



Contractor's Warranty - 1 year *minimum*, 4 year, 10 year ? ■

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What warranty is a contractor required to provide under California Law?

There are basically three warranties that are law in California. These warranties are defined in the CALIFORNIA BUSINESS AND PROFESSIONS CODES and in the CALIFORNIA CIVIL CODE.

The one-year warranty: New construction & remodels

The standard "one year expressed limited warranty" also known as the "Fit and Finish warranty" is an industry standard and a California law [CALIFORNIA CIVIL CODE 900], and is considered an implied warranty. Even though the state has adopted a standard of the warranty, a written warranty is always better. With a one-year written or implied warranty you are required to file a complaint within the one-year period [CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 7091-c].

Four-year warranty: All contractors / all jobs

A licensed contractor is required to give a warranty on items installed under his /her license to be free from defective installation including, but not limited to the local codes and manufacturer's installation requirements for up to four years after the completion of a job. The claim may be made on any defect, either known or unknown, and discovered within the four-year period [CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 7091-a].

A licensed contractor can be held liable for repairs and damages caused by the defective installation. A licensed contractor who fails to meet the minimum installation requirements can be sued in a court of law and a complaint can be filed with the California State License Board.

Ten-year warranty: Structural defects

A licensed contractor and/or the engineer on record is required to provide a warranty on certain engineered components that they are to be free from engineering defects, miscalculation or omissions. Such defects could be site stability, the integrity of the foundation, site retaining walls, roof framing, etc... These defects may be considered Latent defects. Latent defects are defects which lay dormant and are undiscoverable without certain expertise or disaster. Such latent defects may include foundation settling, excessive sagging of beams or other framing which may be undersized, unusual site movement, etc...

[CALIFORNIA BUSINESS AND PROFESSIONS CODE] SECTION 7091-in part

7091.

(a) A complaint against a licensee alleging commission of any patent acts or omissions that may be grounds for legal action shall be filed in writing with the registrar within four years after the act or omission alleged as the ground for the disciplinary action...

(b) A complaint against a licensee alleging commission of any latent acts or omissions that may be grounds for legal action pursuant to subdivision (a) of Section 7109 regarding structural

defects, as defined by regulation, shall be filed in writing with the registrar within 10 years after the act or omission alleged as the ground for the disciplinary action...

Where can I file a complaint?

First you are required to notify the contractor in writing and allow him to inspect, evaluate and make an offer to repair or settle the claim [CALIFORNIA CIVIL CODE 917]. If the contractor refuses to respond to your claim or does not offer a reasonable settlement or repair within a reasonable time frame, you may then consider legal action [CALIFORNIA CIVIL CODE 915].

Legal action may include Small Claims court if the amount is under the limit of (\$5,000 to \$7,500 depending on the claim) or you may wish to contact a construction defect attorney to pursue civil damages.

Another option is contacting the Contractors State License Board, which is the state consumer protection agency that licenses and regulates construction contractors. If you file a complaint against a licensed contractor within the legal deadline, CSLB has authority to investigate the complaint. If you use an unlicensed contractor, CSLB may not be able to help you resolve your complaint. Your only remedy may be in civil court, and you may be liable for damages arising out of any injuries to the unlicensed contractor or the unlicensed contractor's employees.

For Information about filing a complaint to the Contractors State License Board:

Visit CSLB's web site at: www.cslb.ca.gov
Call CSLB at 800-321-CSLB (2752)
Write CSLB at P.O. Box 26000, Sacramento, CA 95826

Or if you would like to look up California Law regarding your rights go to: www.leginfo.ca.gov/index.html

What if a contractor fails to repair the defect or pay the settlement once I get a judgment or order?

If a licensed contractor fails to pay a civil penalty, or to comply with an order of correction or an order to pay a specified sum either by court order or by CLSB action, a suspension of his license per the CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 7090.1 may occur. Also, an attorney may be able to help collect on a judgment.

What is a "Contractor's License Bond?"

A contractor's bond guarantees both job completion and payment of all labor and material. All contractors are required to have a minimum \$10,000 bond. Some bonds are designed to protect you from substandard work that does not comply with local building codes. Check with the CSLB if you wish to file a complaint against a licensed contractor and pursue a contractor's bond for reimbursement of a judgment.