

House Bill 3406

Sponsored by Representative VEGA PEDERSON (at the request of Marilyn McManus)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes owners, unit owners and residents of planned communities or condominiums to place political signs or flags on units and to hold certain public meetings in units or in common areas.

A BILL FOR AN ACT

1
2 Relating to communities governed by declaration.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 4 of this 2013 Act are added to and made a part of ORS 94.550**
5 **to 94.783.**

6 **SECTION 2. An owner or a resident in a planned community who is prevented from ex-**
7 **ercising a right described in section 3 or 4 of this 2013 Act may bring an action in the ap-**
8 **propriate court having jurisdiction in the county in which the alleged infringement occurred**
9 **and, upon favorable adjudication, the court shall enjoin the enforcement of a provision in a**
10 **governing document of the planned community that operates to deprive the owner or resi-**
11 **dent of the right.**

12 **SECTION 3. (1) A provision in a governing document of a planned community may not:**

13 (a) **Infringe upon the right of owners or residents in the planned community to peaceably**
14 **assemble in an open public meeting for a lawful purpose, at reasonable times and in a rea-**
15 **sonable manner, in or on common property of the planned community. Reasonable times**
16 **include the hours between 8 a.m. and 10 p.m., seven days per week.**

17 (b) **Infringe upon the right of owners or residents to communicate or assemble among**
18 **themselves, at reasonable times and in a reasonable manner, for the purpose of discussing**
19 **any matter, including but not limited to any matter relating to the planned community. A**
20 **discussion under this paragraph may be held in or on common property or in a unit. A**
21 **homeowners association may enforce reasonable rules and regulations relating to issues, in-**
22 **cluding but not limited to place, scheduling, occupancy densities and use of utilities.**

23 (c) **Prohibit an owner or resident from canvassing other owners or residents for purposes**
24 **described in this section.**

25 (2) **This section does not require a homeowners association to permit an owner or resi-**
26 **dent to:**

27 (a) **Solicit money.**

28 (b) **Disregard a request by an owner or resident not to be canvassed.**

29 (3) **As used in this section, "canvass" includes making contact with other persons door-**
30 **to-door, making an oral or written request or distributing, circulating, posting or publishing**
31 **a notice, a newsletter, a general announcement or any other informational material relevant**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 to the owners or residents of the planned community.

2 **SECTION 4.** (1) A provision in a governing document of a planned community may not
 3 infringe upon the right of an owner or resident in a planned community to invite public of-
 4 ficers or candidates for public office to appear and speak upon matters of public interest in
 5 or on common property at reasonable times and in a reasonable manner in an open public
 6 meeting. A homeowners association may enforce reasonable rules and regulations relating
 7 to the time, place and scheduling of the speakers to protect the interests of the majority of
 8 owners and residents.

9 (2) The homeowners association shall allow the owner or resident to place political signs
 10 in a window of a unit or on an exterior portion of a building that is clearly and specifically
 11 identified to the unit. The size of the political signs and the period during which the signs
 12 may be displayed are subject to the reasonable rules of the homeowners association.

13 (3) The homeowners association shall allow the owner or resident to place a flag in a
 14 window of a unit or on an exterior portion of a building that is clearly and specifically iden-
 15 tified to the unit, and to install a flagpole on the lot of the owner or resident. The size of the
 16 flag and flagpole and the period during which the flag may be displayed are subject to the
 17 reasonable rules of the homeowners association.

18 (4) For purposes of this section, an exterior portion of a building is “clearly and specif-
 19 ically identified to the unit” if the unit is a separate building or if a building containing
 20 multiple units is constructed, painted or otherwise marked in a manner that readily allows
 21 identification from external cues of the limits of specific units.

22 **SECTION 5.** Sections 6 to 8 of this 2013 Act are added to and made a part of ORS chapter
 23 100.

24 **SECTION 6.** A unit owner or a resident of a condominium unit in a condominium who is
 25 prevented from exercising a right described in section 7 or 8 of this 2013 Act may bring an
 26 action in the appropriate court having jurisdiction in the county in which the alleged in-
 27 fringement occurred and, upon favorable adjudication, the court shall enjoin the enforcement
 28 of a provision in a governing document of the condominium that operates to deprive the unit
 29 owner or resident of the right.

30 **SECTION 7.** (1) A provision in a governing document of a condominium may not:

31 (a) Infringe upon the right of unit owners or residents of the condominium to peaceably
 32 assemble in an open public meeting for a lawful purpose, at reasonable times and in a rea-
 33 sonable manner, in or on common elements of the condominium. Reasonable times include
 34 the hours between 8 a.m. and 10 p.m., seven days per week.

35 (b) Infringe upon the right of unit owners or residents to communicate or assemble
 36 among themselves, at reasonable times and in a reasonable manner, for the purpose of dis-
 37 cussing any matter, including but not limited to any matter relating to the condominium. A
 38 discussion under this paragraph may be held in or on common elements or in a condominium
 39 unit. An association of unit owners may enforce reasonable rules and regulations relating
 40 to issues, including but not limited to place, scheduling, occupancy densities and use of util-
 41 ities.

42 (c) Prohibit a unit owner or resident from canvassing other unit owners or residents for
 43 purposes described in this section.

44 (2) This section does not require an association of unit owners to permit a unit owner
 45 or resident to:

1 (a) Solicit money.

2 (b) Disregard a request by a unit owner or resident not to be canvassed.

3 (3) As used in this section, “canvass” includes making contact with other persons door-
4 to-door, making an oral or written request or distributing, circulating, posting or publishing
5 a notice, a newsletter, a general announcement or any other informational material relevant
6 to the unit owners or residents of the condominium.

7 **SECTION 8.** (1) A provision in a governing document of a condominium may not infringe
8 upon the right of a unit owner or resident of the condominium to invite public officers or
9 candidates for public office to appear and speak upon matters of public interest in or on
10 common elements at reasonable times and in a reasonable manner in an open public meeting.
11 An association of unit owners may enforce reasonable rules and regulations relating to the
12 time, place and scheduling of the speakers to protect the interests of the majority of unit
13 owners and residents.

14 (2) The association of unit owners shall allow the unit owner or resident to place political
15 signs in a window of a condominium unit or on an exterior portion of a building that is
16 clearly and specifically identified to the unit. The size of the political signs and the period
17 during which the signs may be displayed are subject to the reasonable rules of the associ-
18 ation of unit owners.

19 (3) The association of unit owners shall allow the unit owner or resident to place a flag
20 in a window of a condominium unit, on an exterior portion of a building that is clearly and
21 specifically identified to the unit and, subject to the approval of all unit owners to whom a
22 limited common element is reserved, to install a flagpole with a flag in a limited common
23 element. The size of the flag and flagpole and the period during which the flag may be dis-
24 played are subject to the reasonable rules of the association of unit owners.

25 (4) For purposes of this section, an exterior portion of a building is “clearly and specif-
26 ically identified to the unit” if the condominium unit is a separate building or if a building
27 containing multiple condominium units is constructed, painted or otherwise marked in a
28 manner that readily allows identification from external cues of the limits of specific units.

29 **SECTION 9.** Sections 2 to 4 of this 2013 Act apply to the conduct of owners or residents
30 in a planned community occurring on or after the effective date of this 2013 Act.

31 **SECTION 10.** Sections 6 to 8 of this 2013 Act apply to the conduct of unit owners or
32 residents in a condominium occurring on or after the effective date of this 2013 Act.
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