

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2823

By COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS
PROTECTION

June 4

1 On page 3 of the printed A-engrossed bill, after line 29, insert:

2 “(24) ‘Records of an association’ or ‘records kept by or on behalf of an association’ means in-
3 formation that is prepared, owned, used or retained by a member of the board of directors of a
4 homeowners association, or members of a committee formed by the association, in the course of
5 exercising responsibilities to the planned community, including information:

6 “(a) Provided to or by a member of the board, or a committee formed by the association, con-
7 cerning matters of the association;

8 “(b) Submitted to a member of the board, or a committee, considering the adoption of policies;
9 and

10 “(c) Documenting communications to or from a member of the board, or a committee, concerning
11 policies or practices of the association.”

12 In line 30, delete “(24)” and insert “(25)”.

13 In line 33, delete “(25)” and insert “(26)”.

14 In line 43, delete “(26)” and insert “(27)”.

15 In line 44, delete “(27)” and insert “(28)”.

16 On page 4, line 1, delete “(28)” and insert “(29)”.

17 In line 4, delete “(29)” and insert “(30)”.

18 In line 5, delete “and 4” and insert “, 4 and 4a”.

19 On page 5, after line 16, insert:

20 “**SECTION 4a. (1) Notwithstanding contrary provisions of a governing document of a**
21 **planned community, the homeowners association, and the declarant during any period of**
22 **declarant control, may not prohibit an owner or occupant of a lot from displaying a sign**
23 **based on the content of the sign:**

24 “(a) **On the lot; or**

25 “(b) **On any other property or structure in the planned community that is under the ex-**
26 **clusive use and occupancy of the owner.**

27 “(2) **A homeowners association may impose reasonable restrictions on the number and**
28 **size of signs or the time period during which signs may be displayed.”**

29 On page 12, delete lines 28 through 32 and insert:

30 “(10)(a) An association, and the declarant during any period of declarant control, may not make
31 information confidential or exempt from disclosure to owners that is not made confidential or ex-
32 empt from disclosure by ORS 94.550 to 94.783.

33 “(b) Except as provided in paragraph (c) of this subsection, the association shall make the doc-
34 uments, information and records described in subsections (1) to (3) of this section and all other re-
35 cords of the association reasonably available for examination and, upon written request, including

1 written requests by electronic mail, facsimile or other electronic communications, available for du-
2 plication by an owner and any mortgagee of a lot that makes the request in good faith for a proper
3 purpose.”

4 In line 33, delete “(b)” and insert “(c)”.

5 On page 14, line 23, delete “and 4” and insert “, 4 and 4a”.

6 In line 35 delete “and 4” and insert “, 4 and 4a”.

7 In line 44 delete “and 4” and insert “, 4 and 4a”.

8 On page 15, line 5, delete “and 4” and insert “, 4 and 4a”.

9 On page 20, after line 13, insert:

10 “(28) ‘Records of an association’ or ‘records kept by or on behalf of an association’ means in-
11 formation that is prepared, owned, used or retained by a member of the board of directors of an
12 association of unit owners, or members of a committee formed by the association, in the course of
13 exercising responsibilities to the condominium, including information:

14 “(a) Provided to or by a member of the board, or a committee formed by the association, con-
15 cerning matters of the association;

16 “(b) Submitted to a member of the board, or a committee, considering the adoption of policies;
17 and

18 “(c) Documenting communications to or from a member of the board, or a committee, concerning
19 policies or practices of the association.”

20 In line 14, delete “(28)” and insert “(29)”.

21 In line 18, delete “(29)” and insert “(30)”.

22 In line 21, delete “(30)” and insert “(31)”.

23 In line 28, delete “(31)” and insert “(32)”.

24 In line 31, delete “(32)” and insert “(33)”.

25 In line 33, delete “(33)” and insert “(34)”.

26 In line 34, delete “(34)” and insert “(35)”.

27 In line 35, delete “(35)” and insert “(36)”.

28 In line 36, delete “(36)” and insert “(37)”.

29 In line 37, delete “(37)” and insert “(38)”.

30 In line 41, delete “(38)” and insert “(39)”.

31 In line 43, delete “(39)” and insert “(40)”.

32 On page 21, line 2, delete “(40)” and insert “(41)”.

33 In line 7, delete “(41)” and insert “(42)”.

34 In line 9, delete “(42)” and insert “(43)”.

35 In line 11, delete “and 15” and insert “, 15 and 15a”.

36 On page 22, after line 23, insert:

37 “**SECTION 15a. (1) Notwithstanding contrary provisions of the declaration and bylaws of**
38 **a condominium, the association of unit owners, and the declarant during any period of**
39 **declarant control, may not prohibit a unit owner or occupant of a unit from displaying a sign**
40 **based on the content of the sign:**

41 “(a) **From within the unit;**

42 “(b) **In a space assigned to the unit;**

43 “(c) **In a limited common element with the written approval of the unit owner of each**
44 **unit to which use of the limited common element is reserved; or**

45 “(d) **On any other property or structures in the condominium that are under the exclu-**

1 **sive use and occupancy of the owner.**

2 **“(2) An association of unit owners may impose reasonable restrictions on the number and**
3 **size of signs or the time period during which signs may be displayed.”.**

4 On page 31, delete lines 18 through 22 and insert:

5 “(10)(a) An association of unit owners, and the declarant during any period of declarant control,
6 may not make information confidential or exempt from disclosure to unit owners that is not made
7 confidential or exempt from disclosure by ORS chapter 100.

8 “(b) Except as provided in paragraph (c) of this subsection, the association shall make the doc-
9 uments, information and records described in subsections (1) to (3) of this section and all other re-
10 cords of the association reasonably available for examination and, upon written request, including
11 written requests by electronic mail, facsimile or other electronic communications, available for du-
12 plication by a unit owner and any mortgagee of a unit that makes the request in good faith for a
13 proper purpose.”.

14 In line 23, delete “(b)” and insert “(c)”.

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