




“But It’s Up To Code!”
The myths about Construction and Building Codes

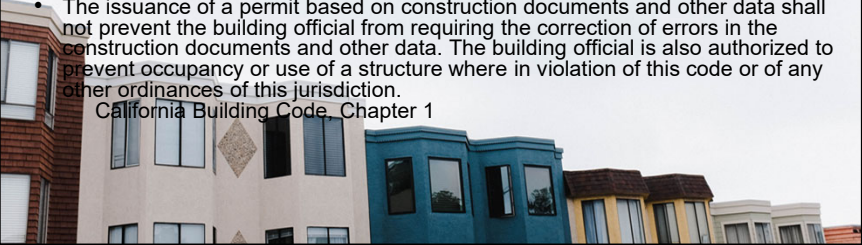


Presented by Kelly G. Richardson, Esq.
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1

What legally does a permit mean?

- **105.4 Validity of permit.**
The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction.
 - **Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.**
 - The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.
- California Building Code, Chapter 1
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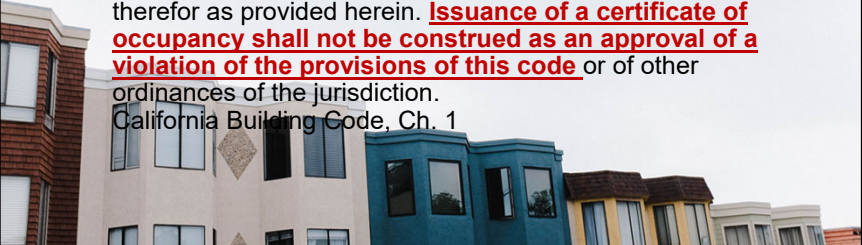
2

What is the Legal Effect of Building Department Inspections?

- **110.1 Inspections.**
“.....
 - **Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or other ordinances of the jurisdiction.**
 - **Inspections presuming to give authority to violate or cancel the provides of this code or of other ordinances of the jurisdiction shall not be valid.... “**
California Building Code, Ch. 1
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3

What is the Legal Effect of a Certificate of Occupancy (“C of O”)?

- **111.1 Use and occupancy.**
No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. **Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code** or of other ordinances of the jurisdiction.
California Building Code, Ch. 1
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4

Can Building Inspector Be Held Liable For Bad Inspection?

104.8 Liability.

The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, **shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.**

104.8.1 Legal defense.

Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. **The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.**

California Building Code, Ch. 1

5

Contractors – they have to carry insurance, right?

WRONG!

Contractor's License Bond – required to have active license in California...

But bond only covers VIOLATIONS OF THE LICENSE LAW ... which are all intentional....

Negligent construction is not a violation!

And the amount of the bond is normally \$25,000

6

There is an automatic one year builders warranty

Partially true on new residential construction only.

One year "fit and finish" warranty – Civil Code §900.

Otherwise it is the applicable statute of limitations, which can be from 1 to 10 years from completion

7

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8