

Requested by Senator JAMA

**PROPOSED AMENDMENTS TO
SENATE BILL 847**

1 On page 1 of the printed bill, line 4, delete “and section 3, chapter 18”
2 and insert “section 3, chapter 18, Oregon Laws 2021, and sections 4 and 6,
3 chapter 67”.

4 On page 30, after line 25, insert:

5 **“SECTION 28. Section 29 of this 2023 Act is added to and made a**
6 **part of ORS chapter 93.**

7 **“SECTION 29. (1) Notwithstanding ORS 94.590, 94.625, 100.110,**
8 **100.135, 100.411 or 100.413 or any requirement of the declaration or by-**
9 **laws, an amendment to the declaration or bylaws of a planned com-**
10 **munity or condominium is effective and may be made and recorded in**
11 **the county clerk’s office of a county in which any portion of the**
12 **property is situated without the vote of the owners or the board**
13 **members and without the prior approval of the Real Estate Commis-**
14 **sioner, county assessor or any other person if:**

15 **“(a) The amendment is made to conform the declarations or bylaws**
16 **to the requirements of ORS 93.270 (2); and**

17 **“(b) The amendment is signed by the president and secretary of the**
18 **homeowners association.**

19 **“(2) The first page or cover sheet of an instrument amending the**
20 **declaration or bylaws must comply with the recording requirements**
21 **of ORS chapter 205 and must be in substantially the following form:**

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**AMENDMENT OF [DECLARATION/BYLAWS]
TO COMPLY WITH ORS 93.270 (2).**

Pursuant to this section, the undersigned states:

1. The undersigned are the president and secretary for the [homeowners/condominium owners] association _____ (name) in _____ County.

2. This document amends the [declaration/bylaws] of the association.

3. The [declaration was/bylaws were] first recorded under instrument number (or book and page number) _____ recorded on _____.

4. The [declaration was/bylaws were] most recently amended or restated, if ever, under instrument number (or book and page number) _____ recorded on _____.

5. The undersigned have determined that the current [declarations/bylaws] of the [planned community/condominium], as last amended or revised, may fail to comply with ORS 93.270. The following amendments to the [declaration/bylaws] remove provisions that are not allowed and are unenforceable under ORS 93.270 (2). No other changes to the document are being made except as may be necessary to correct scriveners' errors or to conform format and style.

6. Under this section, a vote of the association is not required.

7. The description of the real property in _____ County affected by this document is:

Dated this _____ day of _____ 20____.

1 **Name:** _____

2 **President,** _____ (association name)

3 **Address:** _____

4 _____

5 **Phone No.:** _____

6

7 **Dated this** _____ **day of** _____ **20**____.

8

9 **Name:** _____

10 **Secretary,** _____ (association name)

11 **Address:** _____

12 _____

13 **Phone No.:** _____

14

15 **STATE OF OREGON**)

16) **ss.**

17 **County of** _____)

18 **The foregoing instrument was acknowledged before me this** _____

19 **day of** _____ **20**____ **by** _____ **and** _____.

20

21

Notary Public for Oregon

22

My commission expires: _____

23

“ _____

24

“(3) If an instrument recorded under this section affects a condominium, the condominium association shall file a copy of the recorded instrument with the Real Estate Commissioner.

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“SECTION 30. Section 4, chapter 67, Oregon Laws 2021, as amended by section 5b, chapter 367, Oregon Laws 2021, is amended to read:

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29

“Sec. 4. (1) On or before December 31, [2022] **2024**, each homeowners association **of a planned community first established before September**

30

1 **1, 2021**, shall review [*each governing document currently binding on the*
2 *planned community, or the lots or the lot owners within*] **the declaration and**
3 **bylaws of** the planned community and shall:

4 “(a) Amend [*or restate*] each document as necessary to remove all re-
5 strictions against the use of the community or the lots not allowed under
6 ORS 93.270 (2) **as provided under section 29 of this 2023 Act**; or

7 “(b) Execute and record a [*declaration*] **certification** that the homeowners
8 association has reviewed the [*governing documents binding on*] **declaration**
9 **and bylaws of** the planned community and that the documents do not con-
10 tain any restriction, rule or regulation against the use of the community or
11 the lots by a person or group of persons because of race, color, religion, sex,
12 sexual orientation, gender identity, national origin, marital status, familial
13 status, source of income, disability or the number of individuals, including
14 family members, persons of close affinity or unrelated persons, who are si-
15 multaneously occupying a dwelling unit within occupancy limits.

16 “(2) [*Notwithstanding ORS 94.590 or 94.625 or any requirement of the dec-*
17 *laration or bylaws, an amendment to or a restatement of the declaration or*
18 *bylaws under subsection (1)(a) of this section is effective and*] **A certification**
19 **under subsection (1)(b) of this section:**

20 “(a) May be recorded without the vote of the owners or the board mem-
21 bers [*if the amendment or restatement includes a certification signed by the*
22 *president and secretary of the homeowners association that the amended or*
23 *restated declaration or bylaws does not change that document except as re-*
24 *quired under this section and as may be necessary to correct scribes’ errors*
25 *or to conform format and style.*]; **and**

26 “(b) **Must be in substantially the following form:**

27 “

28 **CERTIFICATION OF COMPLIANCE WITH ORS 93.270 (2).**

29

30 **Pursuant to section 4, chapter 67, Oregon Laws 2021, the under-**

1 **signed states:**

2 **1. The undersigned are the president and secretary for the home-**
3 **owners association _____ (name) in _____ County.**

4 **2. The declaration was first recorded under instrument number (or**
5 **book and page number) _____ recorded on _____.**
6 **The declaration was most recently amended or restated, if ever, under**
7 **instrument number _____ recorded on _____.**

8 **3. The bylaws were first recorded, if ever, under instrument number**
9 **(or book and page number) _____ recorded on**
10 **_____.** **The bylaws were most recently amended or restated,**
11 **if ever, under instrument number _____ recorded on**
12 **_____.**

13 **4. The undersigned have determined that the current declarations**
14 **and bylaws of the planned community, as last amended or revised,**
15 **conform with ORS 93.270 (2) and that there are no provisions that**
16 **would restrict the use of the community or the lots or units of the**
17 **community because of race, color, religion, sex, sexual orientation,**
18 **gender identity, national origin, marital status, familial status, source**
19 **of income, disability or the number of individuals, including family**
20 **members, persons of close affinity or unrelated persons, who are si-**
21 **multaneously occupying a dwelling unit within occupancy limits. Any**
22 **such provision that may inadvertently remain is void and**
23 **unenforceable.**

24 **5. Under this section, a vote of the association is not required.**

25 **6. The description of the real property in _____ County**
26 **affected by this document is:**

27 _____
28 _____

29
30 **Dated this _____ day of _____ 20____.**

1 **Name:** _____

2 **President,** _____ (association name)

3 **Dated this** _____ **day of** _____ **20**____.

4

5 **Name:** _____

6 **Secretary,** _____ (association name)

7

8 STATE OF OREGON)

9) ss.

10 County of _____)

11 **The foregoing instrument was acknowledged before me this** _____
12 **day of** _____ **20**____ **by** _____ **and** _____.

13

14

Notary Public for Oregon

15

My commission expires: _____

16

“ _____

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“SECTION 31. Section 6, chapter 67, Oregon Laws 2021, as amended by
18 section 5c, chapter 367, Oregon Laws 2021, is amended to read:

19

“Sec. 6. (1) On or before December 31, [2022] **2024**, each association of a
20 condominium **first established before September 1, 2021**, that includes
21 units used for residential purposes shall review [*each governing document*
22 *currently binding on the condominium or the units or unit owners within*] **the**
23 **declaration and bylaws of** the condominium and shall:

24

“(a) Amend [*or restate*] each document as necessary to remove all re-
25 strictions against the use of the condominium or the units not allowed under
26 ORS 93.270 (2) **as provided under section 29 of this 2023 Act**; or

27

“(b) Execute and record a [*declaration*] **certification** that the association
28 has reviewed the [*governing documents binding on*] **declaration and bylaws**
29 **of** the condominium and that the documents do not contain any restriction,
30 rule or regulation against the use of the condominium or the units by a

1 person or group of persons because of race, color, religion, sex, sexual ori-
2 entation, gender identity, national origin, marital status, familial status,
3 source of income, disability or the number of individuals, including family
4 members, persons of close affinity or unrelated persons, who are simultane-
5 ously occupying a dwelling unit within occupancy limits.

6 “(2) [Notwithstanding ORS 100.110, 100.135, 100.413 or any requirement of
7 the declaration or bylaws, an amendment to or a restatement of the declaration
8 or bylaws under this section, upon submission and approval of the Real Estate
9 Commissioner under ORS 100.123, 100.125, 100.668 and 100.675, is effective
10 and] **A certification under subsection (1)(b) of this section:**

11 “(a) May be recorded without the vote of the owners or the board mem-
12 bers [if the amended or restated declaration or bylaws includes a certification
13 signed by the president and secretary of the association that the amended or
14 restated declaration or bylaws does not change that document except as re-
15 quired under this section and as may be necessary to correct scribes’ errors
16 or to conform format and style.]; **and**

17 “(b) **Must be in substantially the following form:**

18 “ _____

19 **CERTIFICATION OF COMPLIANCE WITH ORS 93.270 (2).**

20

21 **Pursuant to section 6, chapter 67, Oregon Laws 2021, the under-**
22 **signed states:**

23 **1. The undersigned are the president and secretary for the condo-**
24 **minium owners association _____ (name) in _____**
25 **County.**

26 **2. The declaration was first recorded under instrument number (or**
27 **book and page number) _____ recorded on _____.**
28 **The declaration was most recently amended or restated, if ever, under**
29 **instrument number _____ recorded on _____.**

30 **3. The bylaws were first recorded, if ever, under instrument number**

1 (or book and page number) _____ recorded on
2 _____. The bylaws were most recently amended or restated,
3 if ever, under instrument number _____ recorded on
4 _____.

5 4. The undersigned have determined that the current declarations
6 and bylaws of the condominium, as last amended or revised, conform
7 with ORS 93.270 (2) and that there are no provisions that would restrict
8 the use of the community or the lots or units of the community be-
9 cause of race, color, religion, sex, sexual orientation, gender identity,
10 national origin, marital status, familial status, source of income, dis-
11 ability or the number of individuals, including family members, per-
12 sons of close affinity or unrelated persons, who are simultaneously
13 occupying a dwelling unit within occupancy limits. Any such provision
14 that may inadvertently remain is void and unenforceable.

15 5. Under this section, a vote of the association is not required.

16 6. The description of the real property in _____ County
17 affected by this document is:

18 _____
19 _____

20
21 Dated this _____ day of _____ 20____.

22

23 Name: _____

24 President, _____ (association name)

25 Dated this _____ day of _____ 20____.

26

27 Name: _____

28 Secretary, _____ (association name)

29

30 STATE OF OREGON)

1) ss.

2 County of _____)

3 The foregoing instrument was acknowledged before me this ____
4 day of _____ 20____ by _____ and _____.

5 _____

6 Notary Public for Oregon

7 My commission expires: _____

8 “ _____

9 ” .

10 In line 28, delete “28” and insert “32”.

11 In line 34, delete “29” and insert “33”.

12 In line 44, delete “30” and insert “34”.

13 On page 31, line 1, delete “31” and insert “35”.

14 In line 4, delete “32” and insert “36”.

15 In line 7, delete “29” and insert “33”.

16 In line 10, delete “29” and insert “33”.

17 In line 11, delete “33” and insert “37”.

18 In line 38, delete “34” and insert “38”.

19 On page 32, after line 28, insert:

20 **“SECTION 39. (1) The amendments to sections 4 and 6, chapter 67,**
21 **Oregon Laws 2021, by sections 30 and 31 of this 2023 Act are intended**
22 **to extend the deadline for compliance with those sections and to clar-**
23 **ify the process by which associations may comply with those sections.**

24 **“(2) Sections 4 and 6, chapter 67, Oregon Laws 2021, as amended by**
25 **sections 30 and 31 of this 2023 Act, do not apply to a planned commu-**
26 **nity or condominium that:**

27 **“(a) Was established on or after September 1, 2021; or**

28 **“(b) Complied with the requirements of section 4 or 6, chapter 67,**
29 **Oregon Laws 2021, that were in effect before the effective date of this**
30 **2023 Act, notwithstanding the former deadline for compliance of De-**

1 **ember 31, 2022.”.**

2 In line 29, delete “35” and insert “40”.

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