

HB 3056 STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On Judiciary

Action Date: 05/04/17

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Maintains lien for assessments imposed by planned community homeowners association or condominium association following entry of civil judgment in favor of association. Extinguishes lien, or portion of lien, to extent judgment is satisfied.

ISSUES DISCUSSED:

- Purposes of assessments
- Ability to sue for assessments without foreclosing on property

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law provides that when a homeowners association or condominium association levies an assessment on property owners, the association has a lien against the underlying real property. Several remedies exist for the association to collect on this lien. The association may, in appropriate circumstances, bring a civil action to obtain a money judgment, foreclose on the property or take a deed in lieu of foreclosure.

House Bill 3056 clarifies that successfully obtaining a money judgment against a property owner does not extinguish the lien. The bill further clarifies that a partial satisfaction of the judgment does not extinguish the lien and that satisfying the judgment does not extinguish any portion of the lien that is unrelated to the judgment.