

February 16, 2024

Re: Proponent for HB 2733

I want to thank you for giving me the opportunity to testify in support of HB 2733. I would like to share with you my story with my Homeowner's Association.

Like many people, I was in a situation where I needed to find a home located in a neighborhood that provided maintenance. Like many others, my health prevented me from performing and keeping track of maintenance. I was not in a position to inspect my home on a regular basis, check that work was completed to code, nor that it was done in workman type manner. So, in 2011 I moved to Oakshire. I trusted that the management company, FirstService Residential, and the Board of Directors would ensure that my home was kept up and at least to a minimum standard required by local building codes. In my community, the Board of Directors has taken on the responsibility of providing maintenance.

In 2013 a new roof was installed on my home. Unfortunately, over the years I've had water running down the face of the chimney, dripping from the ceiling in the winter and growing water stains on the ceiling. Eventually I discovered that my roof was going to continue to have problems because it was not installed as required by local building codes. Not a unique problem in my neighborhood.

In April 2019 the Association installed Hardiepanel siding on my home. Unfortunately, that too damaged my home and discovered that the siding was not installed correctly. The Board of Directors had made a decision to use this installation method. In 2016, there was a lawsuit against the Association for damage to another home in the neighborhood caused by the siding installation that was settled. Nothing changed. And despite my lawsuit, which was settled last August, as far as I know they intend on installing the siding in the same manner.

When I paid to have my home inspected, they found many issues. Then in November I began repairing the damage caused to my home. Drywall and insulation were removed from much of my home including the ceiling. Besides water damage to the interior drywall and ceiling, an extensive amount of mold was discovered in my walls and the ceiling.

Before filing my lawsuit in December of 2019, different agencies, the Attorney General's office, the local codes department, local officials, and the county. The recommendation was the same, contact an attorney.

The easiest answer would have been to call the local building codes department and have them inspect the property and issue codes violation. I was warned I would be responsible for the violations, not the Association. I would have to fight the Association to complete the work and the city for the violations and potential fines. I'm not responsible for the work completed, I have no choice what work is done and I was told I could not do any work to the exterior of my house. This is common HOA policy.

So, I was left no other choice, I had to file a lawsuit against the HOA. Legal expenses exceeded \$100,000, there is extensive damage to my home, over 4 years of my life and my health have affected by the Associations failure to ensure construction on my home was completed to a minimum standard.

My situation is neither unique nor extreme. We've all read about maintenance issues in HOAs and seen stories in the news. Associations across the country have realized that the years of covering up needed repairs or the delayed and inadequate repairs are causing the need for special assessments. Locally, refer back to the extensive property damaged discover in 2008 in Quivera Falls and what that community went through.

Building codes are a minimum standard and homeowners should not be held responsible for work they have no control over. And when there are issues, a homeowner should not have to file a lawsuit to have a safe and healthy home.

Again, thank you for your time and I ask for your support for this bill. I am happy to answer any questions.

Respectfully,

Marcey Berges