

The Virgin Islands Consortium

10 Homeowners In Territory Served Liens By Construction Company For Work Done Through Home Repair Program

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At least ten Virgin Islanders whose homes were repaired through the Emergency Repair Home Program, found themselves having to respond to liens placed on their homes by a subcontractor working in the program, Government House made known via release Thursday.

The company, North Carolina-based subcontractor TJ Sutton Enterprises, has been subcontracted to AECOM subprime contractor Citadel to perform work. But funds owed have not yet been paid to TJ Sutton, and the company is using the liens as a means to

receive payment.

The Bryan administration said Thursday that the liens should never have been served, and that the Virgin Islands Housing Finance Authority has been working with the Office of the Governor and AECOM to swiftly have them removed.

"While Sutton knows that these homeowners are not responsible for any payments to any of the almost 100 contractors participating in the federally funded housing repair program, this subcontractor is ruthlessly using storm victims as a means to an end, and I am committed to leading our administration's efforts toward ensuring this practice ends," Mr. Bryan said.

"We are deeply disappointed that some subcontractors, in order to resolve a payment dispute are unjustly using liens against the homeowners whose properties have been repaired by the EHRVI program," said V.I.H.F.A. Executive Director Darryl Griffith. "This is an intolerable tactic being used against hurricane survivors who do not owe these contractors any money whatsoever. This matter is a business dispute between a contractor and its subcontractor, and homeowners should not be dragged into the middle of this."

Mr. Griffith also pointed out that none of the TJ Sutton invoices have been received by V.I.H.F.A. for payment. TJ Sutton is a subcontractor of Citadel and AECOM has explained that some of the Citadel invoices have not passed AECOM's standards, according to Government House.

The idea of placing construction liens on homes in the territory repaired following Hurricanes Irma and Maria, is not new. In February [The Washington Post](#) reported that three subcontractors — Polaris Engineering, Lamar Contractors and SLSCO — threatened to file liens on properties in the Virgin Islands where they've done work that had not been paid for.

"We have no choice but to act to secure our legal rights," the subcontractors stated in a letter outlining their grievances over chronically late payments. The letter said some of the subcontractors' unpaid invoices are nearly a year old.

According to The Post, Chivonne A.S. Thomas, the president of the Virgin Islands Bar Association, said the threat to file liens on property owners could present "very large implications" for homeowners.

Under territorial law, subcontractors can file "a lien to secure payment of the contract price" during a dispute over work performed on a property. Thomas said such a lien would prevent the property owner from selling or using it as equity.

But Ms. Thomas said that while she isn't sure the liens would stand up in court, territorial law appears to make an exception for projects being done for the Virgin Islands government, according to The Post.

Government House said Thursday that there have been delays in payments by FEMA to the Government of the Virgin Islands for the Emergency Home Repair program and so funds have been slowly flowing to the prime contractors. The Office of the Governor, the Office of Disaster Recovery and VIHFA have been working with FEMA to expedite the

payment process, said the Bryan administration, adding that in the meantime, the prime contractors remain responsible for paying their subcontractors.

Feature Image: A home in St. John destroyed by Hurricane Irma in 2017. This home is just an example of the damage the storm wrought on St. John, and not particularly part of the homes that liens were placed on. (Ernice Gilbert, VIC)

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