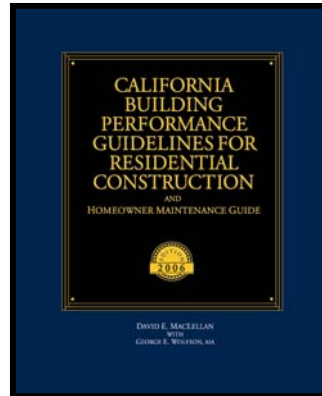


A Builder Story: How Empire Homes Defends Against Litigation

Our Solution: We have opted out of SB 800 in our Limited Warranty, choosing instead, to define our warranty terms, which are SB 800 compliant, through our Homeowner Manual, and the *California Building Performance Guides for Residential Construction*, as the standard for our warranty and maintenance requirements. We have recorded the Homeowner Manual and the “California Book” to ensure it’s on-going connection to the home. We make constant reference to both during the sale and walkthrough process.

The Results: So far, we have used these tools together in two separate arbitrations to define the parameters of specific issues and have won both cases, based on the fact that we performed to the standard as outlined in the California book.

— Dixie Milberg, VP of Home Services, Empire Homes



2006 Edition

Inside this issue:

<i>Defective Protection Plates</i>	2
<i>Aluminum Windows</i>	2
<i>2008 Code Changes</i>	3
<i>Marketing News</i>	3
<i>About the BSI</i>	4

Counterfeit UL Labels Popping up in California

A large national home-builder recently discovered that one of their lighting fixture suppliers was furnishing wall and ceiling lights with counterfeit UL Labels. UL, which stands for Underwriters Laboratories, independently tests and certifies nearly every electrical product in use in the United States. Generations of Americans have come to rely upon, and perhaps take for granted, the UL Label

that appears on the products throughout their homes. In this particular case, the fixtures were manufactured in China and brought to a central warehouse on the West Coast. Whether the counterfeit labels were attached at the point of manufacture or the point of distribution remains unknown. The counterfeit labels were yellow in color, about 1 ½” long x 1” high and were a poor imitation of the real

UL labels. The real UL labels contain an Underwriters Laboratories hologram. They can be viewed on the official UL website at www.UL.com. Underwriters Laboratories takes counterfeiting of their labels very seriously. They have a Fraud Unit for this very purpose. They may be contacted at (877) 854-3577.



“An authentic UL label should have a hologram.”

Defective Protection Plates



As if to follow on the heels of the counterfeit UL labels, the construction industry is experiencing supplies of defective projection plates. These plates are supposed to be made of hardened steel and they are applied to the face of studs to prevent drywall screws (and other fasteners) from puncturing plumbing, AC, and electrical runs. The bogus protection plates, made in China, look and feel like the real ones. But, they are

easily penetrated with a drywall screw. Also the bogus plates can be bent by hand. Since the negative results of penetrations into plumbing lines and electrical wires are often not discovered until the building has been in use, it is strongly recommended that a sampling of these plates be tested prior to drywall installation.

“Bogus plates can be bent by hand.”

Aluminum Windows — Construction Defect?



Recently, a number of homebuilders have been threatened or sued by homeowners claiming that the use of aluminum frame windows constitutes a construction defect. The core complaint is that the windows “sweat” mainly during the winter months. All the subject houses are between eight and ten years old and they have dual pane glass. Until recent years, aluminum frame windows were the standard of the homebuilding industry. For the most part, aluminum has now been replaced with vinyl frames, which are more compliant with the energy codes. Aluminum frame windows will sweat

under conditions of high humidity and a temperature differential of 20 degrees or more between inside and outside temperatures. Bathrooms and kitchens typically experience these conditions. But, bedrooms experience the sweating as well. With bedroom doors closed, shades drawn, and transpiration from human breath over a seven or eight hour period, raises the humidity in the room. Homeowners can mitigate the condensation problems by providing more ventilation to these rooms, (i.e. keep windows and doors open or by installing a dehumidifier in the central heating system). While window frame condensation may be

an inconvenience to a homeowner, the use of AAMA approved aluminum framed windows does not, in our opinion, constitute a construction defect.

“Aluminum windows will sweat under conditions of high humidity and a temperature difference of 20 degrees or more.”

2008 Code Changes

In 2008, the Building Code in California will change. The 2007 California Building Code is currently being published for implementation January 1, 2008. From 1997 to the present, California adopted the Uniform Building Code with some modifications to become the 1998 and 2001 California Building Code (CBC). However, the 2007 Building Code has some significant changes and it is not UBC based. Rather, it is a modification of the International

Building Code, and unlike the other 49 states that have pretty well adopted the International Building Codes as is, California has made modifications to create its own state code.

This change is important to design professionals and builders who are building the same project, but in phases. If building permits are pulled in 2007, they are subject to the 2001 California Building Code. If building permits are pulled in

2008, they are probably subject to the 2007 Building Code. These changes could affect the design and construction of the same residential housing project from one phase to another. Allowable building heights, fire resistive walls, and building setbacks are a few of the areas affected. For more information regarding 2007 Code Changes contact BSI Director, Dick Edwards at (925) 939-5500 or email dick@pacificinterwest.com.

“Significant changes are coming to the California Building Code.”



More Marketing News

Seminars

The most recent Risk Management Seminar was held in Irvine, CA back in April and was a resounding success. The CBIA and BIASC boasted the highest attendance to date. The BSI was well represented at the event, as the premier underwriter. The next Risk Management Seminar is scheduled for September 18th, in Sacramento.

Pacific Coast Builders Conference

PCBC was a success again this year, despite the slightly lower attendance. Organizers explained that while the crowd was a little thinner, those that did attend were more often Presidents, VP's, and CEOs. Once again, the books were sold in the on-site Barnes and Noble bookstore, as well as from the booth.

10 Year Home

Maintenance Checklist

The BSI is in the process of creating a 10 Year Maintenance Checklist that will be sold in conjunction with *The National Home Maintenance Manual*. The checklist is organized by year and will include tasks and tips that should be accomplished that year. The Checklist can be downloaded from www.HouseFixIt.com.

Handy Hammer is 5 Years Old!

Handy Hammer, our logo, was created five years ago by local architect and sculptor, Joe Bolgna. Joe recently stopped by the office to drop off the very first renderings of Handy Hammer. Did you know that before Handy there were other possibilities? There was “Mr. House”, “Mr. Measuring Tape”, “Mr. Square,” and even “Mr. Pliers”, but none had quite the charisma of Handy Hammer.

5!



Katie Sheehan, Editor,
Editorial Office
1600 S. Main St. Ste. 380
Walnut Creek, CA 94596

Phone: 925-937-BOOK
Fax: 925-939-9561
E-mail: katie@pacificinterwest.com
www.buildingstandardsinstitute.org



*Full SB 800 Compliance
Manuals*

Need a Speaker for your Corporate Event or Trade Association?

Does your organization or chapter need a speaker for an upcoming meeting?

BSI can provide a speaker at no charge for a 20-30 minute seminar including the following topics.

- ◆ SB 800 Requirements
- ◆ Effective Warranties
- ◆ The Value of Written Building Standards

About the BSI

The Building Standards Institute is a non-profit organization established for the purpose of providing consumer education in the field of residential construction.

Additionally the Building Standards Institute shares information among builders, specialty contractors, manufacturers, and suppliers regarding issues of green building, SB 800 (The Right to Repair Law), product safety, methods of construction, and innovations in the trade.

Headquartered in Sacramento, the Building Standards Institute draws upon the contributing efforts of industry leaders and technical experts.

The mission of the Building Standards Institute is to provide timely, unbiased information to the consumer on issues such as building performance standards, code changes, maintenance suggestions and new product information.

