



This home constructed by Covington Builders didn't earn a certificate of occupancy because it has outstanding inspections for drainage, topographical survey, and the building final inspection.

[Robert Covington, owner of Covington Builders, voiced similar concerns at the Feb. 4 public hearing.](#) He said his company switched offices three years ago, and purged old documents. Covington said he thought he followed the city's rules through the years, and any time he became aware of a problem, he tried to fix it.

"I work hard. This is my bread and butter. I love this place and I work very hard to

please people. I'm not defiant, I'm not resistant," Covington said on Feb. 4. "I believe I did, and do, what's right with the city."

West U. Chief Building Official John Brown said that three building companies on the list have already contacted the city to try to work through the problems and earn certificates for their homes.

Public Works Director Chris Peifer said the department wants to work with any builders who visit the office trying to clear up the issues.

"They're probably very, very benign. That they forgot to send in a piece of paper, or they fixed it and forgot to call for the reinspect," Peifer said. "But nevertheless, it doesn't fix the fact they never got the C.O."

## **By The Numbers**

Brown began researching building permits from 2000 to 2009 in preparation for the Feb. 4 hearing. He asked the city's Building and Standards Commission to meet with Covington after finding in Oct. 2009 that the prominent builder had moved into a home his company was constructing before it underwent many important building inspections.

Covington now faces a suspension of his license to work in West U. because Brown's research in preparation for the hearing revealed that he had built 10 homes that had outstanding inspections and never earned certificates of occupancy. The commission gave him 30 days to fix the problems, or they will consider revoking his license. During the process, Brown unexpectedly found the homes by other builders that never earned certificates.

Brown's research revealed that out of a total of 938 homes constructed in West U. from 2000 to 2009, 39 homes failed to earn certificates. However, five of those homes were constructed in 2008 and it appears that no one has purchased them, according to Harris County Appraisal District records. Those homes do not legally need certificates of occupancy yet.

Of the 34 homes that *should* legally have certificates, 14 homes — 41 percent — were constructed in 2000. Twenty-seven homes, or 79 percent, were constructed before 2005, when the city says the building department began professionalizing operations with the addition of key staff members.

## **Past Staffing Issues**

"I'm not out to bury today's personnel," Crow said. "But over the years, some of the guys in the past seemed to be a major problem."

Crow said he noticed the city's building department seemed understaffed and overburdened with work during building booms in the decade. The office sometimes moved at a snail's pace, making it difficult for his company to meet important project

timelines.

"You submitted a set of plans, and you just waited. You could wait three months for a permit. It was so frustrating," Crow said. "It was like 'Don't even call here, we'll call you when we're done'."

The building department experienced highly publicized problems starting in 2005 with a property in the 3900 block of Marlowe Street that eventually resulted in a lawsuit against the city and the firing of West U.'s top building official, Dennis Mackey. The city had issued a building permit to property owners Thomas and Paula Peden in December 2004, but when neighbors complained the home under construction was too large, the city revoked the building permit in February 2005. The Pedens sued the city, which eventually resulted in a settlement in which the city purchased the family's lot and tore down the half-built house.

Brown's research reveals that in terms of the current issues with certificates of occupancy, the year 2000 was the worst. Fourteen homes failed to earn certificates. During that year, the city had its busiest building boom of the decade.

"It was a high-volume construction year: 139 homes. They were down one inspector," said Public Works Director Chris Peifer. "And the bar wasn't as high as it is today."

The city usually has one building official, two inspectors, and permit technicians who work in the office. But in the past decade, it wasn't unusual for one or more positions to be vacant during some periods. Even when fully staffed, inspecting new homes in West U. wasn't exactly business as usual when compared to other cities, Peifer said. Inspecting theater rooms, wine cellars and other luxury amenities makes for busy work.

"Our homes here almost carry the same volume and focus of inspections as do a commercial property," Peifer said. "It's a sophisticated type of residential inspection."

Regardless of whether the department had problems or not, the law clearly places the responsibility on builders to request and complete inspections, and earn certificates of occupancy.

Tomorrow, InstantNewsWestU will detail how staffing changes starting in 2005 helped professionalize the department and clean up some of the past issues that could have contributed to the problems.

## **Outdated Computer System**

Peifer said he thinks an outdated, green-screen computer system that is difficult to learn and utilize may be partly to blame for the city not catching the 39 homes sooner. The citywide system is called SunGard HTE, the first widely used software in the city government community.

It's hard to train new people to use the software, Peifer said. In the building department,

SunGard HTE doesn't easily show what building permits will soon expire.

"I think it's a function of the system not being utilized to its maximum," he said. "If you don't have it set correctly, or don't use it correctly, you don't get the list of what's outstanding."

Fortunately, the city is in the process of upgrading its entire computer system. Check back tomorrow for details.

## **Suspect Procedure**

One suspect procedure in the past was the city granted exceptions to builders, allowing them to complete building final inspections while other items were still outstanding. Normally, builders must chronologically check off each inspection — the building final is the very last step.

But in the past 10 years, at least seven homes got final inspections although they still needed to complete tree or drainage inspections, and in some cases, other minor non-safety inspections. Those seven homes never earned certificates of occupancy. Ironically, the city gave five of those exceptions to Covington Builders, the company that the city has come down on the hardest for failing to earn certificates of occupancy.

Upon reviewing the seven homes that were granted exceptions, Peifer said he could understand why the city may have allowed the building final to go forward. The outstanding items did not present safety issues, and dealt with things outside of the homes like trees and outside drainage systems. With busy inspectors and a home that was ready enough, it may have made sense to do the final inspection, Peifer said.

"It's better customer service, to be able to do as much as you can while you're there," he said.

But when Crow reviewed the list of certificate-less homes, he said he was confused to see those seven homes that had gotten building finals while other items were outstanding.

"I didn't even think you were allowed to call it in. The building final is the last thing," Crow said.

Caillouet was also shocked upon learning the city granted exceptions to complete the building finals. He said he would fault the city with not following up after granting such exceptions.

This too may be a moot point, however. John Brown told Building and Standards Commissioners at the Feb. 4 hearing that he's already clamped down on granting exceptions for builders to get the final inspection when they still have other minor things outstanding. Instead, Brown said he tells builders to fix minor issues and he promises he'll send another inspector quickly when they are done.

## Tomorrow: Positive Changes

Tomorrow, InstantNewsWestU will explain several staffing and procedure changes that have already improved the building department's operations. Check back tomorrow morning, or sign up to receive an automatic email when the story publishes.

### This post was written by:



[Angela Grant](#) - who has written 285 posts on [InstantNewsWestU.com](#).

[Contact the author](#)

## 2 Responses to "Questions About City Enforcement In Builders' Paperwork Oversight"



*Resident Says:*

[February 22nd, 2010 at 5:22 pm](#)

As expected, with some additional digging, a lot of the fault lies with the city. I do hope that Covington and the others get their paperwork in order, but Covington's homes are a credit to West U and he shouldn't lose his license. Hopefully, this results in a professionalizing of our city's inspection process. It seems like that's well underway.

[Reply](#)



*W U Builder/Resident Says:*

[February 23rd, 2010 at 1:11 pm](#)

What you really want is professionalism on both sides, and the fact remains today, as it always has, that the responsibility for obtaining the Certificate of Occupancy lies with the builder/permit holder.

In short, you want to be treated like a professional, you need to act like one.

One also wonders where the Real Estate agents were in these transactions? I don't think I've ever sold a newly constructed home that the Certificate of

Occupancy wasn't on the checklist of the buyer's agent.

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