

AMENDED IN ASSEMBLY APRIL 22, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2757

Introduced by Assembly Member Calderon

February 25, 2002

~~An act to add Section 1377 to the Civil Code, relating to construction
An act to add Section 337.16 to the Code of Civil Procedure, relating
to construction defects.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2757, as amended, Calderon. ~~Construction defects: common
interest developments~~ *notice to builders: right to repair.*

~~The Davis-Stirling Common Interest Development Law sets forth
the rights and obligations of common interest development
homeowners, as specified.~~

*Existing law sets forth the statute of limitations applicable to actions
to recover damages for construction defects in improvements to real
property, as specified.*

This bill would declare the intent of the Legislature to protect the
interests of ~~common interest development~~ homeowners and
subsequent purchasers against construction defects, and to require
~~comprehensive insurance coverage for~~ construction defects *to be
repaired. The bill would also prohibit the filing of an action to which
the above provisions apply against the builder of an improvement to real
property unless the builder is given at least 90 days notice of the facts
and legal theories upon which the action will be based, during which
time the builder shall have the right to enter the property to inspect and
repair the claimed defects.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1377 is added to the Civil Code, to read:~~
2 ~~1377. It is the intent of the Legislature to protect the interests~~
3 ~~of common interest development homeowners against~~
4 ~~construction defects, and to require comprehensive insurance~~
5 ~~coverage for construction defects.~~
6 *SECTION 1. Section 337.16 is added to the Code of Civil*
7 *Procedure, to read:*
8 337.16. (a) *It is the intent of the Legislature to protect the*
9 *interests of homeowners and subsequent purchasers against*
10 *construction defects, and to require construction defects to be*
11 *repaired.*
12 (b) *No action to which Section 337.1 or 337.15 applies may be*
13 *filed against the builder of an improvement to real property unless,*
14 *at least 90 days prior to filing the action, a notice is sent to the*
15 *builder identifying the facts and legal theories upon which the*
16 *action will be based. During this 90-day prelitigation period, the*
17 *builder shall have a right to access the real property in order to*
18 *inspect and repair the claimed defects. More time may be granted*
19 *to complete the repairs upon the mutual agreement of the parties.*

