OEC FORENSICS
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Attachment F

2/12/2020

RE: Senate Bill 20-138

Committee Members:

I am a licensed engineer actively participating in the design, maintenance, investigation, and repair of residences here in Colorado. Analysis of damaged or failed buildings makes up approximately 60% of my work. This includes efforts funded by developers, contractors, homeowners, insurance companies, and attorneys. Based on my firsthand experience and on-going efforts to improve living conditions for Colorado residents, I support proposed changes to the existing statues of repose and limitations contained in Senate Bill 20-138.

I believe you will hear extensively today about the time that it takes for water intrusion and soil movement. The reality is that six-year statues of repose cover a small percentage of the life expectancy of a building. Because damage from construction defects is progressive, six years is often not long enough for defects to manifest or become visible to homeowners or even builders who do make the effort to appropriately stand behind their work.

Further, the more recent changes to the Notice of Claim process and Right to Repair ordinances across the state provide builders the opportunity to address the early symptoms of a defect without accurately identifying the cause. Cracks are patched, sealants replaced, perhaps flashings are adjusted, but there is no requirement or motivation to dig further or monitor performance. Property owners and residence are held responsible for builder decisions.

I am currently working with a homeowners' association in Westminster, Colorado. This group of conscientious homeowners carefully maintains their property, responsibly maintains appropriate reserve funds, and regularly walks the site to identify even minor aesthetic concerns. Approximately a year ago, the drywall ceilings below balconies began falling on to occupied space and patios below. The failures were caused by nearly a decade of water intrusion into the balcony assembly where slow degradation of the framing, nails, screws, and hangers were hidden within the enclosed space. Prior to the first failure, the balconies showed little to no sign of damage. The hidden condition was observed by the builder, city inspectors, and countless home inspectors with only limited comments on missing sealant and peeling paint. Both the association and individual homeowner insurance claims were correctly denied due to existing construction defect – the assembly did not meet the minimum requirements of the code at the time of construction. Unfortunately, this means the association is forced to consider significant costs and special assessments to address this significant life-safety concern.

Thankfully, this condition did not result in significant injury, but the hidden conditions are not unlike the terrible balcony failure tragedy at the Library Gardens Apartments in Berkley, California.

I would be happy to discuss this matter further with the members of the committee. There are numerous examples of property owners, builders, and subcontractors who, in trying to work within the process, failed to correctly identify and repair construction defect. In each condition, it is the property owners and residents who pay.

Thank you for your consideration,

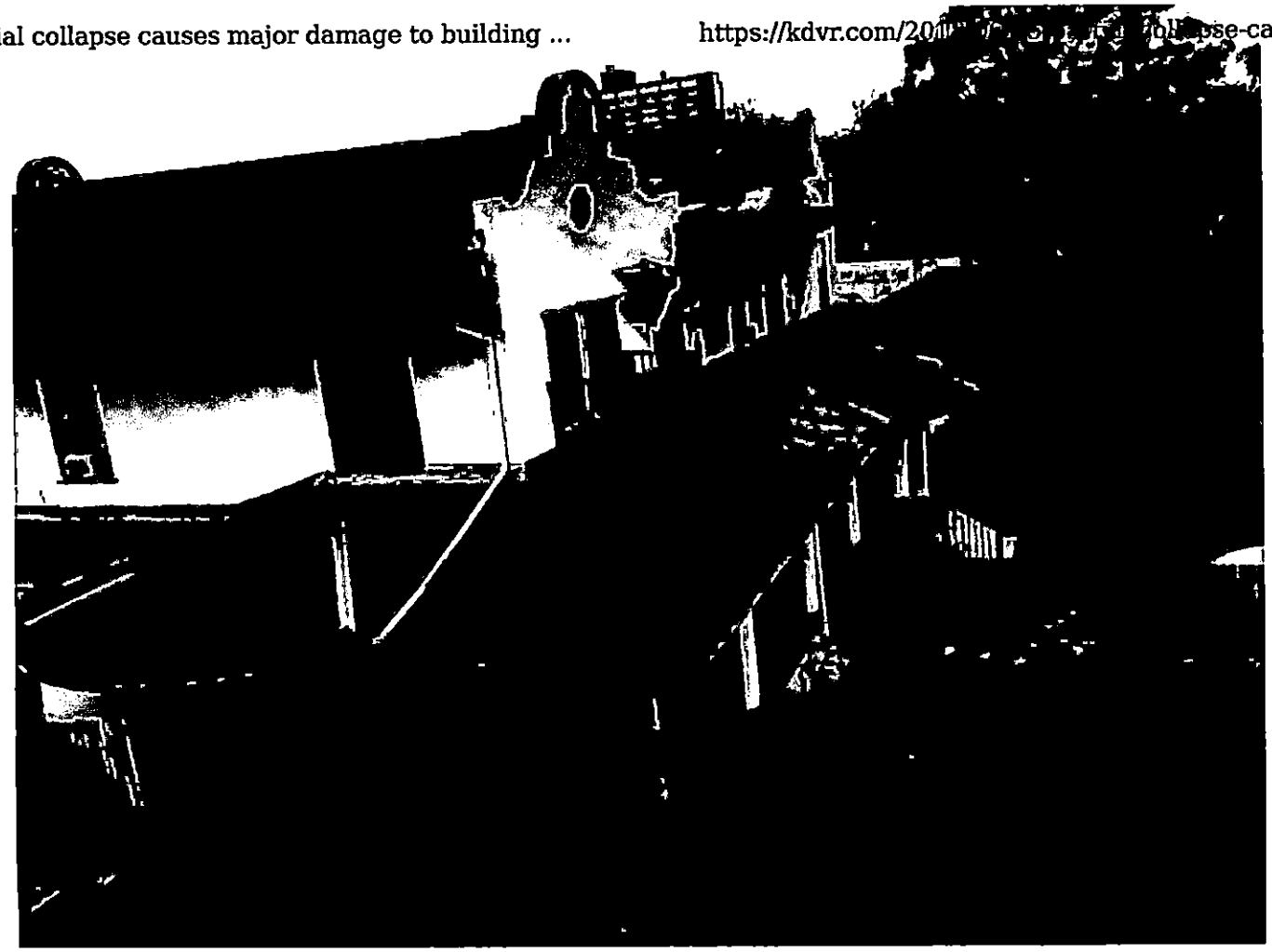
Respectfully,

Liberty Janson, PE, NAFE
OEC Forensics
Director of Civil Engineering Operations
Resident Arvada, Jefferson County

Thank you Madame Chair and members of the committee. My name is Jennifer Roberts and I am here to express concerns about this bill.

I was blessed to buy a condo in a redeveloped historic mansion in Sloans Lake during the housing crisis. Knowing that I have chronic health conditions, and struggle to work full time, I paid it off in three years. Because it was a foreclosure, it was not disclosed that the developer who updated the building also rezoned the land around it to build more condos, then went bankrupt. A new developer bought the plans and because they were already approved, did not need community input for changes. Right as this happened, I was in a serious car accident where I shattered several bones. While I was in the hospital, most of my neighbors sold their units. The new buildings were so close to ours that it cut off access to our property. ~~At times we couldn't get~~ our trash ~~removed~~ built up for weeks. The digging shook our house so much that it felt like an earthquake. When I called 411, the operator asked what they wanted me to do, then told me I needed to wait for the building to be damaged and sue the developer. Our city council member told us their we needed to deal directly with him. Two HOA board members had the him fix items in their units and decided not to pursue action against him. I spoke to two realtors to try to find a new place to live, but couldn't afford to take out a mortgage to pay the difference. I was home recuperating from a series of major bone surgeries, and working on my Master's degree while endless construction happened feet from our front door. A few months after I finally gave in and sold my unit, the building was in the news because the roof caved in.

I understand that affordable housing is a big issue in Colorado. However, I am concerned about the power that we give to developers and our goal of building our way out of the affordable housing crisis. There is a limit to the amount of buildable land in our communities, and we are now de~~dicating tax~~ credits to units for incomes that used to be considered well paying jobs. Colorado gave developers the power to let my paid for home collapse, and now wants to give them incentives to build projects where only a fraction of units are dedicated to incomes even I don't reach. I don't understand how seniors or other people with disabilities have a chance. I would urge you to strongly reconsider our relationship to developers in this state and stop giving them all of the power to benefit from policies that have encouraged gentrification at the expense of our communities. Thank you.



VIEW GALLERY (2 IMAGES)

DENVER — A residential building in Denver has major damage after it partially collapsed Friday afternoon.

The Denver Fire Department responded to 1646 Winona Court. That's just south of Sloan's Lake.

There were no injuries. There was no information provided about what caused the collapse.

Video from SkyFOX showed the roof caved-in on the small apartment building. Walls on the outside of the two story structure cracked.

The American Red Cross was assisting the residents who were displaced.

Partial building collapse 1646 Winona Court in Denver. Photo: Denver Fire Department

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