

Submitter: Mary Gilbert

On Behalf Of:

Committee: Senate Committee On Housing and Development

Measure, Appointment or Topic: HB3746

Written Testimony in Support of HB 3746

Submitted by Mary Gilbert

May 5, 2025

Chair and Members of the Committee,

Thank you for the opportunity to submit testimony in strong support of HB 3746, a crucial piece of legislation that will help revitalize affordable homeownership opportunities in Oregon by reforming our outdated construction defect liability laws.

As a real estate professional and community advocate, I have witnessed firsthand the dwindling availability of condominiums across our state—a trend that directly impacts the attainability of homeownership for first-time buyers, young families, and downsizing seniors. Condominiums are a critical entry point into the housing market, often priced nearly 40% lower than single-family homes, making them one of the few remaining affordable options in Oregon's growing housing crisis.

Unfortunately, Oregon's current construction defect liability statute of repose—set at 10 years—is significantly longer than most western states. This extended liability timeframe has created a chilling effect on condominium development. Developers, financiers, and insurers are steering away from condo projects due to the prolonged exposure to legal risk, leaving a major gap in the housing supply.

HB 3746 offers a thoughtful and balanced approach to change that. The bill would:

Reduce the statute of repose from 10 to 7 years, aligning Oregon with our peer states.

Mandate special inspections after construction to enhance consumer protection.

Provide developers a meaningful opportunity to repair defects before litigation is pursued.

Allow the release of earnest money prior to construction, improving project viability.

Simplify platting requirements for Limited Common Elements, reducing unnecessary barriers to development.

These reforms are not about removing accountability—they're about creating fairness, reducing risk, and encouraging responsible development. HB 3746 strikes the right balance between consumer protection and economic feasibility. It will spur much-needed condominium production, help close the homeownership gap, and offer more Oregonians a chance to own a home.

I respectfully urge the committee to support HB 3746. Let's remove outdated barriers and move Oregon forward toward a more accessible, sustainable housing future.

Sincerely,
Mary Gilbert
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