

CAI's Position Statement In Opposition to HB 3144

Opposition to House Bill 3144: Protecting the Integrity of Community Associations

Dear Chair Representative Pam Marsh, Vice-Chairs Representative Tom Andersen and Representative Vikki Breese-Iverson, and Members of the Housing and Houseless Committee,

On behalf of the Oregon Community Association Institute (CAI) Legislative Action Committee (LAC), which represents the interests of approximately 565,000 Oregonians residing in 228,000 homes within more than 3,980 community associations across the state, we are writing to express our strong opposition to House Bill 3144. This bill, which seeks to void provisions in governing documents of community associations that prohibit or restrict the siting of manufactured dwellings or prefabricated structures, including accessory dwelling units (ADUs), presents significant concerns for homeowners and associations across Oregon.

While the intent of this bill may be to encourage affordable housing options, we believe the one-size-fits-all approach proposed in HB 3144 is overly broad and would have sweeping, negative consequences for community associations. Specifically, it would force communities to approve manufactured and prefabricated homes that may not fit the architectural integrity or character of the neighborhood, disrupting the carefully crafted agreements that homeowners have made through their governing documents.

Community associations play a critical role in maintaining property values, ensuring aesthetic consistency, and preserving the long-term quality of life for residents. Currently, 86% of association residents rate their overall community association experience as very good or good (60%) or neutral (26%) and 87% of residents say their association's rules protect and enhance property values (63%) or have a neutral effect (25%); only 7% say the rules harm property values.

The governing documents, which reflect the desires and agreements of homeowners, are vital in maintaining a community's identity and protecting the investments of all residents. By voiding these provisions that restrict manufactured homes, HB 3144 undermines the authority of community associations to maintain architectural standards and could lead to the approval of structures that are not aligned with the community's established vision.

The language in HB 3144 is vague, particularly terms such as "unreasonably restricting," which can be interpreted in ways that force communities to allow manufactured and prefabricated homes where they may not be suitable or desired. This ambiguity opens the door to legal challenges and creates uncertainty, which could ultimately disrupt the cohesiveness and functionality of the community.

This after-the-fact voiding of contractual language is not the right approach. It disregards the fundamental principle of local control and community autonomy. Communities should have the flexibility to determine what best suits their neighborhood, rather than being subject to a statewide mandate that imposes changes on all communities without consideration of their unique circumstances.

Rather than imposing a blanket policy, we encourage the committee to explore a more tailored approach that respects the autonomy of communities, and the agreements homeowners have made. The ability to maintain architectural standards through governing documents is an essential tool for communities to protect property values and ensure their long-term success.

We respectfully urge you to reject HB 3144 and preserve the right of community associations to enforce governing documents that protect the integrity and value of their neighborhoods.

Thank you for your time and consideration.

Sincerely,

Katie Anderson
On behalf of the Oregon Community Association Institute (CAI) Legislative Action Committee
(LAC)



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