

Dear Chair Williamson, Vice-Chair Gorsek, Vice-Chair Springer and Members of the Committee:

I write in opposition to House Bill 2617 which I understand is going to have a hearing in front of the committee tomorrow.

A little background on me - I am an attorney that specializes in representing condominium associations and homeowners associations across Oregon. I am a partner with the Vial Fotheringham law firm and have worked with former representative Rich Vial for several years. I have been practicing in this area of law for 13 years now and I represent a couple hundred associations.

Part of my job involves attending Association meetings. Often, when a lawyer gets asked to attend a meeting, it is because the Board is discussing some controversial issue. Examples of those types of issues include ongoing litigation, neighbor versus neighbor disputes, board recalls and expensive building repair projects. I've attended many meetings where I have been recorded by homeowners. Sometimes they inform me that they are recording me – sometimes they don't. While I don't personally have an issue with being recorded - I've observed that the presence of a neighbor recording the meeting often has a chilling effect on the willingness of other neighbors to discuss their viewpoints in the meeting.

My experience has been that most of time when I encounter an owner recording a meeting – it's not for the purpose of transparency or ensuring that minutes accurately capture what occurred at the meeting – it's for the purpose of intimidating the volunteer Board. It has also been my experience that folks that aren't used to being recorded often behave differently when they know they are being recorded. I've had several owners come up to me after meetings and tell me that they were less comfortable asking questions, making comments, offering input to the Board because they knew they were being recorded by one of their neighbors. The message that recording a difficult meeting often sends to one's neighbors is: "I'm recording you so I have evidence to use in a lawsuit against the you". That scares other members of the community to the point of silencing some of them.

I understand and fully support the goal of having more transparency in our condominium and homeowners associations. But my feeling being around a lot of these organizations is that to have true transparency – you need to have an environment that makes every owner as comfortable as possible expressing their opinion. I actually think this bill undermines the goal of transparency in HOAs. For that reason – I oppose the bill.

Thank you very much for considering my thoughts and comments on the bill.

Respectfully,

Jason Grosz