

Condominium/HOA
Working Group
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February 2, 2016

HOUSE INTERIM COMMITTEE ON
CONSUMER PROTECTION AND
GOVERNMENT EFFECTIVENESS
Oregon State Capitol
900 Court Street NE, Room 453,
Salem, Oregon 97301

Re: HB 4090 Prohibits declaration or bylaws of planned community or condominium from requiring owners to water or irrigate lawns, gardens or other landscaped areas.

Dear Chair Fagan and Committee Members:

I represent the Condominium/HOA Working Group with respect to HB 4090. The Working Group consists of many different members having an interest in the Oregon laws regarding condominium and planned community developments. I have enclosed a brief statement of the history of the Working Group as well as information on the current members and some of the key organizations represented by the members. These organizations represent many, if not most, of the home owner associations in Oregon. The Working Group also has members who represent developers of condominium and planned communities as well as the owners living in these projects. This diverse membership of the Working Group is intended to provide a well balanced approach to legislation affecting home owner associations.

The Working Group supports the enactment of SB 1529 this session with the proposed SB 1529-1 amendments requested by Senator Hansell. With the amendments, SB 1529 will void HOA irrigation requirements only while a drought or an ordinance for water conservation is in effect.

The Working Group recommends and is committed to working with Representative Susan McLain and other parties of interest during the interim on legislation using her HB 4090 as a starting point to provide a process for the complete and permanent conversion of HOA landscaping to conserve water. Deferral of this legislation to the 2017 session is necessary because the permanent conversion of HOA landscaping to conserve water requires more complicated legislation than is possible in this short session.

The beneficial purpose of HOA declarations and bylaws is to provide uniform private governance resulting among other things a uniformly attractive exterior appearance of the community, which increases the property value of all home owners. Legislation along the lines of HB 4090 for permanent landscaping conversion needs to provide an association level process that will facilitate and encourage all Oregon HOAs to uniformly and permanently convert the entire landscaping for water conservation.

Senator Chris Edwards

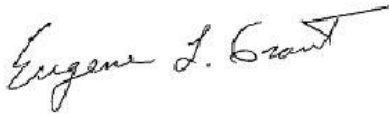
February 1, 2016

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To accomplish such a conversion will require the legislation to allow the board to substitute new landscaping requirements contained in the legislation for the outdated heavily irrigated landscaping requirements. Current laws require a 75% vote to amend declarations, which makes it virtually impossible to replace the outdated landscaping requirements without the help of the new legislation.

The benefit of landscape conversion at the association level is achieving greater water conservation uniformly throughout the entire community and state rather than destroying the HOA landscape plans with an unregulated patchwork approach to landscaping by individual home owners. The Working Group looks forward to working with Representative McLain and other legislators to achieve water conservation that maintains the beneficial role of the HOA in providing uniformity that enhances appearance and property values in Oregon.

Sincerely

A handwritten signature in cursive script that reads "Eugene L. Grant". The signature is written in black ink and is positioned below the word "Sincerely".

Eugene L. Grant