

**TO: House Rules Committee**  
**FROM: Eric Sandoval, Architect**  
**DATE: May 6, 2019**  
**RE: HB 3432**

I am writing to express concern about HB 3432 and the fact that the provisions for special inspection in the code do not align well with the proposed legislation. There are substantial code provisions for weatherproofing in the current and upcoming codes [OSSC [Ch14](#), [Ch15](#), [Ch17](#) and [Ch18](#)]. The special inspections in the current and upcoming code are primarily for structural integrity and fire proofing.

I am opposed to HB 3432 provisions for “weatherproofing special inspections”. The manufacturer’s approved materials and installations provides the necessary alignment between codes/reference standards for construction. Special inspection for structural and fireproofing in the code provide additional clarity of installation for materials that are field applied, specifically to a unique design for building configuration. The addition of “weatherproofing special inspection” provided in HB 3432 does not provide additional clarification greater than manufacturer’s approved materials and installation.

**Recommendation:**

Redefine HB 3432 method for validation of approved materials and installation through manufacturer’s warranty inspection.

**Background:**

This measure requires the state building code to include special inspections to detect construction defects in exterior waterproofing system of the common property of homeowners association and of residential dwellings in the planned community served by homeowners association or condominium.

Specifically, this measure states it requires the state building code to include special inspections to detect construction defects in exterior waterproofing systems of the common property of homeowners’ associations and residential dwellings in the planned community served by homeowners association or condominium. The measure also permits construction design professionals to identify the appropriate special inspections. The general contractor is required to ensure proper performance of special inspections and remedying of discovered defects. This measure also prohibits the issuance of a certificate of occupancy if applicable special inspections have not been conducted and it reduces the statute of limitations for tort action by homeowners association or association of unit owners to bring an action for construction defect in the structure on which special inspections were performed.

Additionally, this measure imposes a notice, voting, and approval requirements as a prerequisite to homeowners association or association of unit owners bringing or intervening in action for a construction defect. This creates special procedural requirements for giving notice to the contractor prior to filing a construction defect claim if action is brought by homeowners association or association of unit owners. The measure also extends the time for a sender of the second notice of the defect to bring action against a recipient of the second notice of defect.