

Enrolled
House Bill 2486

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Condominium Working Group)

CHAPTER

AN ACT

Relating to condominium reports; amending ORS 100.260, 100.265 and 100.275 and section 46, chapter 69, Oregon Laws 2019 (Enrolled House Bill 2485).

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

SECTION 1. ORS 100.260 is amended to read:

100.260. (1) The Condominium Information Report required under ORS 100.250 (1)(a) shall set forth:

- (a) The name of the association;
- (b) The name of the condominium and the county in which the condominium is located;
- (c) The mailing address, including the street and number, if any, and county of the association;
- (d) The date the condominium declaration was recorded and the recording index numbers;
- (e) The name and residence or business address, including the street and number, of the person designated as agent to receive service of process in cases provided in ORS 100.550 (1) and any other legal proceeding relating to the condominium or association; and
- (f) The number and type of units as follows:
 - No. _____ Living Units
 - No. _____ Commercial/Office Units
 - No. _____ Other (describe) _____

(2) The Annual Report required under ORS 100.250 (1)(b) shall set forth:

- (a) The information required under subsection (1)(a), (b), (c) and (e) of this section;
- (b) The names and addresses of the chairperson and secretary of the association; and
- (c) If the designated agent is changed, a statement that the new agent has consented to the appointment.

(3) The amendment required under ORS 100.250 (1)(c) shall set forth:

- (a) The name of the association as shown on the current records of the Real Estate Agency;
- (b) The name of the condominium and county in which the condominium is located;
- (c) A statement of the information as changed; and
- (d) If the current designated agent is to be changed, the name of the new designated agent and residence or business address, including the street and number, and a statement that the new agent has consented to the appointment.

(4) The filing by the Real Estate Agency of an amendment which changes the designated agent shall terminate the existing designated agent on the effective date of the filing and establish the newly appointed designated agent as that of the association.

(5) The reports and amendment described in this section and an application for termination described in ORS 100.280 shall be made *[on forms]* **in a format** prescribed and furnished by the Real Estate Agency and must be accompanied by the correct filing fee and shall:

(a) Contain information current as of 30 days before delivery for filing;

(b) Be executed by the *[designated agent and]* **declarant** until the turnover meeting *[by the declarant]* and thereafter by **either** the chairperson or secretary of the association;

(c) State beneath or opposite the signature the name of the person and the capacity in which the person signs; and

(d) As required or allowed by rule of the Real Estate Agency:

[(d)] (A) Contain any necessary additional identifying information [that the Real Estate Agency may require by rule.]; and

(B) Be completed by electronic communications, including receipt of the filing fee.

SECTION 1a. If House Bill 2485 becomes law, section 1 of this 2019 Act (amending ORS 100.260) is repealed and ORS 100.260, as amended by section 42, chapter 69, Oregon Laws 2019 (Enrolled House Bill 2485), is amended to read:

100.260. (1) The Condominium Information Report required under ORS 100.250 (1)(a) must set forth:

(a) The name of the association;

(b) The name of the condominium and the county in which the condominium is located;

(c) The mailing address, including the street and number, if any, and county of the association;

(d) The date the condominium declaration was recorded and the recording index numbers;

(e) The name and residence or business address, including the street and number, of the person designated as agent to receive service of process in cases provided in ORS 100.550 (1) and any other legal proceeding relating to the condominium or association; and

(f) The number and type of units as follows:

No. _____ Living Units

No. _____ Commercial/Office Units

No. _____ Other (describe) _____

(2) The Annual Report required under ORS 100.250 (1)(b) must set forth:

(a) The information required under subsection (1)(a), (b), (c) and (e) of this section;

(b) The names and addresses of the secretary and the chairperson or president of the association; and

(c) If the designated agent is changed, a statement that the new agent has consented to the appointment.

(3) The amendment required under ORS 100.250 (1)(c) must set forth:

(a) The name of the association as shown on the current records of the Real Estate Agency;

(b) The name of the condominium and county in which the condominium is located;

(c) A statement of the information as changed; and

(d) If the current designated agent is to be changed, the name of the new designated agent and residence or business address, including the street and number, and a statement that the new agent has consented to the appointment.

(4) The filing by the Real Estate Agency of an amendment that changes the designated agent must terminate the existing designated agent on the effective date of the filing and establish the newly appointed designated agent as that of the association.

(5) The reports and amendment described in this section and an application for termination described in ORS 100.280 must be made *[on forms]* **in a format** prescribed and furnished by the Real Estate Agency and must be accompanied by the correct filing fee and shall:

(a) Contain information current as of 30 days before delivery for filing;

(b) Be executed by the *[designated agent and]* **declarant** until the turnover meeting *[by the declarant]* and thereafter by the **secretary, president or chairperson of the** association;

(c) State beneath or opposite the signature the name of the person and the capacity in which the person signs; and

(d) As required or allowed by rule of the Real Estate Agency:

[(d)] (A) Contain any necessary additional identifying information [that the Real Estate Agency may require by rule.]; and

(B) Be completed by electronic communications, including receipt of the filing fee.

SECTION 1b. If House Bill 2485 becomes law, section 46, chapter 69, Oregon Laws 2019 (Enrolled House Bill 2485), is amended to read:

Sec. 46. (1) Except as provided in subsection (2) of this section, sections 2, 12, 13, 19, 20 and 29 *[of this 2019 Act]*, **chapter 69, Oregon Laws 2019 (Enrolled House Bill 2485)**, and the amendments to statutes by sections 3 to 10, 14 to 17, 21 to 27 and 30 to 45 *[of this 2019 Act]*, **chapter 69, Oregon Laws 2019 (Enrolled House Bill 2485)**, and **section 1a of this 2019 Act**, apply only to instruments executed on or after the effective date of *[this 2019 Act]* **chapter 69, Oregon Laws 2019 (Enrolled House Bill 2485)**.

(2) The amendments to the references to the termination date specified in ORS 100.105 (2)(b) in ORS 100.105 (3)(a) by section 3 *[of this 2019 Act]*, **chapter 69, Oregon Laws 2019 (Enrolled House Bill 2485)**, refer to termination dates established by documents executed on, before or after the effective date of *[this 2019 Act]* **chapter 69, Oregon Laws 2019 (Enrolled House Bill 2485)**.

SECTION 2. ORS 100.265 is amended to read:

100.265. (1) Not less than 30 days before the report date, the Real Estate Agency shall *[mail the Annual Report form described in ORS 100.260 (2) to]* **notify** the association *[at the mailing address shown for the association in the current records of the office and shall]* **of the pending Annual Report filing requirements and** indicate the date by which the report is due. **By rule, the agency may send this notice by first-class mail or electronic mail to the association's address in the current records of the agency.** Failure of the association to receive the *[Annual Report form from the Real Estate Agency shall]* **notice does** not relieve the association of its *[duty to deliver for filing to the office as required]* **duties** under ORS 100.250 *[(1)(c)]* (1).

(2) After the report date, if no Annual Report has been delivered for filing, the Real Estate Agency shall send to the designated agent a notice of delinquency notifying the association that the filing shall be designated "delinquent" unless a report is filed within 45 days after the mailing of such notice.

(3) When an association has been given a notice of delinquency in accordance with subsection (2) of this section and failed to correct the delinquency within 45 days:

(a) The Real Estate Agency shall designate the filing "delinquent."

(b) If within 30 days after written notice has been given to the association by the opposing party in any suit or action to which the association is a party, the association has not complied with the filing requirements of ORS 100.250 (1), the association may not continue to prosecute or defend such suit or action until the filing is designated "current" as provided in ORS 100.255. A copy of such notice shall be delivered to the Real Estate Agency. The Real Estate Agency shall retain such copy with the filing for the association for a period of not less than 12 months.

SECTION 3. ORS 100.275 is amended to read:

100.275. (1) Subject to ORS 100.550 (3), ORS 100.250 to 100.280, including the filing of a Condominium Information Report described in ORS 100.260 (1), apply to property submitted to the provisions of this chapter before October 3, 1989, if:

(a) The board of directors of the association receives a written request to comply with such sections from at least one unit owner or holder of a first mortgage or deed of trust on a unit;

(b) The board of directors of the association adopts a resolution to comply with such sections in accordance with the bylaws;

(c) The association is a party to a suit or action, the person designated in the declaration under ORS 100.105 (1)(L), the chairperson or secretary receives written notice to comply with such sections from any other party to such suit or action. A copy of the notice shall be delivered to the Real Estate Agency. The Real Estate Agency shall provide a copy of the filed report to the re-

requesting party and may charge the association a fee for cost of such action. If the association fails to deliver for filing such report, the provisions of ORS 100.265 (3) shall apply; or

(d) A filing is required to comply with the requirements of ORS 100.120, 100.135 or 100.450.

(2) The Condominium Information Report required under subsection (1) of this section shall be executed by the chairperson or secretary of the association [*and the designated agent*].

Passed by House April 4, 2019

Received by Governor:

Repassed by House June 5, 2019

.....M,....., 2019

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M,....., 2019

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate May 16, 2019

Filed in Office of Secretary of State:

.....M,....., 2019

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Peter Courtney, President of Senate

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Bev Clarno, Secretary of State