

February 6, 2015

To: Oregon Legislative Assembly
House Committee on Consumer Protection and Government Effectiveness

From: Mark Rauch

Re: House Bills 2584

Chair Fagan and Members of the Committee:

My name is Mark Rauch. I live at 895 Chikamin Loop, Silverton, OR. This is in a planned community subject to conditions and restrictions (CC&R's)

Please consider the following comments as my written testimony in opposition to HB 2584.

This proposed legislation would expand the range of "records of an association" that must be made available to members of the association upon request. Such an expansion beyond what is currently working is unnecessary and potentially harmful.

1. It would reduce the willingness of neighbors to participate in association matters. By way of examples: (1) Our association board conducted a survey regarding neighborhood concerns. The questionnaire included a place to indicate whether or not the party responding wanted their comments released to the neighborhood if requested. Some said "No". Apparently such confidentiality would not be allowed under the proposed expansion. (2) Unfortunately there was considerable unrest in our neighborhood at one point resulting in a petition to recall certain board members, and 4 of the 5 board members resigning just before the recall vote. Making such petitions in the HOA context a "public record" can lead to harassment and more discontent, and would certainly discourage some from "getting involved". (3) If an owner wants to ask a question or register a concern or complaint with the board, but only wants to do so confidentially, the proposed amendment apparently would not allow that to happen. (4) Even ballots cast by homeowners on association matters would apparently be subject to disclosure under the proposed amendments. Is there a real need here that's not met by current law, and that outweighs these concerns? Or is this additional "transparency" really a tool for a disgruntled owner (or former board member) to harass the board with endless and frivolous requests for records?
2. It would likely make it even harder to convince homeowners to volunteer their time to serve on the board. Not only can frivolous records requests add substantially to the time commitment required to dig through past records, they could also

subject the board member's (or even homeowner's) personal computer to a complete search.

3. It could substantially add to the cost of running the association, resulting in dues increases. Exhaustive and frivolous record requests can be expensive and time consuming, can require outside help, and can require legal review of records, all at substantial cost.
4. The current law is working.

Thank you.

c: Rep. Vic Gilliam