

House Bill 3057

Sponsored by Representatives VIAL, HELM, GREENLICK

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**.

Exempts certain homeowners associations and associations of unit owners from establishing reserve accounts. Requires board of directors of association to use certain information when conducting reserve study.

Extends time period within which financial statements for certain planned communities and condominiums must be reviewed.

A BILL FOR AN ACT

1
2 Relating to shared finances; creating new provisions; and amending ORS 94.595, 94.670, 100.175 and
3 100.480.

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

5 **SECTION 1.** ORS 94.595 is amended to read:

6 94.595. (1) The declarant, on behalf of a homeowners association, shall:

7 (a) Conduct an initial reserve study as described in subsection (3) of this section;

8 (b) Prepare an initial maintenance plan as described in subsection (4) of this section; and

9 (c) Establish a reserve account as provided in subsection (2) of this section.

10 (2)(a) **Except as provided in paragraph (f) of this subsection, a homeowners association**
11 **shall establish** a reserve account [*shall be established*] to fund major maintenance, repair or re-
12 placement of all items of common property which will normally require major maintenance, repair
13 or replacement, in whole or in part, in more than one and less than 30 years, for exterior painting
14 if the common property includes exterior painted surfaces, for other items, whether or not involving
15 common property, if the association has responsibility to maintain the items and for other items
16 required by the declaration or bylaws. The reserve account need not include reserves for those
17 items:

18 (A) That can reasonably be funded from the general budget or other funds or accounts of the
19 association; or

20 (B) For which one or more, but less than all, owners are responsible for maintenance and re-
21 placement under the provisions of the declaration or bylaws.

22 (b) The reserve account shall be established in the name of the homeowners association. The
23 association is responsible for administering the account and for making periodic payments into the
24 account.

25 (c) The reserve portion of the initial assessment determined by the declarant shall be based on:

26 (A) The reserve study described in subsection (3) of this section; or

27 (B) Other reliable information.

28 (d) A reserve account established under this section must be funded by assessments against the
29 individual lots for which the reserves are established.

30 (e) Unless the declaration provides otherwise, the assessments under this subsection begin ac-

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 cruing for all lots from the date the first lot is conveyed.

2 **(f) A homeowners association is not obligated to establish a reserve account if the asso-**
 3 **ciation is not obligated by the declaration or bylaws of the planned community to maintain,**
 4 **repair or replace any of the property described in paragraph (a) of this subsection.**

5 (3)(a) *[The board of directors of the association annually shall conduct a reserve study or review*
 6 *and update an existing study to determine the reserve account requirements.]* **The board of directors**
 7 **of the association shall annually determine the reserve account requirements by conducting**
 8 **a reserve study or reviewing and updating an existing study using the following information:**

9 **(A) The starting balance of the reserve account for the previous fiscal year;**

10 **(B) The estimated remaining useful life of each item for which reserves are or will be**
 11 **established, as of the date of the study or review;**

12 **(C) The estimated cost of maintenance and repair and replacement at the end of the**
 13 **useful life of each item for which reserves are or will be established;**

14 **(D) The rate of inflation during the previous fiscal year; and**

15 **(E) Returns on any invested reserves or investments made in components, as required**
 16 **by the declaration or bylaws.**

17 **(b)** Subject to subsection (8) of this section, after review of the reserve study or reserve study
 18 update, the board of directors may, without any action by owners:

19 (A) Adjust the amount of payments as indicated by the study or update; and

20 (B) Provide for other reserve items that the board of directors, in its discretion, may deem ap-
 21 propriate.

22 **[(b)] (c)** The reserve study shall:

23 (A) Identify all items for which reserves are or will be established;

24 (B) Include the estimated remaining useful life of each item, as of the date of the reserve study;
 25 and

26 (C) Include for each item, as applicable, an estimated cost of maintenance and repair and re-
 27 placement at the end of the item's useful life.

28 (4)(a) The board of directors shall prepare a maintenance plan for the maintenance, repair and
 29 replacement of all property for which the association has maintenance, repair or replacement re-
 30 sponsibility under the declaration or bylaws or ORS 94.550 to 94.783. The maintenance plan shall:

31 (A) Describe the maintenance, repair and replacement to be conducted;

32 (B) Include a schedule for the maintenance, repair and replacement;

33 (C) Be appropriate for the size and complexity of the maintenance, repair and replacement re-
 34 sponsibility of the association; and

35 (D) Address issues that include but are not limited to warranties and the useful life of the items
 36 for which the association has maintenance, repair and replacement responsibility.

37 (b) The board of directors shall review and update the maintenance plan described under this
 38 subsection as necessary.

39 (5)(a) If the declaration or bylaws require a reserve account, the reserve study requirements of
 40 subsection (3) of this section and the maintenance plan requirements of subsection (4) of this section
 41 first apply to the association of a subdivision that meets the definition of a planned community un-
 42 der ORS 94.550 and is recorded prior to October 23, 1999, when:

43 (A) The board of directors adopts a resolution in compliance with the bylaws that applies the
 44 requirements of subsections (3) and (4) of this section to the association; or

45 (B) A petition signed by a majority of owners is submitted to the board of directors mandating

1 that the requirements of subsections (3) and (4) of this section apply to the association.

2 (b) A reserve study and maintenance plan shall be completed within one year of adoption of the
3 resolution or submission of the petition to the board of directors.

4 (6)(a) Except as provided in paragraph (b) of this subsection, the reserve account may be used
5 only for the purposes for which reserves have been established and is to be kept separate from other
6 funds.

7 (b) After the individual lot owners have assumed responsibility for administration of the planned
8 community under ORS 94.616, if the board of directors has adopted a resolution, which may be an
9 annual continuing resolution, authorizing the borrowing of funds:

10 (A) The board of directors may borrow funds from the reserve account to meet high seasonal
11 demands on the regular operating funds or to meet unexpected increases in expenses.

12 (B) Not later than the adoption of the budget for the following year, the board of directors shall
13 adopt by resolution a written payment plan providing for repayment of the borrowed funds within
14 a reasonable period.

15 (7) The reserve account is subject to the requirements and restrictions of ORS 94.670 and any
16 additional restrictions or requirements imposed by the declaration, bylaws or rules of the home-
17 owners association.

18 (8)(a) Except as provided under paragraph (b) of this subsection, unless the board of directors
19 under subsection (3) of this section determines that the reserve account will be adequately funded
20 for the following year, the board of directors or the owners may not vote to eliminate funding a
21 reserve account required under this section or under the declaration or bylaws.

22 (b) Following the turnover meeting described in ORS 94.609, on an annual basis, the board of
23 directors, with the approval of all owners, may elect not to fund the reserve account for the fol-
24 lowing year.

25 (9) Assessments paid into the reserve account are the property of the association and are not
26 refundable to sellers or owners of lots.

27 **SECTION 2.** ORS 94.670 is amended to read:

28 94.670. (1) A homeowners association shall retain within this state the documents, information
29 and records delivered to the association under ORS 94.616 and all other records of the association
30 for not less than the period specified for the record in ORS 65.771 or any other applicable law ex-
31 cept that:

32 (a) The documents specified in ORS 94.616 (3)(o), if received, must be retained as permanent
33 records of the association.

34 (b) Proxies and ballots must be retained for one year from the date of determination of the vote,
35 except that proxies and ballots relating to an amendment to the declaration, bylaws or other gov-
36 erning document must be retained for one year from the date the amendment is effective.

37 (2)(a) All assessments, including declarant subsidies and all other association funds, shall be
38 deposited and maintained in the name of the association in one or more separate federally insured
39 accounts, including certificates of deposit, at a financial institution, as defined in ORS 706.008, other
40 than an extranational institution. Except as provided in paragraph (b) of this subsection, funds must
41 be maintained in an association account until disbursed.

42 (b) Subject to any limitations imposed by the declaration or bylaws, funds of the association
43 maintained in accounts established under this subsection may be used to purchase obligations of the
44 United States government.

45 (c) All expenses of the association shall be paid from the association account.

1 (3) The association shall keep financial records sufficiently detailed for proper accounting pur-
2 poses.

3 (4) Within 90 days after the end of the fiscal year, the board of directors shall:

4 (a) Prepare or cause to be prepared an annual financial statement consisting of a balance sheet
5 and income and expenses statement for the preceding fiscal year; and

6 (b) Distribute to each owner and, upon written request, any mortgagee of a lot, a copy of the
7 annual financial statement.

8 (5) Subject to ORS 94.671, the association of a planned community that has annual assessments
9 exceeding \$75,000 shall cause the financial statement required under subsection (4) of this section
10 to be reviewed within [180] **300** days after the end of the fiscal year by an independent certified
11 public accountant licensed in the State of Oregon in accordance with the Statements on Standards
12 for Accounting and Review Services issued by the American Institute of Certified Public Account-
13 ants.

14 (6) The association of a planned community created on or after January 1, 2004, or the associ-
15 ation of a planned community described in ORS 94.572 that has annual assessments of \$75,000 or less
16 shall cause the most recent financial statement required by subsection (4) of this section to be re-
17 viewed in the manner described in subsection (5) of this section within [180] **300** days after the as-
18 sociation receives a petition requesting review signed by at least a majority of the owners.

19 (7) An association subject to the requirements of subsection (5) of this section may elect, on an
20 annual basis, not to comply with the requirements of subsection (5) of this section by an affirmative
21 vote of at least 60 percent of the owners, not including the votes of the declarant with respect to
22 lots owned by the declarant.

23 (8)(a) The association shall provide, within 10 business days of receipt of a written request from
24 an owner, a written statement that provides:

25 (A) The amount of assessments due from the owner and unpaid at the time the request was re-
26 ceived, including:

27 (i) Regular and special assessments;

28 (ii) Fines and other charges;

29 (iii) Accrued interest; and

30 (iv) Late payment charges.

31 (B) The percentage rate at which interest accrues on assessments that are not paid when due.

32 (C) The percentage rate used to calculate the charges for late payment or the amount of a fixed
33 charge for late payment.

34 (b) The association is not required to comply with paragraph (a) of this subsection if the asso-
35 ciation has commenced litigation by filing a complaint against the owner and the litigation is
36 pending when the statement would otherwise be due.

37 (9)(a) Except as provided in paragraph (b) of this subsection, the association shall make the
38 documents, information and records described in subsections (1) and (4) of this section and all other
39 records of the association reasonably available for examination and, upon written request, available
40 for duplication by an owner and any mortgagee of a lot that makes the request in good faith for a
41 proper purpose.

42 (b) Records kept by or on behalf of the association may be withheld from examination and du-
43 plication to the extent the records concern:

44 (A) Personnel matters relating to a specific identified person or a person's medical records.

45 (B) Contracts, leases and other business transactions that are currently under negotiation to

1 purchase or provide goods or services.

2 (C) Communications with legal counsel that relate to matters specified in subparagraphs (A) and
 3 (B) of this paragraph and the rights and duties of the association regarding existing or potential
 4 litigation or criminal matters.

5 (D) Disclosure of information in violation of law.

6 (E) Documents, correspondence or management or board reports compiled for or on behalf of the
 7 association or the board of directors by its agents or committees for consideration by the board of
 8 directors in executive session held in accordance with ORS 94.640 (8).

9 (F) Documents, correspondence or other matters considered by the board of directors in execu-
 10 tive session held in accordance with ORS 94.640 (8).

11 (G) Files of individual owners, other than those of a requesting owner or requesting mortgagee
 12 of an individual owner, including any individual owner's file kept by or on behalf of the association.

13 (10) The association shall maintain a copy, suitable for the purpose of duplication, of the fol-
 14 lowing:

15 (a) The declaration and bylaws, including amendments or supplements in effect, the recorded
 16 plat, if feasible, and the association rules and regulations currently in effect.

17 (b) The most recent financial statement prepared pursuant to subsection (4) of this section.

18 (c) The current operating budget of the association.

19 (d) The reserve study, if any, described in ORS 94.595.

20 (e) Architectural standards and guidelines, if any.

21 (11) The association, within 10 business days after receipt of a written request by an owner,
 22 shall furnish the requested information required to be maintained under subsection (10) of this sec-
 23 tion.

24 (12) The board of directors, by resolution, may adopt reasonable rules governing the frequency,
 25 time, location, notice and manner of examination and duplication of association records and the
 26 imposition of a reasonable fee for furnishing copies of any documents, information or records de-
 27 scribed in this section. The fee may include reasonable personnel costs for furnishing the docu-
 28 ments, information or records.

29 **SECTION 3.** ORS 100.175 is amended to read:

30 100.175. (1) The declarant, on behalf of the association of unit owners, shall:

31 (a) Conduct an initial reserve study as described in subsection (3) of this section;

32 (b) Prepare an initial maintenance plan as described in subsection (4) of this section; and

33 (c) Establish a reserve account as provided in subsection (2) of this section.

34 (2)(a) **Except as provided in paragraph (f) of this subsection, an association of unit owners**
 35 **shall establish** a reserve account [*shall be established*] to fund major maintenance, repair or re-
 36 placement of those common elements all or part of which will normally require major maintenance,
 37 repair or replacement in more than one and less than 30 years, for exterior painting if the common
 38 elements include exterior painted surfaces, and for such other items as may be required by the
 39 declaration or bylaws. The reserve account need not include:

40 (A) Items that can reasonably be funded from the general budget or other funds or accounts of
 41 the association; or

42 (B) A reserve for limited common elements for which maintenance and replacement are the re-
 43 sponsibility of one or more, but less than all, unit owners under the provisions of the declaration
 44 or bylaws.

45 (b) The reserve account shall be established in the name of the association of unit owners. The

1 association is responsible for administering the account and for making periodic payments into the
 2 account.

3 (c) The reserve portion of the initial assessment determined by the declarant shall be based on:

4 (A) The reserve study described in subsection (3) of this section;

5 (B) In the case of a conversion condominium, the statement described in ORS 100.655 (1)(g); or

6 (C) Other reliable information.

7 (d) The reserve account must be funded by assessments against the individual units for the
 8 purposes for which the reserve account is established.

9 (e) The assessment under this subsection accrues from the time of the conveyance of the first
 10 individual unit assessed as provided in ORS 100.530.

11 **(f) An association of unit owners is not obligated to establish a reserve account if the**
 12 **association is not obligated by the declaration or bylaws of the condominium to maintain,**
 13 **repair or replace any of the property described in paragraph (a) of this subsection.**

14 (3)(a) *[The board of directors of the association annually shall conduct a reserve study or review*
 15 *and update an existing study to determine the reserve account requirements.]* **The board of directors**
 16 **of the association shall annually determine the reserve account requirements by conducting**
 17 **a reserve study or reviewing and updating an existing study using the following information:**

18 **(A) The starting balance of the reserve account for the previous fiscal year;**

19 **(B) The estimated remaining useful life of each item for which reserves are or will be**
 20 **established, as of the date of the study or review;**

21 **(C) The estimated cost of maintenance and repair and replacement at the end of the**
 22 **useful life of each item for which reserves are or will be established;**

23 **(D) The rate of inflation during the previous fiscal year; and**

24 **(E) Returns on any invested reserves or investments made in components, as required**
 25 **by the declaration or bylaws.**

26 **(b)** Subject to subsection (10) of this section, after a review of the reserve study or the reserve
 27 study update, the board may, without any action by the unit owners:

28 (A) Adjust the amount of payments in accordance with the study or review; and

29 (B) Provide for other reserve items that the board of directors, in its discretion, may deem ap-
 30 propriate.

31 *[(b)]* **(c)** The reserve study shall:

32 (A) Identify all items for which reserves are or will be established;

33 (B) Include the estimated remaining useful life of each item, as of the date of the reserve study;
 34 and

35 (C) Include for each item, as applicable, an estimated cost of maintenance and repair and re-
 36 placement at the end of the item's useful life.

37 (4)(a) The board of directors shall prepare a maintenance plan for the maintenance, repair and
 38 replacement of all property for which the association has maintenance, repair or replacement re-
 39 sponsibility under the declaration or bylaws or this chapter. The maintenance plan shall:

40 (A) Describe the maintenance, repair and replacement to be conducted;

41 (B) Include a schedule for the maintenance, repair and replacement;

42 (C) Be appropriate for the size and complexity of the maintenance, repair and replacement re-
 43 sponsibility of the association; and

44 (D) Address issues that include but are not limited to warranties and the useful life of the items
 45 for which the association has maintenance, repair or replacement responsibility.

1 (b) The board of directors shall review and update the maintenance plan described under this
2 subsection as necessary.

3 (5)(a) Except as provided in paragraph (b) of this subsection, the reserve study requirements
4 under subsection (3) of this section and the maintenance plan requirements under subsection (4) of
5 this section do not apply to a condominium consisting of one or two units, excluding units used for
6 parking, storage or other uses ancillary to a unit:

7 (A) After the sale of the first unit to a person other than a successor declarant, if the condo-
8 minium is created on or after September 27, 2007; or

9 (B) If the condominium was created before September 27, 2007, notwithstanding any requirement
10 in the declaration or bylaws.

11 (b) The reserve study requirements under subsection (3) of this section and the maintenance plan
12 requirements under subsection (4) of this section apply to a flexible condominium or a staged con-
13 dominium created on or after September 27, 2007, if the condominium might in the future consist
14 of more than two units.

15 (6)(a) If the declaration or bylaws require a reserve account, the reserve study requirements of
16 subsection (3) of this section and the maintenance plan requirements of subsection (4) of this section
17 first apply to the association of a condominium recorded prior to October 23, 1999:

18 (A) Upon adoption of a resolution by the board of directors in accordance with the bylaws pro-
19 viding that the requirements of subsections (3) and (4) of this section apply to the association; or

20 (B) Upon submission to the board of directors of a petition signed by a majority of unit owners
21 mandating that the requirements of subsections (3) and (4) of this section apply to the association.

22 (b) The reserve study and the maintenance plan shall be completed within one year of the date
23 of adoption of the resolution or submission of the petition to the board of directors.

24 (7)(a) Except as provided in paragraph (b) of this subsection, the reserve account is to be used
25 only for the purposes for which reserves have been established and is to be kept separate from other
26 funds.

27 (b) After the individual unit owners have assumed administrative responsibility for the associ-
28 ation under ORS 100.210, if the board of directors has adopted a resolution, which may be an annual
29 continuing resolution, authorizing the borrowing of funds:

30 (A) The board of directors may borrow funds from the reserve account to meet high seasonal
31 demands on the regular operating funds or to meet unexpected increases in expenses.

32 (B) Not later than the adoption of the budget for the following year, the board of directors shall
33 adopt by resolution a written payment plan providing for repayment of the borrowed funds within
34 a reasonable period.

35 (8) The reserve account is subject to the requirements and restrictions of ORS 100.480 and any
36 additional requirements or restrictions imposed by the declaration, bylaws or rules of the associ-
37 ation of unit owners.

38 (9) Assessments paid into the reserve account are the property of the association of unit owners
39 and are not refundable to sellers of units.

40 (10)(a) Except as provided under paragraph (b) of this subsection, unless the board of directors
41 under subsection (3) of this section determines that the reserve account will be adequately funded
42 for the following year, the board of directors or the owners may not vote to eliminate funding a
43 reserve account required under this section or under the declaration or bylaws.

44 (b) Following the turnover meeting described in ORS 100.210, on an annual basis, the board of
45 directors, with the approval of all owners, may elect not to fund the reserve account for the fol-

1 lowing year.

2 **SECTION 4.** ORS 100.480 is amended to read:

3 100.480. (1) An association of unit owners shall retain within this state the documents, infor-
 4 mation and records delivered to the association under ORS 100.210 and all other records of the as-
 5 sociation for not less than the period specified for the record in ORS 65.771 or any other applicable
 6 law, except that:

7 (a) The documents specified in ORS 100.210 (5)(j), if received, must be retained as permanent
 8 records of the association.

9 (b) Proxies and ballots must be retained for one year from the date of determination of the vote,
 10 except proxies and ballots relating to an amendment to the declaration, supplemental declaration
 11 plat, supplemental plat or bylaws must be retained for one year from the date the amendment is
 12 recorded.

13 (2) The association of unit owners shall keep financial records sufficient for proper accounting
 14 purposes.

15 (3)(a) All assessments and other association funds shall be deposited and maintained in the name
 16 of the association in one or more separate federally insured accounts, including certificates of de-
 17 posit, at a financial institution, as defined in ORS 706.008, other than an extranational institution.
 18 Except as provided in paragraph (b) of this subsection, funds must be maintained in an association
 19 account until disbursed.

20 (b) Subject to any limitations imposed by the declaration or bylaws, association funds maintained
 21 in accounts established under this subsection may be used to purchase obligations issued by the
 22 United States government.

23 (c) All expenses of the association shall be paid from the association account.

24 (4) Within 90 days after the end of the fiscal year, the board of directors shall:

25 (a) Prepare or cause to be prepared an annual financial statement consisting of a balance sheet
 26 and income and expenses statement for the preceding fiscal year; and

27 (b) Distribute to each unit owner a copy of the annual financial statement.

28 (5) Subject to ORS 100.481, the association of unit owners of a condominium that has annual
 29 assessments exceeding \$75,000 shall cause the financial statement required under subsection (4) of
 30 this section to be reviewed within ~~180~~ **300** days after the end of the fiscal year by an independent
 31 certified public accountant licensed in the State of Oregon in accordance with the Statements on
 32 Standards for Accounting and Review Services issued by the American Institute of Certified Public
 33 Accountants.

34 (6) The association of unit owners of a condominium that has annual assessments of \$75,000 or
 35 less shall cause the most recent financial statement required by subsection (4) of this section to be
 36 reviewed in the manner described in subsection (5) of this section within ~~180~~ **300** days after the
 37 board of directors receives the petition requesting review signed by at least a majority of the own-
 38 ers.

39 (7) An association of unit owners subject to the requirements of subsection (5) of this section
 40 may elect, on an annual basis, not to comply with the requirements of subsection (5) of this section
 41 by an affirmative vote of at least 60 percent of the owners, not including the votes of the declarant
 42 with respect to units owned by the declarant.

43 (8)(a) The association shall provide, within 10 business days of receipt of a written request from
 44 an owner, a written statement that provides:

45 (A) The amount of assessments due from the owner and unpaid at the time the request was re-

1 ceived, including:

2 (i) Regular and special assessments;

3 (ii) Fines and other charges;

4 (iii) Accrued interest; and

5 (iv) Late payment charges.

6 (B) The percentage rate at which interest accrues on assessments that are not paid when due.

7 (C) The percentage rate used to calculate the charges for late payment or the amount of a fixed
8 charge for late payment.

9 (b) The association is not required to comply with paragraph (a) of this subsection if the asso-
10 ciation has commenced litigation by filing a complaint against the owner and the litigation is
11 pending when the statement would otherwise be due.

12 (9)(a) Except as provided in paragraph (b) of this subsection, the documents, information and
13 records described in subsections (1) to (4) of this section and all other records of the association of
14 unit owners must be reasonably available for examination and, upon written request, available for
15 duplication by a unit owner and any mortgagee of a unit that makes the request in good faith for
16 a proper purpose.

17 (b) Records kept by or on behalf of the association may be withheld from examination and du-
18 plication to the extent the records concern:

19 (A) Personnel matters relating to a specific identified person or a person's medical records.

20 (B) Contracts, leases and other business transactions that are currently under negotiation to
21 purchase or provide goods or services.

22 (C) Communications with legal counsel that relate to matters specified in subparagraphs (A) and
23 (B) of this paragraph and the rights and duties of the association regarding existing or potential
24 litigation or criminal matters.

25 (D) Disclosure of information in violation of law.

26 (E) Documents, correspondence or management or board reports compiled for or behalf of the
27 association or the board of directors by its agents or committees for consideration by the board of
28 directors in executive session held in accordance with ORS 100.420 (1) and (2).

29 (F) Documents, correspondence or other matters considered by the board of directors in execu-
30 tive session held in accordance with ORS 100.420 (1) and (2).

31 (G) Files of individual owners, other than those of a requesting owner or requesting mortgagee
32 of an individual owner, including any individual owner's file kept by or on behalf of the association.

33 (10) The association of unit owners shall maintain a copy, suitable for the purpose of dupli-
34 cation, of the following:

35 (a) The declaration and bylaws, including amendments or supplements in effect, the recorded
36 plat, if feasible, and the association rules and regulations currently in effect;

37 (b) The most recent annual financial statement prepared in accordance with subsection (4) of
38 this section;

39 (c) The current operating budget of the association;

40 (d) The reserve study, if any, described in ORS 100.175; and

41 (e) Architectural standards and guidelines, if any.

42 (11) The association, within 10 business days after receipt of a written request by an owner,
43 shall furnish the requested information required to be maintained under subsection (10) of this sec-
44 tion.

45 (12) The board of directors, by resolution, may adopt reasonable rules governing the frequency,

1 time, location, notice and manner of examination and duplication of association records and the
2 imposition of a reasonable fee for furnishing copies of any documents, information or records de-
3 scribed in this section. The fee may include reasonable personnel costs incurred to furnish the in-
4 formation.

5 (13) Subsection (4) of this section first applies to property submitted to the provisions of this
6 chapter before January 1, 1982, when the board of directors of the association of unit owners re-
7 ceives a written request from at least one unit owner that a copy of the annual financial statement
8 be distributed in accordance with subsection (4) of this section.

9 **SECTION 5. The amendments to ORS 94.595, 94.670, 100.175 and 100.480 by sections 1 to**
10 **4 of this 2017 Act apply to:**

11 (1) **Reserve account studies conducted or reviewed on or after the effective date of this**
12 **2017 Act.**

13 (2) **Financial statement reviews conducted on or after the effective date of this 2017 Act.**
14
