

From: Thomas Hedge <tom97301@comcast.net>
Sent: Wednesday, May 1, 2019 11:12 AM
To: Rep Holvey <Rep.PaulHolvey@oregonlegislature.gov>
Cc: Lancaster Square Condos <lscondos@comcast.net>
Subject: HB 3432

Dear Representative Holvey,

As the President of a 50-unit condominium association, I am opposed to HB 3432 which unfairly discriminates against community associations and for the benefit of builders and repair contractors. Our association works very hard to find contractors who will do the best work and still stay within our budget. When we get stiffed by shoddy repair work, which often doesn't surface for years after the work was completed, it can have a negative effect on both our budget and maintenance activity for several years. This can also include the emergency use of reserve funds which must be replenished, a special assessment, or both.

In all actuality, the time limit for filing a lawsuit should be extended beyond 10 years, not shortened to 6 years. A case in point is mold growing in an attic space because of shoddy roofing repairs. This often does not surface for years and is often found only when mold starts growing through the ceiling or during a pre-sale inspection. What I find totally incomprehensible is that this reduction will only apply to community associations and not to other facilities such as single-family homes and apartments. Requiring associations board to have written authorization from a majority of owners before filing a lawsuit against a builder or contractor again discriminates against the association in favor of the construction industry. In the case of small associations, this would not be much of a problem; however, when talking about an association with 5000 or more members, this can be a major undertaking in both time and expense. Associations don't peruse lawsuits on a whim and only decide to do so when the construction defect is so expensive to remedy there is no other viable option.

Likewise, in order to protect associations, the inspection requirement must be conducted by an independent, fully qualified, building inspector and not someone hand-picked or employed by the builder. The current language regarding inspections is nothing short of eyewash to justify protecting the construction industry at the expense of community associations.

Please vote against HB 3432 – Community Association Construction Defect Claims. Thank you in advance for your consideration.

Sincerely,

Thomas Hedge, President
Lancaster Square Condominium Association