

ASSEMBLY BILL

No. 1152

Introduced by Assembly Member Frazier

February 27, 2015

An act to amend Section 895 of the Civil Code, relating to construction defects.

LEGISLATIVE COUNSEL'S DIGEST

AB 1152, as introduced, Frazier. Construction defects.

Existing law regulates actions seeking recovery on construction defects, as specified, on original construction intended to be sold as an individual dwelling unit. Existing law defines certain terms for these purposes.

This bill would make nonsubstantive changes to these provisions.

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 895 of the Civil Code is amended to read:
- 2 895. (a) "Structure" means ~~any~~ a residential dwelling, other
- 3 building, or improvement located upon a lot or within a common
- 4 area.
- 5 (b) "Designed moisture barrier" means an installed moisture
- 6 barrier specified in the plans and specifications, contract
- 7 documents, or manufacturer's recommendations.
- 8 (c) "Actual moisture barrier" means ~~any~~ a component or
- 9 material, actually installed, that serves to any degree as a barrier

1 against moisture, whether or not intended as a barrier against
2 moisture.

3 (d) “Unintended water” means water that passes beyond, around,
4 or through a component or the material that is designed to prevent
5 that passage.

6 (e) “Close of escrow” means the date of the close of escrow
7 between the builder and the original homeowner. With respect to
8 claims by an association, as defined in Section 4080, “close of
9 escrow” means the date of substantial completion, as defined in
10 Section 337.15 of the Code of Civil Procedure, or the date the
11 builder relinquishes control over the association’s ability to decide
12 whether to initiate a claim under this title, whichever is later.

13 (f) “Claimant” or “homeowner” includes the individual owners
14 of single-family homes, individual unit owners of attached
15 dwellings and, in the case of a common interest development, ~~any~~
16 *an* association as defined in Section 4080.