

BURDMAN & WARD

ATTORNEYS AT LAW

Construction Defect Attorneys
Tel. 888-350-9080
www.burdmanlaw.com

Law in Hand

HOW DID MY HOME PASS INSPECTION?

It's a little after seven o'clock in the evening as community managers, board members, and homeowners squeeze into a crowded conference room. They've all come to hear a panel of experts address a growing issue affecting all of us – construction defects. One of the homeowners asks, "How do I have construction deficiencies when my home passed the county inspection?" and another, "Who is responsible?" As attorneys with over 30 years of experience handling construction defect matters, we often hear these same two questions.

The answer to the first question requires an understanding of the three-step building process: (1) plan check, (2) building permits, and (3) inspections.

Plan Check

Before a site may be approved for construction, the builder must provide the building department with a copy of the proposed plans and specifications for approval. The city or county of engineers may either approve the plans as written, or request changes to bring the plans into compliance with the city or county standards. Although the project makes it through plan check, the city or county is not liable for any defects in the plans. City and county engineers do not have the time or resources to make the detailed investigation which would be required to ensure that the plans comply with every code and standard. They cannot and do not guarantee that the plans are fully compliant.

Building Permit

Once the plans are approved, the permits are issued to give the builder permission to build according to the approved plan.

© 2015 Burdman & Ward - San Diego, Los Angeles, Orange County, San Jose, & Sacramento. This material is for informational purposes only and is not intended to act as legal advice. For specific legal advice concerning a particular situation, please consult with an attorney.

Inspections

After the construction begins, the city or county performs inspections at certain phases in the building process. For example, inspections might occur when the framing is complete or when the rough electrical work has been completed. Although many homeowners believe that city or county inspections ensure that the home was built according to the plans, specifications and minimum building requirements, this is not the case. In a lawsuit our firm brought to trial, the chief building official testified that the city cannot be the guarantor of good construction. The building official testified that because inspectors only observe an extremely small part of the construction process, they are not able to prevent many construction defects.

Because the municipal engineers and inspectors are not able to ensure complete compliance with building codes, most jurisdictions give the governmental entities complete immunity from legal liability for construction defects. If the government is not responsible for the defects in your home, the question remains, "Who is responsible?" The answer can be complex. There are many players in the design and construction of a new home. Sorting out who is responsible requires painstaking research and a detailed knowledge of the applicable laws and codes in your jurisdiction. As disheartening as construction defects can be, with proper expertise on your side, those responsible for the defects can be held accountable. If you suspect defects in the construction of your home, be sure to contact an attorney with the proper qualifications and experience.

If you think you have potential construction defects, contact Burdman & Ward for a free, no obligation inspection with a licensed contractor.

Tel. 888-350-9080

www.burdmanlaw.com