

SENATE AMENDMENTS TO SENATE BILL 503

By COMMITTEE ON HOUSING AND DEVELOPMENT

March 17

1 In line 2 of the printed bill, after “associations” insert “; amending ORS 94.590”.
2 Delete lines 4 through 8 and insert:
3 “**SECTION 1.** ORS 94.590 is amended to read:
4 “94.590. (1)(a) The declaration may be amended only with the approval of owners representing
5 at least 75 percent of the total votes in the planned community or any larger percentage specified
6 in the declaration.
7 “(b) An amendment under this section may not:
8 “(A) Limit or diminish any right of a declarant reserved under ORS 94.580 (3) or (4) or any other
9 special declarant right without the consent of the declarant. A declarant may waive the declarant’s
10 right of consent.
11 “(B) **Unless the owners of the affected lots or units unanimously consent to the amend-**
12 **ment,** change the boundaries of any lot or any uses to which any lot or unit is restricted as stated
13 in the declaration under ORS 94.580 (2)(m) or change [*the method of determining liability for common*
14 *expenses, the method of determining the right to common profits or*] the method of determining voting
15 rights of any lot or unit [*unless the owners of the affected lots or units unanimously consent to the*
16 *amendment*].
17 “(c) Any changes to the plat, including required approvals or consents of owners or others, are
18 governed by the applicable provisions of ORS 92.010 to 92.192.
19 “(2)(a) Unless otherwise provided in the declaration, an amendment to the declaration may be
20 proposed by a majority of the board of directors or by at least 30 percent of the owners in the
21 planned community.
22 “(b) When the [*association adopts*] **owners adopt** an amendment to the declaration, the associ-
23 ation shall record the amendment in the office of the recording officer in each county in which the
24 planned community is located. An amendment of the declaration is effective only upon recordation.
25 “(3) Notwithstanding a provision in a declaration that requires amendments to be executed and
26 acknowledged by all owners approving the amendment, amendments to a declaration under this
27 section shall be executed and certified on behalf of the association by the president and secretary
28 as being adopted in accordance with the declaration and the provisions of this section and ac-
29 knowledged in the manner provided for acknowledgment of deeds.
30 “(4) An amendment to a declaration or plat shall be conclusively presumed to have been regu-
31 larly adopted in compliance with all applicable procedures relating to such amendment unless an
32 action is brought within one year after the date such amendment was recorded or the face of the
33 recorded amendment indicates that the amendment received the approval of fewer votes than re-
34 quired for such approval. However, nothing in this subsection shall prevent the further amendment
35 of an amended declaration or plat.

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

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

10 “(a) Include all previously adopted amendments in effect and may not include any other changes
11 except to correct scriveners’ errors or to conform format and style;

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

14 “(c) Include a reference to the recording index numbers and date of recording of the initial
15 declaration and all previously recorded amendments in effect being codified;

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

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

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