

**A-Engrossed**  
**Senate Bill 503**

Ordered by the Senate March 17  
Including Senate Amendments dated March 17

Sponsored by Senator GOLDEN (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Requires Real Estate Agency to study homeowners associations. Directs agency to submit findings to interim committees of Legislative Assembly related to housing no later than September 15, 2024.]*

**Eliminates requirement for unanimous consent of owners of affected lots or units in planned community when method of determining liability for common expenses or right to common profits is changed.**

**A BILL FOR AN ACT**

Relating to homeowners associations; amending ORS 94.590.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 94.590 is amended to read:

94.590. (1)(a) The declaration may be amended only with the approval of owners representing at least 75 percent of the total votes in the planned community or any larger percentage specified in the declaration.

(b) An amendment under this section may not:

(A) Limit or diminish any right of a declarant reserved under ORS 94.580 (3) or (4) or any other special declarant right without the consent of the declarant. A declarant may waive the declarant's right of consent.

(B) **Unless the owners of the affected lots or units unanimously consent to the amendment**, change the boundaries of any lot or any uses to which any lot or unit is restricted as stated in the declaration under ORS 94.580 (2)(m) or change *[the method of determining liability for common expenses, the method of determining the right to common profits or]* the method of determining voting rights of any lot or unit *[unless the owners of the affected lots or units unanimously consent to the amendment]*.

(c) Any changes to the plat, including required approvals or consents of owners or others, are governed by the applicable provisions of ORS 92.010 to 92.192.

(2)(a) Unless otherwise provided in the declaration, an amendment to the declaration may be proposed by a majority of the board of directors or by at least 30 percent of the owners in the planned community.

(b) When the *[association adopts]* **owners adopt** an amendment to the declaration, the association shall record the amendment in the office of the recording officer in each county in which the planned community is located. An amendment of the declaration is effective only upon recordation.

(3) Notwithstanding a provision in a declaration that requires amendments to be executed and

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 acknowledged by all owners approving the amendment, amendments to a declaration under this  
2 section shall be executed and certified on behalf of the association by the president and secretary  
3 as being adopted in accordance with the declaration and the provisions of this section and ac-  
4 knowledged in the manner provided for acknowledgment of deeds.

5 (4) An amendment to a declaration or plat shall be conclusively presumed to have been regularly  
6 adopted in compliance with all applicable procedures relating to such amendment unless an action  
7 is brought within one year after the date such amendment was recorded or the face of the recorded  
8 amendment indicates that the amendment received the approval of fewer votes than required for  
9 such approval. However, nothing in this subsection shall prevent the further amendment of an  
10 amended declaration or plat.

11 (5) During any period of declarant control, voting on an amendment under subsection (1) of this  
12 section shall be without regard to any weighted vote or special voting right reserved by the  
13 declarant except as otherwise provided under ORS 94.585. Nothing in this subsection is intended  
14 to prohibit a declarant from reserving the right to require the declarant's consent to an amendment  
15 during the period reserved in the declaration for declarant control.

16 (6) The board of directors, upon the adoption of a resolution, may cause a restated declaration  
17 to be prepared and recorded to codify individual amendments that have been adopted in accordance  
18 with this section or ORS 94.585 without the further approval of owners. A declaration restated un-  
19 der this subsection must:

20 (a) Include all previously adopted amendments in effect and may not include any other changes  
21 except to correct scriveners' errors or to conform format and style;

22 (b) Include a statement that the board of directors has adopted a resolution in accordance with  
23 this subsection and is causing the declaration to be restated and recorded under this subsection;

24 (c) Include a reference to the recording index numbers and date of recording of the initial dec-  
25 laration and all previously recorded amendments in effect being codified;

26 (d) Include a certification by the president and secretary of the association that the restated  
27 declaration includes all previously adopted amendments in effect and no other changes except, if  
28 applicable, to correct scriveners' errors or to conform format and style; and

29 (e) Be executed and acknowledged by the president and secretary of the association and re-  
30 corded in the deed records of each county in which the planned community is located.

31