Submitter: John Gibbon

On Behalf Of: self

Committee: House Committee On Housing and Homelessness

Measure: SB503

My name is John Gibbon. I am submitting this written testimony and not appearing in person only because the rough roads of the Malheur Wildlife Refuge extracted a toll on my aged Harney County pickup and delayed by a day a return to my Portland residence. Thank goodness that zip ties have moved the art of Eastern Oregon auto repair past the 20th century's barbed and baling wire standards or my ignition system woes might well have kept away from a needed (if not necessarily desired) return to Portland at the time of of your scheduled hearing. I this hope written testimony is sufficient to persuade the committee not to adopt this sea change in Oregon law.

As long time and current resident of 1970s era Home Owners Association, a retired attorney who practiced Community Association Law throughout a 40 year career and focused almost half of that career on representing condo unit owners or PCA home owners exclusively and working in my retirement for an honorarium as a member of my association's self managing Board of Directors I reluctantly, in the face of the disturbing problem that to gave rise this proposal, urge you to reject this change to the Planned Community Act.

I recognize that the situation that prompted the proponents to request the bill may well be one were they have some amount of equity on their side. I note however that if I practicing and asked to represent them to address this "problem" as I did for many other owners before I expended more than a bit of their initial $300 investigation deposit, I would know if in fact their projects single family owners weren't as lot home owners having to individually pay for for yard maintenance that the town home owners, surrounded by common open space, are paying for collectively in a combined pool and common space assessment. If that was the case I am not so sure that a true question of equity presents itself; even if it does in this particular case I am not sure making such a major change to our law because of a dispute about amenities is justified, given that as proposed the law change also affect other financial burdens such as those relating to common infrastructure.

I've resided and owned both a Oregon condominium unit then Home Owners Association home since 1983. The HOA where I have lived for 27 years predates the Planned Community Act and collects no assessment for any amenity like a swimming pool since its developer, responding to the same of economic uncertainty that apparently caused the "problem" the proponents address with the law change, dropped the pool and built additional houses. I fear our common assessment, which by the express requirements of our declaration must be "uniform" and has been absolute throughout the project's existence may well be subject to being changed by

the provisions of the proposed law.

These uniform assessments go only to maintain the roads, street lights, pathways, streams, drains and pipes on the common areas that abutting and connect these systems. Collectively the systems make living in 85 single family homes and 8 common wall homes on 18 acres of land possible. I cannot reasonably say that each of those homes gain the exact same benefit from each of these various systems yet I can tell you that uniformity of assessment is essential to maintaining the existing systems equitably for all my fellow home owners. I am convinced that a change to Oregon law allowing our uniform allocational requirement to be debatable would be detrimental to all off my fellow home owners and unfair to some.

I've had a 40 year career and a nearly equal lifetime raising two children in community associations because Robert Randall educated employees to produced good housing. Even great builders make mistakes, the first condo unit I bought was one he developed, and after I owned it, using Oregon law, I separated out a single family home from the remaining town homes, this is the solution proponents need not a change in settled law