

**From:** Kevin Eike <[kevin@eikelawpc.com](mailto:kevin@eikelawpc.com)>

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**To:** Jeff O'Neal <[jeff@ichthys.pro](mailto:jeff@ichthys.pro)>; 'Merideth Webber' <[mwebber@acecoregon.org](mailto:mwebber@acecoregon.org)>; 'Alison Davis' <[adavis@acecoregon.org](mailto:adavis@acecoregon.org)>; Rep Holvey <[Rep.PaulHolvey@oregonlegislature.gov](mailto:Rep.PaulHolvey@oregonlegislature.gov)>; Rep Williamson <[Rep.JenniferWilliamson@oregonlegislature.gov](mailto:Rep.JenniferWilliamson@oregonlegislature.gov)>; Rep Wilson <[Rep.CarlWilson@oregonlegislature.gov](mailto:Rep.CarlWilson@oregonlegislature.gov)>; Rep Boles <[Rep.DenycBoles@OregonLegislature.gov](mailto:Rep.DenycBoles@OregonLegislature.gov)>; Rep Nosse <[Rep.RobNosse@oregonlegislature.gov](mailto:Rep.RobNosse@oregonlegislature.gov)>; Rep Smith Warner <[Rep.BarbaraSmithWarner@oregonlegislature.gov](mailto:Rep.BarbaraSmithWarner@oregonlegislature.gov)>; Rep Sprenger <[Rep.SherrieSprenger@oregonlegislature.gov](mailto:Rep.SherrieSprenger@oregonlegislature.gov)>; 'Tom Hogge' <[thogge@ienga.com](mailto:thogge@ienga.com)>

**Subject:** RE: Time sensitive: HB 3432 - Community Association Construction Defect Claims

Dear Rules Committee

I am a local attorney who represents home owners and home owner's associations for cases involving construction defects. HB 3432 is bad for the rights of home owners in home owners associations as it purports to limit home owners associations from the ability to recover damages when their homes are improperly constructed. Defectively constructed condos and townhomes is an epidemic in Oregon where developers, large national builders and local builders alike have constructed condos and townhomes riddled with shoddy construction and cut corners. These widespread construction defects and damage are all too often hidden from homeowners when they purchase their homes as they are not evident to the untrained eye and often concealed in the hidden wall assemblies covered by dry wall on the inside and siding on the exterior. These shoddy construction methods are routinely missed by building and home inspectors alike during construction and as part of sales to individual home owners as they can not be discovered short of invasive investigation which is not part of an inspectors role in these types of inspections.

Many of these defects which cause water intrusion and rot years down the road, do not manifest themselves until after 6 years form construction. Therefore, shortening the statute of repose, as HB 3432 attempts to do, would cripple home owners associations from the ability to hold builders and developers accountable for their work.

I want to be absolutely clear, large national home builders, many of which build over 30,000 homes a year, are in the business for one thing and one thing only, profit. In one case I tried to the jury in Washington County Circuit Court, America's largest home builder admitted to profiting over \$90 million dollars in Portland alone in one year. That builder has billboards all over Oregon which indicate they have been "America's #1 Homebuilder" for 13+ years running. That same builder was unwilling to stand behind its home and left a home owners association of first time, last time home owners to face foreclosure and special assessments to pay to bring their homes up to even the minimum standards to fix dry rot and prevent them from self-destructing. In that case, it became clear the builder intentionally built the home in a defective manner it knew had a substantial likelihood of causing damage to future homeowners which supported a claim for punitive damages against that builder. Ultimately, we were able to recover a multimillion dollar resolution but only after nearly a million dollars in expert and attorney fee, 4 weeks of trial and a hard fought battle against a builder with the resources to effectively bankrupt this community. But for the bad press which would have impacted that builder's ability to continue building and selling defective homes for profit in our community, I am confident that builder would have bankrupted the community of 71 home homeowners. The majority of those claims were past the proposed 6 year limitations period by HB 3432.

In conclusion, I implore you to consider the rights of the over 4 million resident of Oregon and not allow HB 3432 to allow builders and developers to take advantage of homeowners.

Thank you for your consideration.

**Kevin A. Eike | Attorney**

9830 SW McKenzie Street | Portland, OR 97223  
T 503.372.6755 | F 503.372.6460 | C 503.756.2863  
[www.eikelawpc.com](http://www.eikelawpc.com) [www.kevineike.com](http://www.kevineike.com)



Kevin A. Eike  
*Arbitration & Mediation*



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