

Standards for Residential Construction and Outside Time Limits

On Claims For Construction Defects in Community Associations under Title 7 of the Civil Code

For original construction that is substantially completed after January 1, 2003, Title 7 of California Civil Code sets forth a community association's rights and responsibilities relative to bringing construction defect claims against residential home builders.

The title sets forth: (1) residential construction standards by component; (2) outside time limits for community associations to bring construction defect claims; and (3) a statutorily mandated pre-litigation procedure intended to informally resolve construction defect claims prior to the filing of a lawsuit.

This supplement is intended to be used in conjunction with your existing maintenance manual. It will assist your association in determining if any building components or assemblies violate established construction standards, and provides information regarding applicable time limits to bring a claim to seek repair or compensation. For example, if your association is suffering water intrusion through exterior stucco, siding, walls, framing, finishes or fixtures within 10 years of substantial completion, the builder of your homes is in violation of an established standard. By contrast, your association has only 1 year to bring a claim for certain types of damage caused by faulty drainage in exterior common areas.

A full summary of the standards and time limits is set forth below. If you have any questions about the construction standards, outside time limits, or pre-litigation procedure please contact us.

BUILDING COMPONENT/SYSTEM	STANDARD
1 YEAR from "close of escrow," defined as either substantial completion or when Developer relinquishes control of Board.	
Irrigation Systems and Drainage	Shall operate properly so as not to damage landscaping or other external improvements.
1 YEAR, unless manufacturer has specified longer warranty period.	
Manufactured Products	Shall be installed so as not to interfere with the product's useful life or utility.
1 YEAR from occupancy of adjacent unit.	
Noise Transmission	Shall comply with applicable government codes, ordinances and regulations.
2 YEARS from "close of escrow," defined as either substantial completion or when Developer relinquishes control of Board.	
Dryer Ducts	Shall be installed and terminated pursuant to manufacturer installation requirements.
Landscaping Systems	Shall be installed in such a manner so as to survive for not less than one year.
Wood Posts (untreated)	Shall not be installed in contact with soil so as to cause unreasonable decay to wood.
4 YEARS from "close of escrow," defined as either substantial completion or when Developer relinquishes control of Board.	
Electrical	Shall operate properly and shall not materially impair the use of the structure by its inhabitants.
Exterior Pathways, Driveways, Hardscape, Sidewalls, Sidewalks and Patios	Shall not contain cracks that display significant vertical displacement or that are excessive.
Plumbing and Sewer	Shall be installed to operate properly and shall not materially impair the use of the structure by its inhabitants.
Steel Fences (untreated)	Shall be installed so as to prevent unreasonable corrosion.
5 YEARS from "close of escrow," defined as either substantial completion or when Developer relinquishes control of Board.	
Paint and Stains	Shall be applied in such a manner so as not to cause deterioration of building surfaces for the length of time specified by the manufacturer.

This document is intended for general informational purposes and is not intended as a substitute for legal or technical analysis regarding the nature and extent of potential claims, or the expiration of any applicable statute of limitation or repose. If you have specific questions or concerns, we strongly encourage you seek the advice of legal counsel.

BUILDING COMPONENT/SYSTEM
STANDARD

10 YEARS from substantial completion, or recording of a Notice of Completion, whichever is earlier.

Air Conditioning in Living Spaces	Shall be consistent with the size and efficiency design criteria specified in Title 24 of California Code of Regulations.
Ceramic Tile and Tile Backing	Shall be installed in such a manner that the tile does not detach.
Ceramic Tile and Tile Countertops	Shall not allow water into the interior of walls, flooring systems or other components so as to cause damage.
Decks, Deck Systems, Balconies, Balcony Systems, Exterior Stairs and Stair Systems	Shall not allow unintended water to pass within the systems themselves and cause damage. Shall not allow water to pass into adjacent structures.
Doors	Shall not allow unintended water to pass beyond, around or through the door or its moisture barriers.
Exterior Stucco, Siding, Walls, Framing, Finishes and Fixtures	Shall not allow unintended water to pass into the structure or to pass beyond, around, or through the moisture barriers. Shall not allow excessive condensation to enter the structure and cause damage to another component. Shall not contain significant cracks or separations.
Fire Protection	Structure shall be constructed to comply with design criteria of applicable government building codes, regulations and ordinances. Fireplaces and chimneys shall not cause unreasonable risk of fire. Electrical and mechanical systems shall not cause unreasonable risk of fire.
Foundation Systems and Slabs	Shall not allow water or vapor to enter into the structure so as to cause damage to another component. Shall not allow water or vapor to enter the structure so as to limit the installation of flooring material.
Foundations, Load Bearing Components and Slabs	Shall not contain significant cracks or significant vertical displacement. Shall not cause the structure to be structurally unsafe.
Foundations, Load Bearing Components, Slabs and Underlying Soils	Shall be constructed so as to materially comply with design criteria set by government building codes, regulations and ordinances for chemical deterioration or corrosion resistance.
Hardscape, Paths, Patios, Irrigation Systems, Landscape Systems and Drainage Systems	Shall not be installed in such a way as to cause water or soil erosion to enter into or come in contact with the structure so as to cause damage to another component.
Heating	Shall be installed so as to be capable of maintaining a room temperature of 70 degrees Fahrenheit at a point three feet above the floor in any living space.
Plumbing Lines, Sewer Lines and Utility Lines	Shall not leak. Shall not corrode so as to impede useful life. Shall be installed in such a way as to allow the designated amount of sewage to flow through system.
Retaining and Site Walls, Associated Drainage Systems	Shall not allow unintended water to pass beyond, around, or through its moisture barriers. Shall only allow intended water to pass beyond, around or through the areas designated by design.
Roofing Materials	Shall be installed so as to avoid materials falling from the roof.
Roofs, Roofing Systems, Chimney Caps and Ventilation	Shall not allow water to enter the structure or pass beyond, around or through its moisture barriers.
Shower and Bath Enclosures	Shall not leak water into the interior of walls, flooring systems, or interior of other components.
Soils	Shall not cause the land upon which no structure is built to become unusable for the purpose represented or for the purpose for which that land is commonly used.
Soils and Engineered Retaining Walls	Shall not cause damage to the structure built upon it. Shall not cause the structure to be structurally unsafe.
Structure	Shall be constructed so as to materially comply with the design criteria for earthquake and wind load resistance set forth in the applicable government building codes, regulations and ordinances. Shall be constructed in such a manner so as not to impair the occupants' safety because they contain public health hazards.
Windows, Patio Doors, Deck Doors and Related Systems	Shall not allow water to pass beyond, around or through the component or its moisture barrier. Shall not allow excessive condensation to enter the structure and cause damage.