

CONSTRUCTION DEFECT STATUTES OF LIMITATIONS

Original Residential Construction First Sold on or after January 1, 2003

ONE YEAR STATUTE

1. Noise for attached units: 1 year from original occupancy of adjacent unit. Civil Code Section 896(g)(6)
2. Operation of irrigation and drainage systems: 1 year from close of escrow. Civil Code Section 896(g)(7)

TWO YEAR STATUTE

1. Decay of untreated wood posts: 2 years from close of escrow. Civil Code Section 896(g)(8)
2. Landscaping: 2 years from close of escrow for filing an action, however, survival period is 1 year. Civil Code Section 896(g)(12)
3. Dryer ducts: 2 years from close of escrow. Civil Code Section 896(g)(14)

FOUR YEAR STATUTE

1. Operation of plumbing and sewer systems: 4 years from close of escrow. Civil Code Section 896(c)
2. Electrical systems: 4 years from close of escrow. Civil Code Section 896(f)
3. Cracks in exterior pathways, driveways, hardscape, sidewalls, sidewalks and patios: 4 years from close of escrow. Civil Code Section 896(g)(1)
4. Unreasonable corrosion of untreated steel fences and adjacent components: 4 years from close of escrow. Civil Code Section 896(g)(9)

FIVE YEAR STATUTE

1. Deterioration of building surfaces due to paint or stain: 5 years from close of escrow. Civil Code Section 896(g)(10)

TEN YEAR STATUTE

1. Everything not listed above is subject to a limitations period of ten years from substantial completion. Civil Code Section 941

“Close of Escrow” defined in Civil Code Section 895(e): *With respect to claims by an association . . . “close of escrow” means the date of substantial completion . . . or the date the **builder relinquishes control over the association’s ability to decide whether to initiate a claim under this title**, whichever is later.*