

A PERFECT HOME DOES NOT EXIST

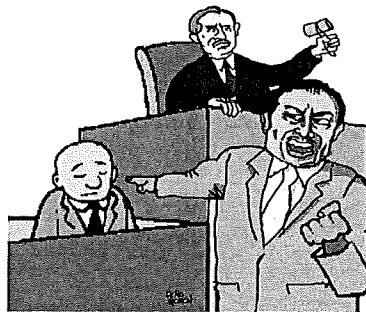
ALL homes are built....

- ...on imperfect soil
- ...with imperfect materials
- ...by imperfect people
- ...under imperfect conditions



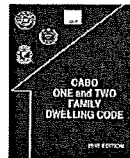
KRS 198b.130 Requires Perfection

- **Allows recovery of attorney fees for violation of the Uniform Building Code**
- **Does not allow for "normal defects" or benign non-conformances**
- **Provides incentive to litigate vs reconcile & remediate**

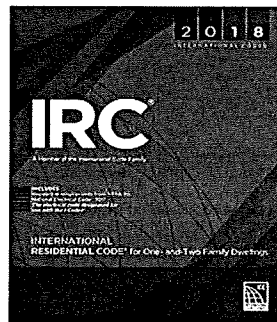


A Brief History & Info

KRS 198b.130 was enacted in 1998 when construction was governed by codes developed and accepted by the Council of American Building Officials (CABO).

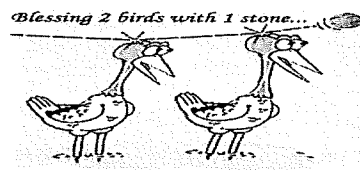


- 115 pages (comparably compared to modern IRC Code)
- 42 Tables of specific measures
- Fold and fit in hip pocket
- Focused on ensuring health & safety of occupants
- Weighs approx. ¼ pound



- Over 800 pages of text
- 402 Definitions
- 392 Tables of specifications
- 1946 Footnotes
- Meant to broadly apply INTERNATIONAL standards; less focused on health & safety of occupants
- Weighs almost 8 pounds

2 Birds ...1 Stone



Eliminating attorney fee recovery where a Certificate of Occupancy is issued removes incentive to litigate ..AND...as a favorable consequence...

1. **Incentivises builders in non-enforcement areas to have inspections throughout construction process, which in turn, promotes consistency in construction methods state wide.**
 - Foundation
 - Framing
 - Electrical
 - Plumbing
 - HVAC
 - Insulation
 - Final/Finish/Grading
2. **Provides homeowners and mortgage lenders with measurable and reasonable assurance that, when finished, the new home will meet or exceed consensus based national and state construction standards.**

Benefits to All

- 1. Promotes construction consistency and quality across the state by incentivizing inspections throughout the building process.**
- 2. Homeowners benefit by promoting timely and effective homeowner & builder conciliation to correct deficiencies by engagement with licensed inspectors that will result in a safe living environment for the occupants.**
- 3. Eliminates the inducement for frivolous litigation citing inconsequential non-conformances where a monetary settlement is the main goal.**
- 4. Promotes insurance claims to be handled in a fashion that reflects a timely correction of the adverse condition, versus defending against excessive monetary litigation expenses .**

