



April 1, 2025

Oregon House of Representatives
Committee on Housing and Homelessness
By Electronic Submission

Re: Stantec's Written Testimony in Opposition to House Bill 3746

Good afternoon Chair Marsh, Vice-Chair Andersen, Vice-Chair Breese-Iverson, and members of the committee. My name is Bryan Costa, I'm a registered Professional Engineer in the State of Oregon and Senior Building Science Engineer with Stantec in Portland, Oregon. I am here to testify in opposition to House Bill (HB) 3746.

Stantec is a full service engineering and architectural services and consulting services company with over 30,000 employees. I work in a specific branch of Stantec related to Building Specialty Services or BSS. In BSS we focus on both existing buildings and new construction and development. My role at Stantec is Team Lead of existing building. I specialize in reserves fund studies and capitol needs assessments, leak assessments, Due diligence assessments, maintenance assessments, expert witness consulting services and rehabilitation design and oversight of these project that are found to be in need of repair.

Our client base for existing buildings includes home owners, associations, apartment and commercial owners, affordable housing authorities, school districts, hospitals. As well as federal, state and local government agencies, such as the State of Oregon's Department of Administrative Services, the Department of Corrections, and several cities and local jurisdictions

I am testifying today in direct opposition of HB 3746 and in particular to the shortening the statues of repose to 6 years. I have been working as a building science consultant assessing existing buildings and as an expert witness in construction defect cases for over 17 years. Over that period of time, I have assessed over 250 properties and what we have consistently found is that construction defects are largely found in what we call the "hidden assemblies" or in the membranes, detailing and flashing, or lack thereof, that is "hidden" in behind the cladding (siding, trim, roofing, etc.). Because these defective conditions are often concealed behind the cladding, they are not readily apparent to an owner, an association, property manager, tenant, or even a trained construction professional. Often, construction related issues go unnoticed until water has been allowed to migrate into the wall assemblies resulting in water damaged to the structure which happens over "years". In most cases, we are not notified of a concerned related to water intrusion or other related construction issues until between years 8 through 10, post construction, several years beyond the proposed reduction to the statues of repose. And typically, not until the building has suffered extensive water damage, necessitating costly repairs for the owners. And this is in spite of the fact that most of these properties now have professional management, and those management companies are regularly scheduling for routine maintenance and periodic inspections. Regardless, over time, even a well-maintained building with construction defects will eventually become damaged, and shortening the period

that builders are responsible for their work only puts owners, homeowners, and tenants at greater risk of having to face the burden of these costly repairs.

Instead of looking to reduce liability for developers and buildings by limiting the time in which they are liable, Stantec would strongly urge that the committee consider requiring third party oversight from qualified firms to provide review and oversight of the design and construction to help reduce the liability of the builders. This is a process that many has already been adopted by many builders and Stantec is often hired by “careful” contractors and developers for both design and construction oversight to help ensure that critical waterproofing, air leakage and thermal components are properly designed and installed in the field and thus reducing the risk of any potential construction defects for these builders. Our services to these contractors and developers are often very streamlined, making the relatively inexpensive for the value added and these services are coordinated in advance as to not cause delays or added costs to the projects. This option provides risk mitigation to the builders without increasing the risk to owners and homeowners.

Thank you for your time and consideration on this matter.

Stantec Corporation

A handwritten signature in blue ink, appearing to read "Bryan M. Costa".

Bryan M. Costa, PE
Senior Associate, Team Lead, Senior Building Science Engineer