

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	4 - 0 - 1
Yeas:	George L., Monnes Anderson, Starr, Metsger
Nays:	0
Exc.:	Deckert
Prepared By:	Janet Adkins, Administrator
Meeting Dates:	5/14

WHAT THE MEASURE DOES: Revises definition of “common property” in the Oregon Planned Community Act to include property designated to be transferred to the homeowners association. Permits a declarant under the Oregon Condominium Act to amend the declaration and bylaws to comply with requirements of government agencies and corporations. Establishes right of condominium association to intervene in litigation or administrative proceedings related to individual property if the association has certain responsibilities for such property. Establishes that windows and unit access doors are “general common elements” of a condominium, but the glazing and the screens are part of the individual units. Exempts sales of nonresidential units from disclosure statement and related sales procedure requirements. Allows declarant to convert a leasehold to a fee condominium after approval of 75 percent of the owners, even if the bylaws require approval of more individuals. Requires an association with more than four units to be incorporated, and permits a board to incorporate a previously unincorporated association, notwithstanding anything provided in the bylaws. Requires recording of amendments to bylaws that have been approved by the Real Estate Commissioner within two years of the approval. Provides that, unless the bylaws or declaration say otherwise, a unit owner is responsible for the maintenance, repair and replacement of the unit, while the association is responsible for the maintenance, repair and replacement of the common elements. Takes effect on 91st day following adjournment *sine die*.

ISSUES DISCUSSED:

- Parallels and differences between condominium and planned community statutes
- Rights of associations to intervene on common property issues
- Whether earlier effective date is manageable

EFFECT OF COMMITTEE AMENDMENT: Advances effective date to 91st day after adjournment *sine die*.

BACKGROUND: House Bill 2666-B is a product of the Condominium/Home Owners Association Working Group. The Oregon Condominium Act (OCA) regulates the creation and operation of condominiums, while the Oregon Planned Community Act (OPCA) provides a regulatory framework for “planned communities.” The difference between a condominium and a planned community relates to the form of ownership. The governing documents for condominiums and planned communities establish the rights and responsibilities of the owners, and contain provisions that govern the management and operation of an association, which can levy and collect assessments for common expenses and has powers of enforcement. Both the OCA and the OPCA require that certain provisions be in the governing documents, and contain “default” provisions that apply only if the governing documents are silent on certain issues.

5/18/2007 3:20:00 PM

This summary has not been adopted or officially endorsed by action of the committee.