

**From:** Jeff O'Neal <[jeff@ichthys.pro](mailto:jeff@ichthys.pro)>

**Sent:** Wednesday, May 1, 2019 6:43 AM

**To:** '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)>

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

Dear Rules Committee; Meredith & Allison with American Council of Engineering Companies (ACEC); and Tom Hogge, President of Investigative Engineers Association (I-Eng-A),

It seems obvious that this proposed legislation (HB 3432 - Community Association Construction Defect Claims) is special interest legislation aimed at stripping away protections of the public from individual condominium owners and providing a point of leverage for developers who obviously want to remove or severely compromise laws that hold them accountable for construction defects.

While I am not a legal whiz by any stretch of the imagination, it seems that Washington has taken steps to more clearly define points of accountability for developers and contractors in their RCW 64.34.445, while Oregon is considering legislation focused on removing accountability from those who construct buildings housing large groups of citizens. I appeal to you to carefully consider the implications of this proposed legislation on the safety and wellbeing of hundreds of thousands of citizens who rely on various checks and balances to protect them from those who are clearly focused on protecting their bottom line rather than producing quality products. Your decisions in this matter will likely have far-reaching implications. I pray you will carefully consider your duties to protect the public as paramount to fiduciary interests of developers and contractors.

Thank you,

Jeff O'Neal, P.E.



“A GOOD NAME IS TO BE CHOSEN RATHER THAN GREAT RICHES...”  
PROV 22:1 ESV

**From:** Clayton Lloyd <[claytonlloyd@icloud.com](mailto:claytonlloyd@icloud.com)>  
**Sent:** Tuesday, April 30, 2019 6:14 PM  
**To:** Clayton Lloyd <[claytonlloyd@icloud.com](mailto:claytonlloyd@icloud.com)>  
**Subject:** Time sensitive: Fwd: HB 3432 - Community Association Construction Defect Claims

Please share the time sensitive information about proposed change in laws about condo construction defect claims. Hearing is tomorrow, but there’s still time to email committee members if you are concerned and oppose.

-Clayton



Oregon community associations are being targeted for discriminatory treatment under a new bill in the Oregon Legislature sponsored by the Homebuilder's Association and other groups. The bill is currently under consideration in the House Rules Committee. The bill contains a number of problematic provisions, but here are the main points:

- The statute of repose, which is the legal time limit for filing a lawsuit, would be shortened

from 10 years to 6 years for construction defect claims brought by a community association, including any claims for defective repair work. This reduced time period for filing construction defect lawsuits does not apply to single family homes, apartments, or any other residential structures. It is targeted at community associations only.

- Community association boards would not have the right to authorize a lawsuit unless they first received written approval from the owners of a majority of the lots or units, including lots or units owned by the developer.
- In an effort to justify shortening the statute of repose, the bill's sponsors have included a requirement that developers have certain inspections performed on new construction only. However, these inspection requirements do not provide community associations with any significant protection because the persons performing these inspections are not required to have any qualifications and, under the current text of the bill, could be employees of the developer.

If this bill passes in its current form, it will deprive community associations of the ability to recover money from builders and repair contractors. Many associations do not discover construction defects until well after the new proposed 6 year deadline. These associations will be left to pay for

the mistakes of others through large special assessments. If you oppose this bill, please call and email the members of the House Rules Committee. The Committee is holding a hearing on this bill at 3:00 PM tomorrow. It would be helpful if you could register your opposition before that time. Here is the contact information for the committee members:

Representative Paul Holvey, 503-986-1408, [Rep.PaulHolvey@oregonlegislature.gov](mailto:Rep.PaulHolvey@oregonlegislature.gov)

Representative Jennifer Williamson, 503-986-1436, [Rep.JenniferWilliamson@oregonlegislature.gov](mailto:Rep.JenniferWilliamson@oregonlegislature.gov)

Representative Carl Wilson, 503-986-1403, [rep.carlwilson@oregonlegislature.gov](mailto:rep.carlwilson@oregonlegislature.gov)

Representative Denyc Boles, 503-986-1419, [Rep.DenycBoles@oregonlegislature.gov](mailto:Rep.DenycBoles@oregonlegislature.gov)

Representative Rob Nosse, Portland 503-986-1442, [Rep.RobNosse@oregonlegislature.gov](mailto:Rep.RobNosse@oregonlegislature.gov)

Representative Barbara Smith Warner, 503-986-1445, [rep.barbarasmithwarner@oregonlegislature.gov](mailto:rep.barbarasmithwarner@oregonlegislature.gov)

Representative Sherrie Sprenger, 503-986-1417, [Rep.SherrieSprenger@oregonlegislature.gov](mailto:Rep.SherrieSprenger@oregonlegislature.gov)

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