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DATE: April 4, 2025

TO: House Committee on Housing and Homelessness
Representative Julie Fahey
Oregon House of Representatives

FROM: Gene Bicksler
Bicksler and Associates, LLC

RE: House Bill 3746 – 1

My name is Gene Bicksler. I live in Eugene, House District 14. I have been active in the Community Association industry since 1978 (47 years). A Community Association is a general term for multi-family homeownership, typically in the form of a condominium, PUD, co-op, or other similar types of real estate ownership. My work has been in setting up and managing them. In 1981 and 1983, I, along with a small group of others, lobbied to pass the Planned Community Act in the Oregon legislature. In 1984, I moved to California (returning to Eugene in 2018 to semi-retire). There, in 1985, I participated in a committee that lobbied for the passage of the Davis-Sterling Act, which codified California Community Association law. I have served as an expert in over 90 lawsuits in Oregon, Arizona, California, and Washington, many of which involved the consequences of construction defects.

Before I address my comments on Amendment 1, if this bill (or a version of it) were to pass, it is unclear to me who would be covered by it. For example, if my Association is three years old, would the inspection provisions be applicable?

Following are my comments on Amendment Number 1 to HB 3746.

- ***The current statute of repose (limitations) should not be changed.***

- ***The requirement of the board of directors to mail the second notice to the membership with a certificate of mailing is unnecessary and burdensome.***

It is the duty of the owner to inform the Association of their mailing address. Very important information is conveyed by US mail all the time.

- ***The requirement that notices to the membership include personal contact information of each board member is problematic.***
Would you want your personal contact information shared in this manner? Not likely. A change should be made that includes the names of all board members and a mailing address or email address that owners can use to send their comments. The board should decide the central response address.
- ***More detail is needed to describe the scope of work of the moisture intrusion inspection.*** ORS 455.463 is not good enough. An inspection like this is similar to comparing cars. There are just too many makes and models. Is the inspection just visual or should a certain percent of “destructive testing” be done. More specificity is needed. I am not qualified to offer advice on this matter.

I would be happy to offer my assistance to the Committee if needed.

A handwritten signature in blue ink, appearing to read "Dale".