

RIGHT TO FIX

Construction defects causes of action

Civil Code 895, et

Effective date January 1, 2003

Homeowner cannot sue builder or developer until pre-litigation procedure is completed.

Liability based upon statutory standards that do not require physical damage.

Key Points of “Right to Repair” Law

- Applies to residential construction only
- Defines construction standards and actionable defects
- Establishes mandatory repair procedures and timelines
- Establishes prerequisites for the litigation of claims

STANDARDS FOR NEW RESIDENTIAL DWELLINGS

Cal. Civil Code sec. 896(b)(3):

“Foundations, load bearing components, and slabs, and underlying soils shall be constructed so as to materially comply with the design criteria set by applicable government building codes, regulations, and ordinances for chemical deterioration or corrosion resistance in effect at the time of original construction.”

Standards For New Residential Dwellings

Cal. Civil Code sec. 896(g)(3)(A):

“To the extent not otherwise covered by these standards, manufactured products, including, but not limited to windows, doors, roofs, plumbing products and fixtures, fireplaces, electrical fixtures, HVAC units, countertops, cabinets, paint, and appliances shall be installed so as not to interfere with products’ useful life, in any.”

SPECIAL REMEDIES FOR NEW RESIDENTIAL DWELLINGS

Cal. Civil Code sec. 944:

- **The reasonable value of repairing any violation of the standards set forth in this title.**
- **Reasonable relocation and storage expenses.**
- **Lost business income if the home was used as a principal place of a business.**
- **Reasonable investigative costs for each established violation.**
- **All other costs or fees recoverable by contract or statute.**