

KFI RADIO SHOW

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Earthquake Interview

Bill Handel Interviewing Thomas E. Miller

HANDEL: You have often heard me talk about experts and everybody in the world is an expert, everybody. And often you heard the phrase he's written the book on this... Well I want to introduce you Thomas Miller, don't hold that against him, but he's an expert in construction, in Southern California construction. And when we talk about he wrote the book on it, I am holding the Book he wrote. California Construction Defect Litigation. He has written the Litigation Handbook or the book that is used. So he knows his stuff. Thomas thank you so much for joining us here at KFI.

MILLER: You're welcome Bill.

HANDEL: Hey, is it Thomas?

MILLER: Tom.

HANDEL: Tom, Great. Let us start with what is a defect, a construction defect. In Turkey, thousands of people die. In Mexico City, in the quake happened a few years ago, thousands of people die. In Taiwan, hundreds of people, no, a couple of thousand people die. When we got our big quake in Northridge, what 80 people die—40 people die, the Big Sylmar quake 10 people died. Let's talk about construction defects, what does that really mean?

MILLER: Construction Defects is anything that can go wrong with a home if it is not built up to code and in the United States unlike Turkey and Taiwan, we have very stringent building codes. So every builder that is out there that has to build a mass produced home or even a custom home, he has to follow the codes and if he doesn't follow those codes, those can end up with things like leaky roofs, windows, cracked stucco and cracked slabs and foundations as well as homes that aren't structurally sound.

HANDEL: You know in most countries they have codes. Do they just ignore them?

MILLER: Well, they have codes but they are not as standard as the United States. Let's face it. We've got third world countries out there, they don't have the time and attention, there is a lot of politics involved in third world countries and a lot of them are paid off. That's what we found out. That is historically what's going on there. So in Taiwan for example, whole

buildings fell over but the foundation was still in tact, the building itself was still intact but it was on its side. So what happened there? The problem was that they didn't bolt the building to the foundation.

HANDEL: And had it been bolted that building would have been fine.

MILLER: That's right. And, a lot of that has to do with the fact that not that they didn't have codes, they weren't as well prepared as they are here in the United States or not as significant, these codes.

HANDEL: So when you are talking about earthquakes in Turkey and various real third world countries in Mexico City. What is it that causes so many thousands of people to die? How come these buildings literally collapse like a house of cards? Is it reinforced concrete?

MILLER: Unreinforced concrete, we have the foundations aren't built properly, we've got the fact that the roofs themselves aren't properly attached, the whole building has just collapsed because they are not structurally sound.

HANDEL: Now, they have changed the building codes in Southern California time and time again. As a matter of fact, after the '71 Northridge quake they changed the codes, after the Sylmar quake, after the Northridge quake they change the codes (Right) and I am building my house and I am building a Winchester house which will never be finished, (Good Luck) yea I know its is going crazy but what happened was we started with the building codes that I couldn't believe in terms of the tie downs for example, I mean we are talking about bolts an inch and a half thick, beams that are unbelievable and they changed them again in the middle of my construction which obviously doesn't effect us. How about the old buildings? How come they don't fall down?

MILLER: Well the old buildings aren't built to the same standards. Every time there is a significant earthquake in Southern California, we learn more, our experts, our geologists and our structural engineers learn more and more about the forces causing the earthquakes and what will happen to buildings in the event of an earthquake. For example, in Northridge, right after Northridge happened, all the building codes in Los Angeles County were changed to upgrade the building standards and you will find that time again. In Taiwan, for example, where what did we have?, we have a 7.6 magnitude, which was a great earthquake, 8,100 people injured. In Taiwan, those buildings where the most seismically engineered buildings and tested. And we had so many sources there on how to predict what an earthquake would happen that as a result of that, all of the seismologists in, all over the world were looking at those buildings and trying to find out and gain information about how the buildings are going to react and I am sure the building codes will again be changed and upgraded.

HANDEL: Well you know we are talking about buildings that were built here in Los Angeles, I mean we had a Long Beach quake in '33, I mean we had a lot of earthquakes here. My house was built in 19, the one I am living in right now is built in 1927. It was not tied down? (Right) You talk about building codes, did they have building codes in '27? (Sure they did...) Why did it not move?

MILLER: Well, again, they had different types of materials that were being used back then. You know, the whole old adage about homes used to be built and there was a lot of pride in ownership and there was no such thing as mass produced building. That was a post-World War II era of development. So now the whole production of homes now, this whole Post-World War II production homes, mass produced condominiums in Southern California. That whole genre has now developed a whole different idea of how buildings are now built. And now, remember when we used to have unions, we used to have skilled labors, we don't have that anymore. The builders were instrumental in doing away with that. Now we have people off the street. We have unskilled workers. We have supervisors on jobs that don't know what they are doing. We have architects out there that are building their plans so shoddily that the guy in the field can't even figure out what to do, so that combination of factors plus the bottom line, the builder wants to make money he's got to produce then he ends up cutting corners.

HANDEL: So Tom, let me ask you. What we have is we have more stringent building codes being passed all the time. So the quality of the building that is being demanded is higher and higher, the actual implementation is falling down, does that mean that a building built today or is going to be safer or less safe than one built let's say 10 years ago?

MILLER: That far, less safe.

HANDEL: Really, even with the new building codes?

MILLER: Even with, and do you know why? Because who is it that is supposed to be looking after the average guy out there. Who is protecting the consumer? It is the Building Safety Inspection Department and there are not enough building inspectors to go around. In particular, every time there is a building boom, we had one in the '80s, now we are in another building boom, so every time that happens, all that these inspectors can do is basically do a drive-by inspection. That is all the time that they have. Now if you are building a custom home, it's a different thing. Most of the homes are mass produced homes or condominiums and they don't do, they can't do their job. They just physically can't get around and do the type of inspections.

HANDEL: Is there any, when we come back I want to get practical with you. But let

me ask you this. Two areas you can do. No. 1, when people are looking for a house, is there anything they can look at. I mean they can't open up walls obviously to see you know, how the bolting takes place, to see if the shear walls are tied together, to see if the shear walls are actually nailed or glued on properly to the studs. I mean you can't do that (you can't, no). And, the other question, is there anything people that are existing homeowners can do. I mean there are some simple things like you bolt your foundation, I did that. I mean I actually built my house with not bolts to the foundation, they just set on the foundation. . .

MILLER: You probably had a good architect that spent a lot of time doing the drawings so he new exactly, and the structural engineer that properly documented exactly where every bolt is supposed to go and every hold-down that ties the foundation to the building. You probably have that going. You don't have that in mass produced housing.

HANDEL: When you come back I want to ask you those two questions. How does someone looking for a new house figure out if it is structurally good and if you have an existing house what can you do to make your house safer in the event the big earthquake comes? 8:44 Bill Handel with Tom Miller, a lawyer who is a, well, frankly one of the great experts in California Construction Defects. 1-800-520-1KFI toll free in Orange County, 520-1KFI if you are calling in L.A.

COMMERCIAL BREAK...

HANDEL: Welcome back to KFI, Bill Handel, the only morning show that gives you all you need to know before you get to work. Tom Miller is an attorney that sues the builders and developers for defective workmanship in construction. We are talking about earthquakes, and when the big one comes and why so many people die and what we can do. A couple of things, I am buying a house, or if someone is buying a house. What do they do? How do you find out if this house is better equipped to handle an earthquake than the one down the street.

MILLER: Well the average homebuyer today is buying a new home, we have to differentiate, is buying a new mass produced home, which most homeowners are doing today just from the sheer afford ability of it all, they go in there and they rely on the reputation of the developer if telling them in their glossy brochures.

HANDEL: So there really isn't anything they can do.

MILLER: They can't cut into walls (right) and they can't go in there and pull up the carpet and cut into walls (right). So they have got to, the best thing they can do is hire a building inspect, a home inspection service. I mean at a

minimum. The problem with that is if it is new construction, the home hasn't even had time to react, hasn't had time to settle in, hasn't even been through a rainy season. So the average homeowner is just out of luck. Even if you went in there with a home inspector, it is too new.

HANDEL: So this is very good advice. So Tom, what can you do, not a damn thing. Ok, that is advise no. 1. This is great.

MILLER: That's if you are buying a new home. Now, let's say you are buying a home that has been on the market, it is a few years old now (right). Now its settle in, now you've had time to check things out. Then you do bring in a home inspection service. And I am not talking about the average home inspector out there for \$250 for come in and look at your home. I am talking about a guy who is better qualified than that. Spend \$500 if you can afford it, depending on your home. And have him go in there and look at every crack, look at every stain in the ceiling, pull the carpet up and look under the carpet to see if there is any cracks in that slab.

HANDEL: But that is only if you are buying an older house. If you are buying a condo you're screwed (right), if you are buying a new house you're screwed (right), but you know how about if you are moving into an apartment, how can you tell if that is a safer apartment than another. I mean if I went into Amilliano's place, and you know what, if an earthquake comes I am getting no where near this place. You know, this is Turkey where he is living.

MILLER: Right. From a safety viewpoint, you don't have a chance. From a consumer's viewpoint, I mean from shear property damage viewpoint, you know, get some insurance. Get some earthquake insurance.

HANDEL: By the way, that is another thing. 15% deductible?

MILLER: Yes, 15% deductible, and then they only give you a certain value for building or per home. But it is affordable, it is a measure of protection, it is not that expensive anymore as it used to be, right after the Northridge earthquake. It is getting to be more acceptable that people can go out in the market and get some insurance.

HANDEL: So what can people do now? What if they own a home? Ok, one of the things I did is I bolted my house, which was ever bolted.

MILLER: Today, what a homeowner can do, at least, is do what a homeowner has to do now when he sells his property. When he sells his property, a lot of the building codes require them to retrofit or bring them up to code.

HANDEL: Even homeowners?

MILLER: Primarily commercial. So if you are talking apartment buildings, commercial buildings, those sorts of things where we spend our day, it is nice to know that we are safer at work than we are at home. But in a standard homebuilding, only in certain earthquake prone areas where we are required to retrofit single family homes like San Francisco Bay Area, but it is interesting to know that in Southern California for example, Orange County, one-third of all of Orange County in the event of an earthquake is subject to these post-earthquake problems such as the earth liquefaction. The earth liquefying and landslides. So the biggest problem we've got is not just the earthquake itself, but the actual shaking of the building. But what's going to happen after the earthquake.

HANDEL: Big earthquake, you are better off in a high-rise. That's what I have always been told.

MILLER: That's right.

HANDEL: These high rises will stand a 7.6 earthquake.

MILLER: That's what we are told.

HANDEL: So if one falls down and now 3,000 people were inside, they go "whoops" we were wrong. Where do we go?

MILLER: Where do we go? (Yeah) Well we raise the standards again. (Again) We go to the insurance companies for the builder.

HANDEL: Tom, we are out of time. California Construction Defects, I am not going to say go get the book, it's a Lawyers book. But you represent homeowners and if people have questions can they contact your lawfirm? Do you want to tell us how?

MILLER: Yes, we can be contacted at 800-403-3332 and we also have a website: www.constructiondefects.com.

HANDEL: Tom, thanks very much.