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The Law Offices of

BORTON PETRINI, LLP

S.B. 800 Statutes of Repose Quick Reference Guide

All referenced code sections are from the Civil Code of the State of California

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ONE YEAR FROM CLOSE OF ESCROW*

Attached Structures

§896(g)(6)-must comply with interunit noise transmission standards set by the applicable government regulations/codes/ordinances in effect at time of construction. *Time limit for this claim is one year from original occupancy of the adjacent unit.

Drainage

§896(g)(7)-to operate properly and not damage landscaping or other external improvements.

Irrigation Systems

§896(g)(7)-to operate properly and not damage landscaping and other external improvements.

TWO YEARS FROM CLOSE OF ESCROW

Dryer Ducts

§896(g)(14)-installed and terminated pursuant to manufacturer installation requirements.

Landscaping Systems

§896(g)(12)-must survive for not less than one year.

Wood Posts, Untreated

§896(g)(8)-no contact with soil so as to cause unreasonable decay to the wood.

FOUR YEARS FROM CLOSE OF ESCROW

Driveways

§896(g)(1)-shall not contain cracks that display significant vertical displacement or that are excessive.

Electrical Systems

§896(f)-to operate properly and not materially impair the use of the structure by inhabitants.

Hardscape

§896(g)(1)-shall not contain cracks that display significant vertical displacement or that are excessive.

Pathways, Exterior

§896(g)(1)-shall not contain cracks that display significant vertical displacement or that are excessive.

Patios

§896(g)(1)-shall not contain cracks that display significant vertical displacement or that are excessive.

Plumbing System

§896(e)-to operate properly and not materially impair the use of the structure by inhabitants.

Sewer Systems

§896(e)-to operate properly and not materially impair the use of the structure by inhabitants.

Sidewalks and Sidewalls

§896(g)(1)-shall not contain cracks that display significant vertical displacement or that are excessive.

Steel Fences, Untreated and Adjacent Components

§896(g)(9)-must prevent unreasonable corrosion.

FIVE YEARS FROM CLOSE OF ESCROW

Paint and Stains

§896(g)(10)-shall not cause deterioration of the building surfaces for the length of time specified by the manufacturer, if any.

TEN YEARS FROM COMPLETION

§941(a)-no action may be brought to recover under this title more than 10 years after *substantial completion* of the improvement but not later than the date of recordation of a valid *notice of completion*. This includes:

Air Conditioning, Living Space

§896(g)(5)-must be consistent with the size and efficiency design criteria specified in Title 24 of the California Code of Regulations or its successor.

Balconies and Balcony Systems

§896(a)(5)-not allow water to pass into the adjacent structure; §896(a)(6)-not allow unintended water to pass within the system causing damage.

Baths and Related Waterproofing Systems

§896(a)(17)-not leak into interior walls, flooring systems, or other interior components.

Ceramic Tile and Backing

§896(g)(13)-installed such that tile does not detach.

Chimneys and Chimney Structures

§896(d)(2)-no unreasonable risk of fire outside of fireplace/chimney.

Chimney Caps

§896(a)(4)-not allow water to enter the structure or pass beyond, around, or through its designed or actual moisture barriers, including, without limitation, internal barriers.

Chimney Termination Caps

§896(d)(2)-no unreasonable risk of fire outside of fireplace/chimney.

Decks and Deck Systems

§896(a)(5)-not allow water to pass into the adjacent structure; §896(a)(6)-not allow unintended water to pass within the system causing damage.

Deck Doors and Deck Door Systems

§896(a)(2)-not allow water to pass beyond, around, or through the deck door or its designed or actual moisture barriers, including, without limitation, internal barriers; §896(a)(3)-no excessive condensation to enter the structure and damage another component.

Doors

§896(a)(1)-not allow unintended water to pass beyond, around or through the door or its designed or actual moisture barriers, if any.

Drainage Systems

§896(a)(9)-no water/soil erosion to enter or contact structure, and damage another building component.

Earthquake Resistance

§896(b)(4)-must materially comply with design criteria for earthquake resistance in the government codes/regulations/ordinances in effect at time of original construction.

Electrical Systems

§896(d)(3)-no unreasonable risk of fire.

Engineered Retaining Walls

§896(c)(1)-not damage structures, in whole or in part, built upon the soil or retaining wall; §896(c)(2)-not cause structure, in whole or in part, to be structurally unsafe.

Fireplaces

§896(d)(2)-no unreasonable risk of fire outside of fireplace/chimney.

Fit and Finish Items

§900-builder shall provide minimum one year express written limited warranty (not specified whether starts from close of escrow or substantial completion).

Foundations

§896(b)(1)-no significant cracks or vertical displacement; 896(b)(2)-not cause structure, in whole or in part, to be structurally unsafe; §896(b)(3)-must materially comply with design criteria set by government codes/regulations/ordinances for chemical deterioration or corrosion resistance in effect at time of original construction.

Foundation Systems

§896(a)(7)-not allow water or vapor to enter structure and cause damage to another building component; §896(a)(8)-not allow water or vapor to enter structure and limit the installation of typical flooring materials.

Framing, Exterior

§896(a)(10)-not allow unintended water to pass into the structure or beyond, around, or through its designed or actual moisture barriers, including any internal barriers.

Function or Component Not Otherwise Addressed

§897-if it causes damage it is actionable--10 years for substantial completion or from when notice of completion is filed to bring suit.

TEN YEARS FROM COMPLETION

Hardscape (including paths and patios)

§896(a)(9)-no water or soil erosion to enter or contact structure and damage another building component.

Heating

§896(g)(4)-must maintain 70° F. three feet above floor if installed pursuant to permit application submitted prior to 1/1/08; must maintain 68° F. three feet above floor and two feet from exterior walls if installed pursuant to permit application submitted on or before 1/1/08.

Irrigation Systems

§896(a)(9)-no water or soil erosion to enter or contact structure and damage another building component.

Landscaping Systems

§896(a)(9)-no water or soil erosion to enter or contact structure and damage another building component.

Load Bearing Components (see also Foundation and Slabs)

§896(b)(1)-no significant cracks or vertical displacement; §896(b)(2)-not cause structure, in whole or in part, to be structurally unsafe; §896(b)(3)-must materially comply with design criteria set by government codes/regulations/ordinances for chemical deterioration or corrosion resistance in effect at time of original construction.

Manufactured Products (not otherwise covered)

§896(g)(3)(A-E)-installed so as not to interfere with the products' useful life, if any. If there is no useful life, installed so as to not interfere with product's utility. If no useful life or if representation is less than one year, the period shall be no less than one year from close of escrow.

Mechanical Systems

§896(d)(3)-no unreasonable risk of fire.

Patio Doors and Patio Door Systems

§896(a)(2)-not allow water to pass beyond, around, or through the patio door or its designed or actual moisture barriers, including, without limitation, internal barriers; §896(a)(3)-no excessive condensation to enter the structure and damage another component.

Plumbing Lines

§896(a)(15)-lines shall not corrode so as to impede useful life of the system.

Plumbing System

§896(a)(14)-lines and components of system shall not leak.

Retaining Walls and Associated Drainage Systems

§896(a)(12)-not allow unintended water to pass beyond, around, or through its designed or actual moisture barriers including, without limitation, internal barriers; §896(a)(13)-only allow water to flow beyond, around, or through areas designated by design.

Roofing Materials

§896(g)(11)-installed so as to avoid materials falling from the roof.

Roofing Systems

§896(a)(4)-not allow water to enter the structure or pass beyond, around, or through its designed or actual moisture barriers, including, without limitation, internal barriers.

Roofs

§896(a)(4)-not allow water to enter the structure or pass beyond, around, or through its designed or actual moisture barriers, including, without limitation, internal barriers.

Sewer Lines

§896(a)(15)-shall not corrode so as to impede useful life of the system.

Sewer System

§896(a)(14)-lines and components of system shall not leak; §896(a)(16)-installed to allow the designated amount of sewage to flow through the system.

Showers and Related Waterproofing Systems

§896(a)(17)-not leak into interior walls, flooring systems or other interior components.

Siding, Exterior

§896(a)(10)-not allow unintended water to pass into the structure or beyond, around, or through its designed or actual moisture barriers, including any internal barriers; §896(a)(11)-not allow excessive condensation into the structure and damage another component; §896(g)(2)-no significant cracks or separations.

Site Walls and Associated Drainage Systems

§896(a)(12)-not allow unintended water to pass beyond, around, or through its designed or actual moisture barriers including, without limitation, internal barriers; §896(a)(13)-only allow water to flow beyond, around, or through areas designated by design.

Slabs

§896(a)(7)-not allow water or vapor to enter structure and cause damage to another building component; §896(a)(8)-not allow water or vapor to enter structure and limit the installation of typical flooring materials; §896(b)(1)-no significant cracks or vertical displacement; §896(b)(2)-not cause structure, in whole or in part, to be structurally unsafe; §896(b)(3)-must materially comply with design criteria set by government codes/regulations/ordinances for chemical deterioration or corrosion resistance in effect at time of construction.

Soils

§896(c)(1)-not damage structures, in whole or in part, built upon the soil or retaining wall; §896(c)(2)-not cause structure, in whole or in part, to be structurally unsafe; §896(c)(3)-not cause land, in whole or in part, to become unusable for purpose originally intended.

Stairs and Stair Systems (Exterior)

§896(a)(5)-not allow water to pass into the adjacent structure; §896(a)(6)-not allow unintended water to pass within the system causing damage.

Structural System

§896(b)(4)-must comply with design criteria for earthquake and wind resistance in the government codes/regulations/ordinances in effect at time of construction.

Structure

§896(d)(1)-must materially comply with the design criteria of government codes/regulations/ordinances for fire protection in effect at time of original construction; §896(g)(15)-no public health hazards as determined by a public official or agency or government entity having jurisdiction.

Stucco

§896(a)(10)-not allow unintended water to pass into the structure or beyond, around, or through its designed or actual moisture barriers, including any internal barriers; §896(a)(11)-not allow excessive condensation into the structure and damage other component; §896(g)(2)-no significant cracks or separations.

Utility Systems/Lines

§896(a)(14)-lines and components of system shall not leak; §896(a)(15)-lines shall not corrode so as to impede useful life of the system.

Ventilation Components

§896(a)(4)-not allow water to enter the structure or pass beyond, around, or through its designed or actual moisture barriers, including, without limitation, internal barriers.

Walls, Exterior

§896(a)(10)-not allow unintended water to pass into the structure or beyond, around, or through its designed or actual moisture barriers, including any internal barriers; §896(a)(11)-not allow excessive condensation into the structure and damage other components.

Wall Finishes, Exterior

§896(a)(10)-not allow unintended water to pass into the structure or beyond, around, or through its designed or actual moisture barriers, including any internal barriers; §896(g)(2)-no significant cracks or separations.

Wall Fixtures, Exterior

§896(a)(10)-not allow unintended water to pass into the structure or beyond, around, or through its designed or actual moisture barriers, including any internal barriers; §896(g)(2)-no significant cracks or separations.

Waterproofing Systems (behind or under ceramic tile and tile countertops)

§896(a)(18)-not allow water into interior of walls, flooring systems, or other components so as to cause damage. Ceramic tile designed and installed to deflect intended water to the waterproofing system.

Wind Load Resistance

§896(b)(4)-must comply with design criteria for wind load resistance in the government codes/regulations/ordinances in effect at time of original construction.

Windows and Window Systems

§896(a)(2)-not allow water to pass beyond, around, or through the window or its designed or actual moisture barriers, including, without limitation, internal barriers; §896(a)(3)-no excessive condensation to enter the structure and damage another component.

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