

PUBLIC COMMENTS

HB 3595

HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE

Hearing Date: April 6, 2021 8:00 AM

melissa mango

Self, director

Dallas, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

I am a homeowner in Dallas, TX. I am writing to express my concerns and opposition to HB 3595 (related to residential construction liability).

If passed, this bill would take away millions of Texas property owner's rights, to the benefit of large corporate developers. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.
- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should be held accountable.
- HB 3595 only benefits the most wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to come out of pocket to pay for such fees when the problem was caused by the builder in the first place. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make repairs.
- HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and will unfairly protect bad builders.
- HB395 gives developer/builders absolute immunity when a construction defect causes personal injury or death.

For these reasons I urge you to vote against this bill.

Javier Robalino

Self, Engineer

Austin, TX

Dear Representative Leach,

Printed on: April 18, 2021 2:14 PM

I am writing in opposition to HB 3595. In recent years, many Americans have chosen to move to Texas to take advantage of the opportunities this state provides. This is a testament to the quality of life one can attain in Texas. However, HB 3595 would limit that quality of life for every Texan. Construction liability laws are already difficult and costly for homeowners to navigate, particularly when you consider the cost of engineers, lawyers, and the limitations imposed on the expenses that can be recuperated. HB 3595 would more than double the burden on homeowners by shortening the time period to bring a claim, necessitate that faulty construction practices have already caused damage to the structure, and increasing the financial and loss of use burdens on homeowners during the process of construction defect investigations and litigation. Every Texan should rest easy knowing that this great state will protect the investment they are making in their homes against negligent builders. Owning a home and trusting in the quality of its construction is a large part of the American dream. To protect that dream, this country and this state rely on a system of impartial courts to enforce justice for its citizens. We must keep one-sided laws from weakening the judicial system and the quality of life of our populace, especially for something as intrinsic to Texas as staking claim to a piece of land and calling it your home. We are not a state of lazy people, but the builders pushing for these changes want to make us so. They would prefer we live in a world where the onus of taking pride in your work becomes a thing of the past, where Texans become complacent about costly home repairs and avoid the goal altogether, where we will look to neighboring states with envy at the quality of their construction. Let us do the right thing and recognize that losing the right to a well-built, well-engineered home is very much an anti-Texas piece of legislation.

Thank you for your time and attention,

Javier Robalino

Lara Gonzalez
self-construction
Austin, TX

I am against the passing of this bill.

If passed, this bill would have serious detrimental effects on any future HOAs that are suffering from the same issues as I have suffered from in my community. The Bill only protects the builder and not the owners. Builders have free reign in this city to build quick, cheap, and build with flaws, and as homeowners, we are struggling to find places to live, affordable homes, and homes without issues. This bill does not address any real issue that exists and only tries to insulate negligent builders from exposure to liability for negligent construction.

Michael Streeter
self- engineer
Austin, TX

I am against the passing of this bill.

If passed, this bill would have serious detrimental effects on any future HOAs that are suffering from the same issues as I have suffered from in my community. This bill does not address any real issue that exists and only tries to insulate negligent builders from exposure to liability for negligent construction.

JIEH LARSON
Self
HOUSTON, TX

5 years is too short for major issues to come to light on a property. Recently my townhome, along with the other townhomes in the complex had major damage due to poor installation of the stucco and drainage systems. The first signs of problems started to show around year 8. We weren't able to collect enough information to prove the damage and secure representation until mid year 9. Eventually the builder was held accountable and the damage fixed. The quote we had received was \$58,000 to fix my property

Printed on: April 18, 2021 2:14 PM

and the largest estimate received in the complex was for over \$100,000.

Owners need this additional time with the builder accountable for errors on their part. A repair bill for 1/3 of the purchase price of the property at no fault of the home owner is a significant set back. Especially as people still recover from the damage done during the 2008 financial crisis and attempt to rebuild their nest egg for retirement.

Please reconsider this bill and support the individual home owners.

Richard Cleary

Self

Austin, TX

Dear Representative Leach,

My name is Rich Cleary and I am President of a 62 unit Homeowner's Association in Austin and am a registered Republican. Our association is currently suing the homebuilder of our complex for not following building code (this is well documented with pictures and engineering reports). Although I do not believe the bill impacts our association directly since the suit has already been filed, I think this bill would detrimentally impact many people.

When I bought my unit I did not know it was not built to code. Going through the process of filing a suit due to current legislation has been an arduous process. This bill adds to that process.

My main objections:

- a) Shortening the time to bring a claim from 10 to 5 years. We luckily had 10 since when the builder built our complex the builder's brother owned the management company we were forced to use for the first 5 years. Thank goodness this was 10 years for us
- b) A longer notice of claim procedure - this was already too lengthy. If a homeowner is wronged they should be able to bring this to court quickly. Document evidence and let the court decide.
- c) Limits on the amount that can be recovered. Why shouldn't the limit be the extent of the damage that was caused?

I would say trust your heart on this. Homebuilders may want this bill, but your hard working constituents be they Republicans or Democrats certainly don't. This bill incentivizes the shoddy construction work that was done at my complex to continue indefinitely.

I understand and fully support Texas to be a pro business state and I think we can do that with lower taxes and less regulation. This is probably being pitched as a way of reducing legislation, but explain to me how a longer notice of claims procedure and limits on recoverable damage reduces regulation? It just sounds like additional regulation to me.

Thank you for your consideration.

Best Regards,

Rich Cleary
914-319-8565

melinda benagh

self

austin, TX

This Bill is absurd...unless you're a builder that does things as cheaply as possible which is most of them out there. This only protects the Builder, protecting them from liability of negligent construction. I have first hand knowledge of having to go against a developer/Builder and fortunately won the case but only at a fraction of the reasonable settlement offer. That in itself was a slap in the face and this Bill only makes it worse. This new Bill does nothing to protect the homeowner. Think of yourself and family

Printed on: April 18, 2021 2:14 PM

if you bought a house that is the biggest investment of your life and it was substandard in construction that you didn't figure out until months or maybe years later. How would you feel with this Bill that doesn't protect you at all? As a concerned citizen and resident of Travis County I adamantly oppose.

Bindumadhuri Arla

Self

Irving, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

I am a homeowner in [city], Texas. I am writing to you to express my concerns and opposition to HB 3595 (related to residential construction liability).

If passed, this bill would take away millions of Texas property owner's rights, to the of benefit large corporate developers. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.
- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should be held accountable.
- HB 3595 only benefits the most wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to come out of pocket to pay for such fees when the problem was caused by the builder in the first place. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief.

Chandra Ambekar

Hemingway Court HOA

Irving, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

I am a homeowner in Irving, TX. I am writing to you to express my concerns and opposition to HB 3595 (related to residential construction liability).

If passed, this bill would take away millions of Texas property owner's rights, to the benefit of large corporate developers. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire

Printed on: April 18, 2021 2:14 PM

country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.

- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should be held accountable.
- HB 3595 only benefits the most wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to come out of pocket to pay for such fees when the problem was caused by the builder in the first place. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make repairs.
- HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law.
- HB395 gives developer/builders absolute immunity when a construction defect causes personal injury or death.

This bill does not help the everyday Texan. For these reasons, I urge you to vote against this bill, for the sake of Texas property owners.

Thank you,
~Chandra S Ambekar

Dasa Tammineni
Self
Irving, TX

HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Homeowners are already getting short changed by builders and corporates. Please don't inflict more damage to home owners, the sole way of path to financial freedom. This bill would take away that security with large repair costs decades after painfully and diligently paying mortgages only to find builder cut corners.

Dasakumar Tammineni
Self
Irving, TX

HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make repairs.

There are lot of bills to protect the rich anyway. Can you lawmakers do something that would help the homeowners, for a change? Please?

Dasakumar Tammineni

Self

Irving, TX

HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and will unfairly protect bad builders.

All these loopholes that you are working to open up only help the bad builders, who should not even be in business. Please dont commit the sin.

Dasakumar Tammineni

Self

Irving, TX

HB 3595 only benefits the most wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to come out of pocket to pay for such fees when the problem was caused by the builder in the first place. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.

Rich people does not need your help but common man needs your help to protect their hard earned life saving that is called home.

David Beebe

Self, Condominium Property Manager

Dallas, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

I am a condominium manager, in Dallas, Texas. I am writing to you to express my concerns and opposition to HB 3595.

If passed, this bill would take away millions of Texas property owner's rights, to the of benefit large corporate developers. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.
- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should be held accountable.
- HB 3595 only benefits the most wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to come out of pocket to pay for such fees when the problem was caused by the builder in the first place. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make

Printed on: April 18, 2021 2:14 PM

repairs.

- HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and will unfairly protect bad builders.
- HB395 gives developer/builders absolute immunity when a construction defect causes personal injury or death.

This bill does not help the everyday Texan. I urge you to vote against this bill.

Imran Karim

self

Dallas, TX

I am a homeowner in Dallas, Texas. I am writing to you to express my concerns and opposition to HB 3595 (related to residential construction liability).

If passed, this bill would take away millions of Texas property owner's rights, to the of benefit large corporate developers. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.
- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should be held accountable.
- HB 3595 only benefits the most wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to come out of pocket to pay for such fees when the problem was caused by the builder in the first place. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make repairs.
- HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and will unfairly protect bad builders.
- HB395 gives developer/builders absolute immunity when a construction defect causes personal injury or death.

Jennifer Kappelmann

self

Dallas, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

Printed on: April 18, 2021 2:14 PM

I am a homeowner in Dallas, Texas. I am writing to you to express my concerns and opposition to HB 3595 (related to residential construction liability).

If passed, this bill would take away millions of Texas property owner's rights. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.
- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should be held accountable.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make repairs.
- HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and will unfairly protect bad builders.
- HB395 gives developer/builders absolute immunity when a construction defect causes personal injury or death.

This bill does not help the everyday Texan. For these reasons, I urge you to vote against this bill, for the sake of Texas property owners.

Sincerely,
Jennifer Kappelmann

David Goodrum
Self, Director Wholesale Operations
Dallas, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

I am a homeowner in Dallas, Texas. I am writing to you to express my concerns and opposition to HB 3595 (related to residential construction liability).

If passed, this bill would take away millions of Texas property owner's rights, to the of benefit large corporate developers. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.

Printed on: April 18, 2021 2:14 PM

- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should be held accountable.
- HB 3595 only benefits the most wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to come out of pocket to pay for such fees when the problem was caused by the builder in the first place. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make repairs.
- HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and will unfairly protect bad builders.
- HB395 gives developer/builders absolute immunity when a construction defect

John Gohsman

Self

Dallas, TX

I am writing to you to express my concerns and opposition to HB 3595 (related to residential construction liability).

If passed, this bill would take away millions of Texas property owner's rights, to the of benefit large corporate developers. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.
- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should be held accountable.
- HB 3595 only benefits the most wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to come out of pocket to pay for such fees when the problem was caused by the builder in the first place. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make repairs.
- HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and will unfairly protect bad builders.
- HB395 gives developer/builders absolute immunity when a construction defect causes personal injury or death. This bill does not help the everyday Texan. For these reasons, I urge you to vote against this bill, for the sake of Texas property owners.

Printed on: April 18, 2021 2:14 PM

Matthew Byrnes
Self/Aircraft Dispatcher
Dallas, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

I am a homeowner in Dallas, Texas. I am writing to you to express my concerns and opposition to HB 3595 (related to residential construction liability).

If passed, this bill would take away millions of Texas property owner's rights, to the of benefit large corporate developers. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.
- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should be held accountable.
- This bill unfairly limits owners' ability to recover their attorney and expert fees.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make repairs.
- HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and will unfairly protect bad builders.
- HB395 gives developer/builders absolute immunity when a construction defect causes personal injury or death.

This bill does not help the everyday Texan. For these reasons, I urge you to vote against this bill, for the sake of Texas property owners.

Sincerely,

Luke Taylor
Self. Retired.
Carrollton, TX

If passed, this bill would take away millions of Texas property owner's rights, to the of benefit large corporate developers. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.
- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should

Printed on: April 18, 2021 2:14 PM

be held accountable.

- HB 3595 only benefits the most wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to come out of pocket to pay for such fees when the problem was caused by the builder in the first place. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make repairs.
- HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and will unfairly protect bad builders.
- HB395 gives developer/builders absolute immunity when a construction defect causes personal injury or death.

Claire Sloan

Self. Attorney.

Austin, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

I am a homeowner in Austin, Texas. I write to express my concerns about and opposition to HB 3595, related to liability for defects in residential construction. My community is currently involved in a construction defect dispute with its developer, and Texas law already provides significant protections to developers, at the expense of homeowners like me.

If passed, this bill would take away millions of Texas property owners' already limited rights and unfairly allow developers to shift responsibility for fixing the defects they cause to innocent homeowners. For most Texas homeowners, their single largest asset is their home. This bill is extremely damaging to homeowners for the following reasons:

- It would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Shortening the statute of repose will unfairly shift the burden and cost of repairing hidden defects from the responsible developer to the innocent homeowner.
- It encourages bad building. This bill holds developer/builders liable only for defects that cause physical damage or have failed. Code violations relating to defectively constructed firewalls, electrical components, or plumbing may not cause physical damage or fail for years, but are defects for which a developer/builder should be held accountable. Homeowners should not have to wait for their homes to burn down before developers can be held liable for dangerous defects.
- It disproportionately affects owners who lack the resources to cover their own attorney and expert fees. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB 3595 gives developer/builders absolute immunity when a construction defect causes personal injury or death. Protecting developers/builders from serious injuries caused by their improper work is bad policy and unfair to innocent homeowners.

This bill does not help the everyday Texan. For these reasons, I urge you to vote against this bill, for the sake of Texas and its property owners.

Allen Rowe, Mr.

self, attorney

Dallas, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

I am a homeowner in Dallas, Texas. I am writing to you to express my concerns and opposition to HB 3595 (related to residential construction liability).

This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.
- HB 3595 encourages bad building. This bill only holds developer/builders liable for defects that cause physical damage. However, hidden defects may take time to manifest damage. Defectively constructed firewalls, electrical components, or plumbing are code violations that may not cause physical damage for years, but are defects for which a developer/builder should be held accountable.
- HB 3595 only benefits the most wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to come out of pocket to pay for such fees when the problem was caused by the builder in the first place. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims and can actually encourage attorneys to file litigation before the builder has had a fair opportunity to make repairs.
- HB 3595 would allow for the dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and will unfairly protect bad builders.
- HB395 gives developer/builders absolute immunity when a construction defect causes personal injury or death.

Daniel Bradford, Dr.

Self

Austin, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

I am a homeowner in Austin, Texas. I am writing to you to express my concerns and opposition to HB 3595, related to liability for defects in residential construction. My community is currently involved in a construction defect dispute with the developer, and Texas law already provides significant protections to developers, at the expense of homeowners like me.

If passed, this bill would take away millions of Texas property owners' already limited rights and unfairly allow developers to shift responsibility for fixing the defects they cause to innocent homeowners. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- It would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire

Printed on: April 18, 2021 2:14 PM

country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Shortening the statute of repose will unfairly shift the burden and cost of repairing hidden defects from the responsible developer to the innocent homeowner.

- It encourages bad building. This bill holds developer/builders liable only for defects that cause physical damage or have failed. Code violations relating to defectively constructed firewalls, electrical components, or plumbing may not cause physical damage or fail for years, but are defects for which a developer/builder should be held accountable. Homeowners should not have to wait for their homes to burn down before developers can be held liable for dangerous defects.

- It disproportionately affects owners without the resources to cover their own attorney and expert fees. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.

- HB3595 gives developer/builders absolute immunity when a construction defect causes personal injury or death. Protecting developers/builders' from serious injuries caused by their improper work is bad policy and unfair to innocent homeowners.

This bill does not help the everyday Texan. For these reasons, I urge you to vote against this bill, for the sake of Texas property owners.

Anita Williams

Self

Austin, TX

I am a homeowner in Austin, Texas. I am writing to you to express my concerns and opposition to HB 3595. My home is in a condominium HOA community that experienced construction defects on new homes built between 2010 and 2015. Early attempts to work with the builder to remedy the problems resulted in cosmetic repairs but no correction of underlying issues. Our HOA was fortunate to engage an attorney before our rights to pursue remedies through the legal action were going to expire. After four years of pursuing the case, which ultimately resulted in a financial settlement, the HOA now has funds to address the most significant and immediate issues. When people purchase a home they have a right to expect proper construction or have recourse with the builder. If passed, this bill would take away millions of Texas property owner's rights, to the benefit of large corporate developers. This bill allows bad developers to harm Texans without taking responsibility for their own poor construction practices. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- HB 3595 would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Unfairly shortening the statute of repose will take away an owner's right to seek a remedy from the developer/builder to correct hidden defects.

- HB 3595 only disadvantages less wealthy homeowners. This bill unfairly limits owners' ability to recover their attorney and expert fees, which means Texas owners would be forced to pay out of pocket for such fees when the problem was caused by the builder in the first place.

- HB 3595 may take away Texans' right to hold developer/builders accountable for shoddy construction. While attempting to work toward a repair solution in good faith, a builder may slow the time beyond a homeowner's limitations, causing Texans to unknowingly lose any right to seek relief. Without tolling the statute of limitations during this process, this bill will cause owner to lose their claims.

- HB 3595 would allow for dismissal of lawsuits where homeowners fail to follow all of the technical requirements of the law. Without providing for tolling of statutes of limitations while homeowners work to comply with the law's technical requirements, homeowners will see their claims expire based on technicalities, and this unfairly favors bad builders.

- HB395 gives developer/builders absolute immunity when a construction defect causes personal injury or death.

This bill does not help the everyday Texans who are your constituents and voters. I urge you to vote against this bill, for the sake of Texas property owners.

Justin Chinich

Printed on: April 18, 2021 2:14 PM

Self

Dallas, TX

This is pure overreach by government. Dismiss it.

Lonny Stern, Mr.

Self, Public Relations

Austin, TX

Dear Judiciary & Civil Jurisprudence Committee Members,

I am a homeowner in Austin, Texas. I am writing to you to express my concerns and opposition to HB 3595, related to liability for defects in residential construction. My community is currently involved in a construction defect dispute with the developer, and Texas law already provides significant protections to developers, at the expense of homeowners like me.

If passed, this bill would take away millions of Texas property owners' already limited rights and unfairly allow developers to shift responsibility for fixing the defects they cause to innocent homeowners. For most Texas homeowners, their single largest asset is their homes. This bill is extremely damaging to homeowners for the following reasons:

- It would shorten the statute of repose making Texas the state with one of the shortest statutes of repose in the entire country. Many construction defects take years to show damage on the outside of the building, even though hidden damage occurs much earlier. Shortening the statute of repose will unfairly shift the burden and cost of repairing hidden defects from the responsible developer to the innocent homeowner.
- It encourages bad building. This bill holds developer/builders liable only for defects that cause physical damage or have failed. Code violations relating to defectively constructed firewalls, electrical components, or plumbing may not cause physical damage or fail for years, but are defects for which a developer/builder should be held accountable. Homeowners should not have to wait for their homes to burn down before developers can be held liable for dangerous defects.
- It disproportionately affects owners without the resources to cover their own attorney and expert fees. Texans who cannot afford experts and attorneys would be left with leaking roofs, windows, and other construction defects, without enough money to pay for the needed repairs. These unfixed defects can lead to unsafe and unsanitary living conditions.
- HB3595 gives developer/builders absolute immunity when a construction defect causes personal injury or death. Protecting developers/builders' from serious injuries caused by their improper work is bad policy and unfair to innocent homeowners.

This bill does not help the everyday Texan. For these reasons, I urge you to vote against this bill, for the sake of Texas property owners.

###