

Requested by Representative VIAL

**PROPOSED AMENDMENTS TO
HOUSE BILL 3447**

1 On page 5 of the printed bill, delete lines 4 through 8 and insert:

2 **“SECTION 4. (1) Except as provided in subsections (2) and (3) of this**
3 **section, the following provisions of a condominium’s governing docu-**
4 **ments are void and unenforceable:**

5 **“(a) A provision that prohibits or restricts the use of the unit**
6 **owner’s condominium unit or any limited common element designated**
7 **for exclusive use by the occupants of the unit as the premises of an**
8 **exempt family child care provider participating in the subsidy program**
9 **under ORS 329A.500; or**

10 **“(b) If the condominium unit does not share a wall, floor or ceiling**
11 **surface in common with another unit, a provision that prohibits or**
12 **restricts the use of the unit owner’s condominium unit or any limited**
13 **common element designated for exclusive use by the occupants of the**
14 **unit as a certified or registered family child care home pursuant to**
15 **ORS 329A.250 to 329A.450.**

16 **“(2) Subsection (1) of this section does not prohibit an association**
17 **of unit owners from adopting or enforcing a provision of the**
18 **condominium’s governing document that regulates parking, noise,**
19 **odors, nuisance, use of common elements or activities that impact the**
20 **cost of insurance policies held by the condominium, provided the pro-**
21 **vision:**

1 “(a) Is reasonable; and

2 “(b) Does not have the effect of prohibiting or restricting the use
3 of a unit as the premises of an exempt family child care provider
4 participating in the subsidy program under ORS 329A.500 or as a cer-
5 tified or registered family child care home pursuant to ORS 329A.250
6 to 329A.450.

7 “(3)(a) Subsection (1) of this section does not apply to condomin-
8 iums that provide housing for older persons.

9 “(b) As used in this subsection, ‘housing for older persons’ has the
10 meaning given that term in ORS 659A.421.”.

11 On page 10, delete lines 2 through 9 and insert:

12 “(5)(a) Except as provided in subsections (2) and (3) of this section, the
13 following provisions of a planned community’s governing documents are void
14 and unenforceable:

15 “(A) A provision that prohibits or restricts the use of the owner’s unit
16 or lot as the premises of an exempt family child care provider participating
17 in the subsidy program under ORS 329A.500; or

18 “(B) If the unit does not share a wall, floor or ceiling surface in common
19 with another unit, a provision that prohibits or restricts the use of the
20 owner’s unit or lot as a certified or registered family child care home pur-
21 suant to ORS 329A.250 to 329A.450.”.

22 After line 18, insert:

23 “(6) Subsection (5)(a) of this section does not:

24 “(a) Prohibit a homeowners association from adopting or enforcing a
25 provision of the planned community’s governing document that regulates
26 parking, noise, odors, nuisance, use of common property or activities that
27 impact the cost of insurance policies held by the planned community, pro-
28 vided the provision:

29 “(A) Is reasonable; and

30 “(B) Does not have the effect of prohibiting or restricting the use of a

1 unit or lot as the premises of an exempt family child care provider partic-
2 ipating in the subsidy program under ORS 329A.500 or as a certified or reg-
3 istered family child care home pursuant to ORS 329A.250 to 329A.450.

4 “(b) Apply to planned communities that provide housing for older persons.
5 As used in this paragraph, ‘housing for older persons’ has the meaning given
6 that term in ORS 659A.421.”

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