

HOUSE AMENDMENTS TO HOUSE BILL 3447

By COMMITTEE ON EARLY CHILDHOOD AND FAMILY SUPPORTS

April 24

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 section, the follow-**
3 **ing provisions of a condominium’s governing documents are void and unenforceable:**

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

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

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

17 **“(a) Is reasonable; and**

18 **“(b) Does not have the effect of prohibiting or restricting the use of a unit as the prem-**
19 **ises of an exempt family child care provider participating in the subsidy program under ORS**
20 **329A.500 or as a certified or registered family child care home pursuant to ORS 329A.250 to**
21 **329A.450.**

22 **“(3)(a) Subsection (1) of this section does not apply to condominiums that provide housing**
23 **for older persons.**

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

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

27 **“(5) The following provisions of a planned community’s governing documents are void and**
28 **unenforceable:**

29 **“(a) Except as provided in subsection (6) of this section:**

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

33 **“(B) If the unit does not share a wall, floor or ceiling surface in common with another unit, a**
34 **provision that prohibits or restricts the use of the owner’s unit or lot as a certified or registered**
35 **family child care home pursuant to ORS 329A.250 to 329A.450.”.**

1 After line 18, insert:

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

3 “(a) Prohibit a homeowners association from adopting or enforcing a provision of the planned
4 community’s governing document that regulates parking, noise, odors, nuisance, use of common
5 property or activities that impact the cost of insurance policies held by the planned community,
6 provided the provision:

7 “(A) Is reasonable; and

8 “(B) Does not have the effect of prohibiting or restricting the use of a unit or lot as the premises
9 of an exempt family child care provider participating in the subsidy program under ORS 329A.500
10 or as a certified or registered family child care home pursuant to ORS 329A.250 to 329A.450.

11 “(b) Apply to planned communities that provide housing for older persons. As used in this par-
12 agraph, ‘housing for older persons’ has the meaning given that term in ORS 659A.421.”

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