

**GENERAL SUBJECT SUMMARY\***  
**Enrolled House Bill 2666**  
**(Chapter 410, Oregon Laws 2007)**  
**AMENDMENTS TO**  
**OREGON PLANNED COMMUNITY ACT ("PCA")**  
**& OREGON CONDOMINIUM ACT ("OCA")**  
*Effective Date: September 27, 2007*

**I.**

**AMENDMENTS AFFECTING PLANNED COMMUNITIES**

**A. DEFINITIONS**

- ▶ Adds "other governing document" as source of requirement for assessment obligations.  
*ORS 94.550(3)(b)(B) & (4)(c)(B): Sec. 1*
- ▶ Revises definition of common property to include property designated on the plat to be transferred to the association.  
*ORS 94.550(7): Sec. 1*

**B. TIME OF INCORPORATION OF ASSOCIATION**

- ▶ Requires association to be incorporated prior to recording of plat if property is conveyed to association on face of plat.  
*ORS 94.625: Sec. 2*

**C. ASSOCIATION POWERS**

- ▶ Conforms to OCA the right of the association under section to initiate or intervene in litigation or administrative proceedings if association has maintenance or certain other responsibility for property individually owned.
- ▶ *ORS 94.630: Sec. 2a*

**D. CORRECTS STATUTORY REFERENCE**

- ▶ Corrects statutory reference in ORS 94.590.  
*ORS 94.590: Sec. 22*

**II.**

**AMENDMENTS AFFECTING CONDOMINIUMS**

**A. DEFINITIONS**

**General Common Elements (Default Definition)** *ORS 100.005(16)-Renumbered ORS 100.005(15)*

- ▶ Makes windows and unit access doors, except for glazing and screening, general common elements, unless declaration provides otherwise.  
*(Corresponds with amendments to ORS 100.510.)*  
*ORS 100.005: Sec. 5*

**Unit Boundary (Default Definition)** *ORS 100.510/ORS 100.005(16)- Renumbered ORS 100.005(15)*

- ▶ Expands application of default provision.
- ▶ Makes glazing and screening of windows and unit access doors part of the unit, unless otherwise provided in declaration.  
*ORS 100.510: Sec. 14*

**Dwelling Unit ORS 100.005(14)**

- ▶ Removes definition of “dwelling unit” as defined under Landlord Tenant Law from general definition section.
- ▶ Adds new section making definition only applicable to ORS 100.300 *et seq.* (conversion condo-minimum procedures).

*ORS 100.105 (Sec. 5) & New ORS 100.301 (Sec. 10)*

**Mortgagee ORS 100.005(19)**

- ▶ Adds definition of “mortgagee.”
- ▶ (*Conforms to definition in ORS 94.550(15).*)

**B. CREATION OF CONDOMINIUM WITHIN UNIT**

- ▶ Permits unit in condominium to be submitted to ORS chapter 100 unless otherwise provided under declaration or bylaws.

*ORS 100.020: Sec. 6*

**C. LEASEHOLD CONDOMINIUMS**

- ▶ Permits declaration amendment to convert leasehold to fee condominium with a vote of 75% of owners regardless of declaration amendment requirements.

*ORS 100.102: Sec. 7*

**D. INCORPORATION OF ASSOCIATION**

- ▶ Requires association of condominium created on and after September 27, 2007 to be incorporated if condominium consists of more than 4 units.
- ▶ Permits board of existing association to incorporate association as an Oregon nonprofit corporation notwithstanding a provision in the declaration or bylaws providing otherwise or requiring approval of owners to incorporate.

*ORS 100.405(1)(a): Sec. 11*

**E. DISCLOSURE REGARDING UNIT AREAS**

- ▶ Requires declaration to include disclosure regarding square footage areas stated in declaration and plat.

*ORS 100.105: Sec. 8*

**F. GRANTING OF EASEMENTS BY ASSOCIATION**

- ▶ Removes limitation that easement or other interest granted under section be for “underground” installation of certain utilities and communication lines.
- ▶ Clarifies that required owner consent is not required to be obtained at a meeting.

*ORS 100.405(5)-(8): Sec. 11*

- ▶ Clarifies application (Sec.29) of 2003 amendments.

*Sec. 12*

**G. AMENDMENTS**

**Compliance With Regulatory Requirements**

- ▶ Permits declarant to amend declaration and bylaws to comply with requirements of certain government agencies, Fannie Mae and others.

*(Conforms to ORS 94.585.)*

*New ORS 100.123: Sec. 4*

**Approval of Bylaw Amendments by Real Estate Commissioner**

- ▶ Requires amendments to bylaws approved by Commissioner to be recorded within two years.  
(Conforms to requirement for declaration approved under ORS 100.110(7).)  
*ORS 100.410: Sec. 13*

**H. MAINTENANCE OF PROPERTY**

- ▶ Provides unit owner is responsible for maintenance, repair and replacement of unit unless otherwise provided in declaration or bylaws.  
*ORS 100.535: Sec. 15*
- ▶ Provides association is responsible for maintenance, repair and replacement of common elements and that cost is a common expense unless otherwise provided in declaration or bylaws.  
*ORS 100.540: Sec. 16*

**I. REGULATION OF SALES**

- ▶ Exempts sale of nonresidential units from disclosure statement and related sales procedure requirements.  
*ORS 100.020(4): Sec. 6*

**III.  
MISCELLANEOUS**

**TIMESHARE ESTATES**

- ▶ Makes corresponding technical change to powers of timeshare association made by Section 11 to ORS 100.405: substitutes “convey” for “dispose of.”  
*ORS 94.858: Sec. 21*

**\*THIS IS A GENERAL SUMMARY TO ASSIST WHEN REVIEWING THE ENTIRE BILL.**

**FOR A COPY OF HB 2666 & OTHER INFORMATION REGARDING  
2007 HOA LEGISLATION GO TO:**

**[www.vf-law.com](http://www.vf-law.com)**

**Direct Link to ORS Chapters 94 and 100:**

**<http://www.leg.state.or.us/ors/home>**