

SB 847
Written Testimony in Support
Michelle D. Da Rosa
On Behalf of the Condominium Working Group

Section 15-19, Amendment -2 (revisions to ORS 100.015, 100.022, 100.105, and 100.110)

Condominiums are a key tool for making Middle Housing available for homeownership, and the only tool available for vertical projects and mixed use projects that want to offer unit ownership possibilities or the mixing of retail and commercial with rental apartments under separate ownership. Condominium ownership regimes are essential for utilization with such projects for use with Low Income Housing Tax Credits/New Market Tax Credits, and state Local Innovation and Fast Track funds for homeownership. Passing the bill will make condominium establishment more predictable, uniform across the state from jurisdiction to jurisdiction as intended, and faster--and therefore, more affordable.

The proposed amendments to the Oregon Condominium Act in SB 847 clarify the original intent of 100.022, making the Condominium Act preemptive of additional or different local ordinances and procedures that may be adopted about condominium establishment or their restriction. The amendments do not change the roles of either OREA or the county surveyors; their statutory proscribed roles, approval criteria, and the requirements for condominiums otherwise, remain the same.

The goal of this part of the housing bill is to stop the proliferation of local add-ons, fees, and restrictions on condominiums to certain zones or certain types of buildings, by a growing number of local jurisdictions. Such jurisdictions are still a relatively small minority, but they have influence and significant populations. In those places, the extra condominium ordinances and requirements have meant extra fees, procedures (sometimes elaborate ones, like design review), conditions of approval, requirements for plat execution, and delays for condominium developers, including affordable housing developers, by adding a third (unnecessary) layer of government 'oversight' to a process that is already highly regulated.

The Condominium sections of the bill also clarify the requirements for naming condominium plats.

The proposed -2 amendment conforms to the version of the condominium portion of the bill that has been introduced in the House by Rep. Helm's office as HB 3342, which was a product of work with Rep. Helm's office, and Legislative Counsel, Robert Mauger, and the Condominium Working Group, which supports the amendment. Attached to this testimony is the list of members and their affiliations.

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**Coordinating Member/Contact for questions or information. Committee member/worked with the committee (formed by the House Interim Committee on Housing and Urban Development) that recommended the proposed Oregon Planned Community Act to 1981 Legislature.*

LIAISONS:

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CAI Legislative Action Committee
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GENERAL BACKGROUND
Condominium Working Group
(AKA Condominium & HOA Working Group)

Prior to the 1977 Legislative Session, the Oregon Association of Realtors, in anticipation of increased interest in condominiums and, in particular, conversion condominiums, formed a study group to review the condominium statutes. Based on the recommendations of the study group, the first significant revisions to the Unit Ownership Law (now known as the “Oregon Condominium Act”) since its enactment in 1963 were enacted by the 1977 Legislature.

Since 1977, the core of the OAR study group (“Condominium Working Group”) together with others representing developers, homeowner associations, managers and others in the industry have continued to review and propose legislation relating to condominiums and planned communities. Representatives from the Oregon Real Estate Agency have participated in the group from its initial formation and continue in an advisory capacity.

The Condominium Working Group currently includes a representative of the Community Associations Institute (CAI) Legislative Action Committee (LAC) and the chair of Oregon Washington Community Association Managers (OWCAM) Legal & Legislative Committee.