

Issue	AB 125 (2015)	AB 421 (2019)
Definition of a Defect	A defect must either create an unreasonable risk of injury to a person or property or cause physical damage to a residence.	Unchanged.
Attorney's Fees	Attorney's Fees are not considered damages.	Unchanged.
HOA Standing	HOA has standing only for common elements.	HOA has standing for common elements, and for portions of the community it owns or has an express obligation to repair or maintain pursuant to the governing documents.
Periods of Repose	6 years.	10 years, and no limit for acts of fraud.
Costs	Costs may be awarded as damages only for proven defects.	Court has discretion to allow award for costs for non-proven defects.
Warranty Exhaustion	All warranties must be exhausted before pursuing Chapter 40.	All warranties must be diligently pursued before pursuing Chapter 40.
Inspections	A claimant must be present at an inspection and identify the exact location of any defects.	A claimant or a claimant's representative must be present and identify the proximate location of any defects. An expert does not need to be present at an inspection.
Notice Requirements	A notice must identify in specific detail any claimed defects including the exact location.	A notice must identify in reasonable detail any claimed defects.