Deflecting Construction Defects

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Attorneys say that they experience difficulty in finding construction experts specialized in specific construction defect issues. Construction defects and subsequent litigation can stem from many different sources. An important factor and keep in mind concerning possible litigation is that a considerable number of alleged construction problems can be attributed to deferred maintenance of the home. On average, there are approximately 58 different subcontractors contributing to the construction of a typical residential project. Unless there are sufficient proactive quality control measures (third party peer review) implemented throughout the construction process, construction defects may result. Below is a list of the most common deficiencies, for which experts can help.

SCHEDULE

During the course of construction, different priorities impact the quality of the final product. Most significant is time. Occasionally, time, or the lack of it, will override the interest to build a product properly so as to stand the test of time. It is unfortunate but the schedule can often times be responsible for producing unacceptable quality of work.

SITE CONSTRUCTION

Site construction can produce several defects and most of them are related to lack of proper to drainage. Even though it does not generally rain a great deal in California, drainage is still important because most finished homes have significant landscaping. In order to enhance that landscaping, irrigation is usually included. This adds water to the soil, which needs to be taken away from the homes. In many cases, irrigation is actually directed toward the homes, resulting in dry rot damage.

CONCRETE

Concrete is used extensively can cause problem if it is not installed properly or the mix is not the type recommended by the geotechnical firms. Sometimes sulfates in the soil can affect concrete (Type V concrete is usually recommended for sulfate soils). Concrete flat work is another assembly that quite often is not installed correctly relative to slab thickness, strength of concrete reinforcing, and number of expansion and control joints. The installation of a concrete slab over an inferior base can also produce significant future cracking.

MASONRY

The quality of masonry installed on exterior walls of homes can sometimes exhibit problems. Such problems include the masonry being run below grade (which promotes efflorescence and erosion of material); lack of weep holes at the bottom of the wall (leads to water intrusion to the interior of the wall); and insufficient anchorage to the wall (may cause cracking of the masonry). It is good practice to cover the top of the masonry with some sort of flashing to reduce the amount of water intrusion in to the wall.

FRAMING

Quality of framing can vary greatly because of the massive amount of assemblies required to connect all the various components. It is important that walls resist the seismic forces typical in California. All the hardware components that are at connections need to be installed correctly.

Treated wood should always be used in contact with concrete. Plywood joints should be blocked correctly. On decks, the plywood joints should be tongue-in-groove and use of OSB should not be permitted where an elastomeric coating is going to be the finished surface application. The studs should be furred where shear walls are not included to provide constant thickness.

ELECTRICAL

Electrical defects and water intrusion can occur when exterior light fixtures are not sealed, or when receptacles are not flashed properly. Drywall openings are sometimes overly large, allowing air leakage, and are occasionally inaccessible behind a cabinet. Be careful that the disconnects to the A/C compressor unit seal properly. Furthermore, receptacles in party walls cannot be less than 24 inches apart to back-to-back. Finally, the main panel circuit descriptions are frequently not accurate and make it difficult for maintenance.

HVAC

HVAC systems can have many problems, especially where the cooling system size is inadequate. Flex ductwork can be damaged when it is not adequately supported. Dryer vent ducts can be too long and not large enough in diameter. Access to the attic FAU can be inadequate and the return air plenum is sometimes not completely sealed.

WINDOWS

Windows can develop serious leaks into the interior of homes, due primarily to improper flashing installation. All window fasteners and flashings need to have proper laps and sealing at the time of installation.

STUCCO

The most common problem with stucco is an excessive amount of cracking due to improper mixing, application, or curing. The next most common problem is water intrusion because of incorrect sealing of the building paper prior to application of lath and stucco. Bituthene is not always applied to the pot shelves. A double layer of 60-minute paper is sometimes not used on shear walls. A sufficient amount of expansion joints are quite often not installed. Contaminated sand or the wrong mix is used to create stucco. Finally, quite often, the weep screed is installed below adjacent flatwork.

ROOFING

The last area to exhibit problems due to construction quality is installation of the roof assembly. Problems can arise when the paper under the roofing has been damaged, when flashing is not correctly lapped or the area around the chimney is not installed properly. When roofing paper is exposed to the weather for more than 2 months it can lose its waterproofing capability. It is absolutely critical that the flashing and paper under the roofing material be of high quality to insure that the roof cannot be penetrated by water.

These are some of the common construction assemblies that quite often create problems for the homeowners. The builder must attend to these problem areas by paying close attention to the installation quality. A good quality control program can alleviate virtually all of these problems and help reduce the risk of future litigation.