

To Site-Prep or Not To Site-Prep is not a Question

By George Porter

In the last two months I have been asked by at least five state organizations both private and governmental, "Can we get out of preparing the lot?" Some have wanted to make it the state law that the customer has to do that and then dealers don't have to mess with it. I guess that a person can do what ever he wants if he is willing to put up with the consequences but they asked so this is what I sent to them all. You might find it interesting as well.

Points to Consider When Addressing the Site-Prep. Situation

1 Do we need Site Prep? Yes
 Do we care who does it? No
 Must it be done correctly Yes

2 100 years ago Doctors never washed their hands till the operation was over. This was an accepted business practice and the custom for thousands of years. Can you imagine the discussions they must have had when they were making the transition to sterile procedures. Surely there were people who had been practicing medicine for 40 years who thought this was more trouble than it was worth. If the patient wanted to wash up before the operation then fine, but Doctors were not in the business of running a bath house. People by the droves were dying of infection for thousands of years before antiseptic procedures were used and it was just part of getting sick or injured. They didn't know any better then, but we sure do now and there has been a thousand fold decrease in patients dying.

Site preparation is as necessary as sterile procedures, even if some people don't know it yet. The house can be ruined without it.

3 Installing a home is like stacking blocks. You can easily fix the last block on top but not the ones on the bottom. In fact the ones on the bottom can cause the whole stack to fall. You must be sure the proceeding work was done correctly before you can put on the next layer. So it is with installation and site preparation. Site preparation is the first building block, the rest of the stack can be no better than it is.

You could hire someone to lay the first block and then you do the rest. If however the first block is laid in an obviously improper manner and you finish the stack then two people have made a mistake. The guy who laid the first block and the fellow who didn't care and laid the rest on top.

4 What if?

*The customer was contracted to supply the blocks and he got some old used chipped and cracked cinder blocks. Would you use them or tell the customer they were not good enough? How is this different from site prep?

* You contract with the customer to do the site prep. for your own home you were setting up?

Would you accept it if it was not adequate? Why not? In legal terms you are much safer in this situation because you would probably not sue yourself for a bad installation.

5 If I were you:

* I would only let the customer do the work if he had the work approved or certified by a third party. The building inspector or the State or an engineer or someone who has the authority to approve and/or accept responsibility for the work. This would relieve any shouting matches between the customer and the dealer about whether or not the job they did was good enough.

and/or

* I would promote the idea of a Certificate of Occupancy. The whole thing has to be done right to move in. This would demand that nothing could be ignored and it would not care who does what as long as it is done right.

and/or

* I would not allow the customer to do any work that could mess up what I had done.

Example: The customer could install his own skirting. If it is wrong he can fix it but I will have done everything by the book up to that point. All mistakes here would be made by the customer alone. Much different than if he did something badly and then that action made everything I did after that inadequate.

Example: You cannot have water standing around the footings under the home. No one cares how you keep that from occurring but it cannot be allowed to happen because it will cause them to settle constantly and ruin the installation. The easiest solution is site prep but there other solutions like waterproof walls and drain fields etc. The point is how can you install the footings correctly if you **accept** a lousy site prep as the method of keeping it drained under the home. You can't. Accept is the key word here, if you build on preceding work most courts say that constitutes acceptance of that work.

That's how I see it. What you do is up to you and the lawyers, both yours and the customers. Good luck.