

**QUINTET HOMEOWNERS ASSOCIATION  
BOARD OF DIRECTOR'S MEETING  
May 23, 2022  
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**MINUTES OF THE BOARD OF DIRECTORS OF THE QUINTET CONDOMINIUM, MEETING WAS CONDUCTED VIA ZOOM VIRTUAL MEETING & TELECONFERENCE.**

**PRESENT Via Zoom:** Tom Cherry, Chair  
Tom Lichty, Treasurer  
Susan Morningstar, Secretary  
Elva Kopacz, Director  
Ken Rinehart, Director  
John Gilchrist, Director  
Louise Lague, Director

**Absent:** Philip Wu, Director

**Managers:** Jimmy Songvilay, Property Manager, Kin Living

**I. Call to Order**

Chair Cherry called the meeting to order at 6:01 p.m.

**II. Approval of Minutes**

**Secretary Morningstar moved to approve the April 25, 2022, minutes as amended, Seconded by Director Gilchrist. Discussion: None. Motion passed unanimously.**

**III. Officers' Remarks**

- a. **President** – Would like to thank committee members for volunteering. Committees help the Board make informed decisions for the Association.
- b. **Treasurer** – Reported that the Finance Committee had considerable discussions to revisit the bidding policy. Finance Committee will review the process and report back to the Board with any recommendations. Treasurer Lichty provided a summary of the Association profit/loss statement to date.
- c. **Secretary** - None

**IV. Kin Living Report and Updates**

**Freight Elevator Software Update – Solution Recommendation** – Board reviewed solution recommendation S-2022-0558 to back up the Dover DMC circuit boards for 5 freight elevators. The current boards are obsolete, backing up software will allow the elevators to be functional if the boards are to fail. This maintenance follows the KONE assessment management plan and is funded in the reserve study for 2022.

Director Gilchrist moved to approve solution recommendation S-2021-0558 to back up dover DMC software as recommended by asset management plan provided by KONE to be paid out of reserves. Seconded by Director Kopacz. Discussion: None. Motion passed unanimously.

#### **ACTION NEEDED**

##### **Maintenance Items**

- **Freight Elevators Software Update** – Management received bid from KONE to update software for all 5 freight elevators.
  - Action Taken: Management provided bid and background details in solution recommendation.
  - Status: Solution recommendation included in Board packet for approval.

#### **NO ACTION NEEDED – INFORMATIONAL ITEMS**

##### **Maintenance Items**

- **Storm Damage Cleanup** – Board approved bid from Bartlett to complete storm repairs and clean up.
  - Action Taken: Bartlett has completed work included in proposal to storm clean up. Management has requested a breakdown of costs associated with this maintenance.
  - Status: Maintenance completed. Detailed report forthcoming.
- **B2 Hallway Recoat** – Tatley Grund started the hallway recoating project in certain areas that had leaks in the soffits below. This maintenance was approved at the April Board meeting.
  - Status: Ongoing – Estimated completion date is end of next week.
- **Roof Repairs** – Carlson Roofing provided a report from their latest moss treatment. Items on the report required some repairs to B3 and B4.
  - Action Taken: Manager Songvilay shared the bid with Treasurer Lichty and Director Gilchrist and indicated the cost of repairs (\$3,331) are in line for 2022 budget (\$5,004) for roof repairs.
  - Status: Management executed the bid and awaiting a schedule date.

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- **Pool Dehumidifier** – Ms. Correa received report from onsite staff that the dehumidifier for the pool is not working properly.
  - Action Taken: Ms. Correa made an appointment with American Heating to investigate the dehumidifier. American Heating made some adjustments to the current system and all systems are in working order.
  - Status: Complete
  
- **Entry Way Call Box** – Management received reports from residents that the front call box was not working at the entry gate.
  - Action Taken: Ms. Correa dispatched Metro Access Control. The technicians arrived to provide an analysis of the issue. More help was needed so a return visit was warranted. The following day, Metro returned and was able to re connect the main call box entry system with the Brivio System housed in the Clubhouse office.
  - Status: Complete
  
- **Jacuzzi Jet Pump** – Onsite staff reported the jets for the jacuzzi has failed.
  - Action Taken: Ms. Correa contacted Apollo Pool and Spa to investigate the matter. Apollo found a leak in the jet pump. They replaced the leaking unit.
  - Status: Complete
  
- **Fence Repair** – The latest storm caused further damage to the fence line around the property.
  - Action Taken: Management dispatched Tross to prepare a building walk to address further damage to the fences from the latest storm. A bid is forthcoming.
  - Status: Ongoing
  
- **Concrete Drilling** – Beltz Construction has completed the core drilling of the residential parking garage of all 5 buildings. A follow up report is forthcoming.
  - Status: Maintenance completed. Report forthcoming

**Association Operations**

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- **Clubhouse Office Internet Down** – Ms Correa reported that the Clubhouse office internet was down. Comcast was contacted and deemed the modem needed replacement. Tech arrived the following day and replaced the modem.
- **Tree Assessment Bid** – Manager Songvilay contacted 4 arborists to obtain a bid for a tree assessment as instructed by the Board. General Tree Service, Treecology, All Around Tree Care and Pacific Consultant Arborist. General Tree and All Around Tree Care declined to bid. Pacific Consultant Arborist bid was shared with the Landscape Committee Chair. Treecology bid is forthcoming.

**V. Committee Recommendations for Board Action**

- a. **Reserve Committee – Attachment 1** – Director Gilchrist provided a summary of the reserves committee May meeting. Director Gilchrist proposed having a meeting in the Clubhouse Sunday evening to learn more about the reserves and maintenance for the Association.
- b. **Security Committee** – Jennifer Whybra-Ucar stated the committee is continuing to work with ECAM Secure to upgrade the CCTV system for the buildings. The initial bid had some questions from the committee that needed answers. The committee is working to obtaining proposals from two other vendors and research neighborhood watch groups as recommended by the Sheriff office. Proposals will be shared with the Board for review as soon once finalized.
- c. **Rules Committee – Attachment 2** – Jane Edwards provided a brief summary of HB2534 that states removal of discriminatory language from the Associations CC&Rs. She indicated that the Rules Committee is finalizing language on their Charter. Would also like to propose the Association setup up an email address to register with the Oregon Real Estate Agency. The cost for setting up this email is \$47.00. Chair Cherry recommended to have the Rules Committee put their requests in a single document for the Board members to review. Tabled until the next meeting.

**Director Kopacz moved to approve the expenditure of \$47.00 to set up an email address of the Association to complete registration requirements by the Oregon Real Estate Agency. Seconded by Director Lague. Discussion – None. Motion passes unanimously.**

**VI. Old Business**

- a. **Hydro Jetting** – Board reviewed email from Charter Mechanical that stated in their professional opinion, hydro jetting the two stacks (unit 114 & 317) was not immediately needed. Their recommendation was that these two stacks can wait for this maintenance next year when all stacks will be jetted. The costs to jet the two

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stacks now is \$4,766. The cost to jet all stacks (46) is \$13,777. Director Kopacz noted jetting the two stacks now is not worth the costs especially when the Association is looking to save money. Director Rinehart agreed and stated if the two owners would like to proceed with this maintenance, they would be billed back for this maintenance. Director Gilchrist stated based on the information provided by the professional consultant, he cannot support this maintenance for this year. Director Morningstar requested to have this maintenance done 1<sup>st</sup> quarter of 2023. Manager Songvilay confirmed that this maintenance can be scheduled early next year. The owners of the units opposed this decision by the Board. They would like to request to have Management send out reminders of best drain practices.

**Secretary Morningstar moved to approve the cost of this maintenance in an amount not to exceed \$14,000. Seconded by Director Gilchrist. Discussion: The reserves study has monies allocated for this maintenance for 2023 in the amount \$13,394.53. Secretary Morningstar would like to amend her motion.**

**Secretary Morningstar motion to have Kin Living obtain two additional bids for this maintenance. Seconded by Director Gilchrist. Discussion: None. Motion passes unanimously.**

- b. EV Charging** – Treasurer Lichty noted that there is a small group of residents currently in the works of EV Charging. The group consists of himself, Director Wu and owner Alonzo Jamison. Treasurer Lichty will provide an update at the next Board meeting.

**VII. New Business**

- a. Board Retreat** – Board discussed a retreat for all Board members. The retreat has been found to be very helpful for newer Board members. The Board will discuss offline on date and times that will accommodate the schedule of all Board members and Associations legal counsel.
- b. July Social** – Board discussed with the Social Committee having a social event in July as all socials have been postponed due to COVID. The Social Committee is requested a budget amount of \$600. Tentative date is Sunday July 17<sup>th</sup>.

**Director Lague moved to approve \$600 budget for the Social Committee. Seconded by Director Gilchrist. Discussion: None. Motion unanimously.**

**VIII. Comment/Concerns Forms - None**

**IX. Owner's Forum - None**

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**X. Adjournment**

**Director Rinehart moved to adjourn. Seconded by Secretary Morningstar. Motion passed unanimously.**

The meeting was adjourned at 7:41 p.m.

RESERVES COMMITTEE MINUTES

The meeting was called to order at 6:02 pm in the Clubhouse Conference Room. Members present: John Gilchrist (Chair), Ken Reinhart, Dwight Lockwood and Elva Kopacz. The committee is pleased to announce Rex Kattenberg as a new member.

**Old Business**

**Review of 2022 Projects**

- a. Asphalt Repair: John will work with Jimmy to schedule a walk-through to spot areas for repair. Optimally, a representative from the contracted vendor, Paving Maintenance, would join the walk-through and Jimmy will be asked to facilitate this. Funds allocated: \$12,655.
- b. Building Two Paint Touch-Up: Touch-up is on hold due to the pending RDH recommendation to perform full-building repainting. John will join a walk through with the Miller Paint representative to get her input on how the paint is holding up. This information will aid the committee in determining the timeline for repainting.
- c. Dryer Vent Cleaning: Jimmy will schedule Pearson Power Vac to clean the 92 vents that cannot be reached by our staff maintenance team. Funds allocated: \$3,953.
- d. Elevator Control Boards: John will query Jimmy on status of Kone's schedule to complete this work. Funds allocated: \$13,000.
- e. Elevator Motor Solid State Conversion: Jimmy is expected to schedule Taurus for conversion of B-1 freight and passenger elevators. Funds allocated: \$13,426/each elevator.
- f. Landscape (placeholder) pending projects as yet undefined. Funds allocated: \$10,000.
- g. Pond Circulation Pump Suction Pit Clean-Out: Pending scheduling. Funds allocated: \$6,760.
- h. Clubhouse Chimney Cap: Pending scheduling. Funds allocated: \$2,509.
- i. B-1 Roof (low slope) Membrane Replacement: Options were discussed. Scheduling pending. Funds allocated: \$254,592.

**RDH Envelope Study**

RDH provided a prioritized list of its Envelope Study recommendations on 5/12/22. RDH priorities for all buildings within the next 5 years include (but aren't limited to): repainting, replace both flat and glazed tile roofs, resurface open air corridors, replace or reengineer gutters, downspouts and French drains, remove and reengineer planter boxes and plazas. The timing of each of these items is considerably sooner than as scheduled by the Reserve Study and Board decisions. The committee discussed how to work with the RDH recommendations in a manner that will cause the least feasible financial impact while diligently preserving property.

The committee believes that these decisions require thorough fact-finding.

Goals:

- a. June Board Meeting - Provide recommendations regarding the draft Reserve Study and Maintenance Plan.
- b. Sept 1 – Complete revised design options for the B-2 raised planters based on B-1 experience and Reserve Study/ RDH Envelope Study findings.

**Action Items**

- a. John will work with Jimmy on scheduling Reserve Study 2022 scheduled projects.
- b. Committee members will continue to review the RDH Envelope and Schwindt Reserve studies.

Next meeting: June 16 at 6 p.m. in the Clubhouse conference room.

Meeting adjourned at 7:50 p.m.



DRAFT 5-3-2022

**THE ASSOCIATION OF UNIT OWNERS OF THE QUINTET CONDOMINIUM  
RULES AND REGULATIONS  
Revised xxx**

**Purpose**

As owners of a unit at The Quintet Condominium, we are members of the Association of Unit Owners which is governed by an elected Board of Directors. The mission of the Board is to assure the peaceful and orderly use and enjoyment of the Condominium by administering, managing, and operating the Association. To lead the community in this vision, the Board works to:

- Protect and enhance the association's real and intangible assets,
- Protect and enhance the welfare of the community, and
- Build the social and civil well-being of the community.

The Association recognizes that living in a condominium environment is different from living in a single-family home. While we enjoy the privacy of home ownership, we must also contribute to the well-being of the entire community through observing the Bylaws and these rules adopted by the Board of Directors on ??.

**Introduction**

The Association is regulated by the following laws in descending order of authority:

*Oregon Revised Statutes, Chapter 100* enacted by the Legislature. They set forth how Condominiums may be created and governed and how bylaws may be amended.  
[https://www.oregonlegislature.gov/bills\\_laws/ors/ors100.html](https://www.oregonlegislature.gov/bills_laws/ors/ors100.html)

*Declarations* prepared by the developer. They describe the Quintet and set forth the number and size of the units, the share of ownership each unit has in the common elements which determines each units' share of common expenses, designate parking places for each unit, and define the types of property at the Quintet:

**Common elements:** The spaces that all of us may use and for which all of us are responsible for maintaining through our dues. These include the landscape, the Club House and recreational facilities. They also include roofs, foundations, bearing walls, elevators, lobbies, stairways, pipes, ducts, wiring, and flues.

**Limited common elements:** Areas which owners control but are accessible to or visible by other owners. These include decks, balconies, and parking spaces.

**Units:** The space owners have exclusive right to occupy. Units end past the sheetrock.

*Bylaws* adopted by the first Board of Directors. They establish procedures for elections and annual meetings, duties and authority of the Board and Officers, and responsibilities of owners.

*Rules and regulations* authorized by Bylaw 7.5(m) adopted by the Board of Directors. They govern owners' and residents' conduct and use of facilities. The Declarations, Bylaws, and Rules are on the Quintet's website, <http://www.thequintet.org/documents/>.

## **I. Common Elements**

1. Owners are responsible for the actions of members of their families, pets, tenants, guests, other authorized occupants, and visitors.
2. Disturbing the landscape, entering or fishing in the streams and ponds, or defacing, vandalizing, or otherwise damaging Association property is prohibited.
3. Guests and house sitters who are staying more than 72 hours must be registered with the Office Manager.
4. Vehicles and Parking
  - a. All resident vehicles must be registered with the Office Manager and display a Quintet parking sticker.
  - b. A guest using a parking space for more than 72 hours must obtain a guest parking permit from the Office Manager and place it in the vehicle.
  - c. The following are prohibited:
    - i. Parking in spaces assigned to other residents without the permission of the resident.
    - ii. Parking on roadways.
    - iii. Parking in the fire lanes in the front of residential buildings or the Clubhouse other than to load or off-load passengers or small packages.
    - iv. Resident parking in guest spaces for more than six hours.
  - d. Vehicles or structures parked in violation of these rules may be towed at the vehicles' owners' expense.

Note: This is the original rule.

*[The following items may not be placed in parking spaces:*

- i. Temporary structures including tents, shacks, or storage sheds.*
- ii. trailers, trucks campers, boats, boat trailers, or other recreational vehicles without written permission of the Community Manager or Board.*

- iii. *PODs or similar equipment for more than one week without written permission of the Community Manager or Board.*
- iv. *Vehicles which are inoperable unless the vehicle is enveloped with a cover designed for vehicles.*
- v. *Items other than vehicles]*

e. Proposed New rule

**In additional to operable vehicles, the following may be placed in parking spaces:**

- i. **Trailers, trucks campers, boats, boat trailers, or other recreational vehicles with written permission of the Community Manager or Board.**
- ii. **PODs or similar equipment for less than one week and, with written permission of the Community Manager or Board, for more than one week.**
- iii. **inoperable vehicles enveloped with a cover designed for vehicles.**

- 5. For safety, security, and damage prevention, propping open the Club House doors, or residential building or side doors or the outside doors to the freight elevator is prohibited.
- 6. Garbage, trash, and recycling matter must be placed in the appropriate containers.
- 7. Contractors are not be permitted to put construction debris in Association bins.
- 8. Bulletin Boards
  - a. Notices may be posted only on Bulletin Boards designated for use of residents and owners.
  - b. Only the following notices may be posted:
    - i. Personal items belonging to residents for sale.
    - ii. Quintet units or parking spaces for sale or rent.
    - iii. Personal services provided by residents **for the benefit of other residents** [*offered to other residents in their or the other resident's unit such as cleaning, pet sitting, or music or language lessons*].
    - iv. Residents seeking items or services.
    - v. Residents seeking or offering car pools.

- vi. Owner or resident organized activities *[that are]* open to all owners and residents such as social, cultural, religious, political, or athletic events.
  - vii. Community events sponsored by non-profit and governmental organizations.
  - viii. Petitions on both Quintet and other issues.
- c. Notices must be dated and include the name and unit number of the person posting the notice.
  - d. Other than notices for owner or resident organized activities, notices must be removed after 30 days.
9. Other than notices on Bulletin Boards placed in accordance with these rules, no sign of any kind shall be displayed to the public view on or from any unit or the common elements.
10. Advertising material may not be placed on doors.
11. Because using passenger elevators to move heavy objects may damage their motors or inconvenience residents, using passenger elevators to move items larger than would fit in a Blue Cart other than luggage is prohibited.
12. *[To protect the safety of residents and guests, skateboarding, roller blading, roller skating, sledding, throwing balls, and similar activities are prohibited in the roadways, sidewalks, garages, hallways, stairwells, and elevators.]*
13. *Residents and their guests may use the green space between B3 (Cascade) and B4 (Maplewood) as well as the paved area by the tennis courts for recreational activities. Skateboarding, roller blading, and roller skating should be limited to the paved area so as to not damage green spaces. Children under the age of 12 must be supervised by an adult.]*
- 14. To protect the safety of residents and guests, running, skateboarding, roller blading, roller skating, sledding, throwing balls, riding bicycles, and similar activities are prohibited in garages, hallways, stairways, and elevators. Residents engaging in these activities in other common areas do so at their own risk and are liable for any harm they cause to persons or property.**
15. In accordance with the rules of Tualatin Valley Fire and Rescue to assure passage by emergency personnel and equipment, at least 48 inches of unimpeded space must be left in hallways.

16. To allow for drainage and reduce the risk of damage to the floor and wall membranes, plants must be placed in pans and on risers and decorative objects must be placed on risers.
17. Use of any Association facility for commercial purposes other than *[offers or]* sales of goods to owners and residents by residents **and personal services provided by residents for the benefit of other residents** is prohibited.

## II. Clubhouse, Tennis, Pickleball, and Basketball Courts

1. Pets are not allowed in the Clubhouse other than in the front lobby and patio.
2. No food, alcohol, or beverage other than water **in shatterproof containers** is permitted in the fitness center, swimming pool, spa, sauna, or tennis and basketball courts. *[Water is permitted only in shatterproof containers.]*
3. With the exception of guests registered with the Office Manager, residents must accompany their guests when using these facilities.
4. To assure residents' access to equipment, no more than two guests per unit are allowed in the fitness center at one time.
5. No more than seven guests per unit are allowed on the basketball, **pickleball**, and tennis courts. The courts must be yielded after one hour if others are waiting.
6. No more than four guests per unit are allowed in the pool, spa, or sauna and no more than two of these guests may be children under the age of 14.
7. In accordance with rules of the Oregon Health Authority, children under the age of 14 must be accompanied by an adult in the swimming pool, spa, and sauna and swimmers who are not toilet trained must wear a swim diaper.
8. Swimming attire must be worn in the pool, spa, and sauna.
9. Fitness center users under 12 years old must be supervised by an adult. *[All fitness users should be mindful of their own abilities and use the equipment accordingly.]*
10. Owners whose residence is other than the Quintet, may not use Club House facilities or the tennis or basketball courts unless their unit is unoccupied or they are guests of a resident in accordance with the guest rules. Owners are the persons whose names appear on the unit deed.
11. Moving the piano or placing objects on the piano is prohibited.
12. **If requested by a fitness center or pool user, any media audio must be turned off.**

## III. Limited Common Elements

1. The following are prohibited on deck and balconies:
  - a. Charcoal grills, smoking chips, or smokers.
  - b. Spotlights.
  - c. Unsecured planters or other items on deck half-walls.
2. Garments, rugs, laundry, or similar items may not be hung from windows, decks, or balconies.
3. Only standard coverings such as shades, drapes, curtains, or blinds may be used on windows.
5. Antennas or transmitting towers may not be affixed to decks or balconies.
6. To allow for drainage and reduce the risk of damage to the floor and wall membranes:
  - a. Plants must be placed in pans and on risers.
  - b. Decorative objects and storage boxes must be placed on risers.
  - c. Permanent materials that impede proper drainage must not be placed on deck floors. If rugs are laid, they must be taken up during the winter months.
  - d. Debris must be removed from scuppers (drains).
  - e. Deck walls must not be penetrated with screws, nails or other objects.
  - f. Screws inserted in ceilings must be caulked.
  - g. As of the effective date of these rules, hot tubs must not be placed on decks.
4. Decks and balconies must not be enclosed.
5. Throwing objects off decks and balconies is prohibited.

#### **IV. Units**

1. Structural modifications and changes to electrical, plumbing, heating, ventilation, or air conditioning systems may be performed only in accordance with state and local laws and must be approved by the Architectural Committee or the Board before work commences.
2. All front doors must be painted in the color determined by the Board.

3. Front door screens, storm doors, and windows must conform to specifications established by the Board and be approved by the Architectural Committee or the Board before they are installed.
4. The following are prohibited:
  - a. Water beds.
  - b. More than six persons occupying a unit.
  - c. Conducting commercial or professional activities without prior consent of the Board other than activities relating to the sale or rental of units or a home office.
  - d. Carrying on noxious or offensive activities.
  - e. Making noise which can be heard outside a unit between the hours of 10 pm and 7 am.
  - f. Noisy construction activities between 7 pm and 8 am weekdays and 7 pm Fridays to noon Saturdays and from 7 pm Saturdays to 8 am Mondays.
  - g. Unit-based security cameras aimed outside an individual unit.
  - h. Window/door sensors or motion detector tied to audible alarms. *[(These may be used if they are not tied to audible alarms.)]*

#### **V. Smoking move to page 2 at the beginning**

Smoking is prohibited in all common elements, limited common element, and units.

#### **VI. Pets**

1. Pets must be licensed in accordance with state or local laws and be registered with the Office Manager.
2. No animal or bird shall be kept or bred for any commercial purpose.
3. *[No more than two pets are permitted per unit.]*
4. A pet may not weigh more than 15 pounds.
5. Pets are not permitted to run at large. Dogs must be carried or on a leash when outside a unit.
6. Permitting a pet to cause or create a nuisance, [or] unreasonable disturbance, [or] noise, **or discernible odor** is prohibited.

7. Permitting a pet to relieve itself in any common element other than lawns or the dog walk is prohibited.
8. Pet waste must be picked up and disposed of in an appropriate outdoor receptacle.
9. *[Out of courtesy to neighbors and to control pests and insects, pet waste may not remain on decks and balconies and cat litter boxes must be kept clean.]*
10. An owner may be required to remove a pet upon receipt of the third notice in writing from the Board of a violation of any rule, regulation, or restriction governing pets.

## **VII. Insurance**

As required by Bylaw 8.1.6 and the Insurance Resolution adopted by the Board, owners and tenants must have property and liability insurance in addition to the Association's insurance. The minimum amount of insurance is \$10,000 property damage and \$300,000 liability insurance for each occurrence.

## **VIII. Leasing Units**

1. Units may not be rented or leased for less than one month.
2. Prior to the tenant moving in, the owner or property manager must assure that the tenant registers with the Office and provide the following:
  - a. A copy of the signed rental agreement. The amount of the rent may be redacted.
  - b. An agreement signed by the tenant that the tenant, members of the tenant's household, and guests will comply with smoking rules.
  - c. In accordance with Bylaw 7.7(b), an agreement signed by the tenant that the tenant, members of the tenant's household, and guests will comply with all laws and rules of the Association and pay any assessments of the Association if the tenant is notified to do so which the tenant may deduct from the tenant's rent; and
  - d. The tenant registration fee which compensates for staff time meeting with the tenant, setting up files, and answering questions and for copies of documents and parking stickers.

## **IX. Fees**

1. Replacement remotes: \$50
2. Fobs: \$10



3. Reserving Club House Piano Room and Patio for private events: refundable deposit of \$500.
4. Use of the Club House barbecue: refundable deposit of \$75; cleaning fee: \$25
5. Use of the freight elevator key: refundable deposit of \$20.
6. Tenant registration fee: \$175 per rental.
7. Copies of Association documents for the requester's own use: the reasonable cost of providing the documents

## **X. Enforcement**

### **1. Procedures**

The Board believes that the best resolution of many problems come from *[the]* owners reaching agreement through open communication. Therefore, the Board encourages owners to first attempt to resolve varying opinions or alleged rule violations among themselves before filing a complaint.

Homeowners and residents believing a violation of rules, bylaws, or declarations has occurred may send or email a complaint addressed to the Community Manager. They should not contact office or maintenance staff or Board members. *[Security should be called only in an emergency.]* The complaint shall state specifically what occurred and when it occurred and include photo documentation if available. The complaint must include the name, unit number, telephone number, and email address, if any, of the complainant.

If the Community Manager is of the opinion that the complaint warrants action, the Manager shall send the owner of the unit *[who]* **which** is the subject of the complaint a letter with the information set forth below: *[The letter shall include the following but does not have to contain the name of the complainant.]*

- a. Alleged violation;
- b. Date and place of the alleged violation.
- c. Applicable rule, bylaw, or declaration.
- d. Penalty that the Board may impose.
- e. Owner's right to a hearing before the Board.
- f. That the request for a hearing must be in writing and received at The Quintet office within 10 business days of the date of the letter.
- g. That the owner may include any pertinent information the owner wishes to bring to the Board's attention and any actions taken to correct the violation.

If the owner does not request a hearing within 10 business days, the Board shall review the information presented to it and impose a penalty as appropriate or dismiss the complaint. If the owner requests a hearing, the hearing shall be held at a time mutually acceptable to the Board and the owner but no later than 60 days after the request.

If the owner is unable to attend the hearing, the owner may request the hearing be re-scheduled. If the owner fails to attend the hearing, the Board may proceed as though the owner did not request a hearing. The owner may request relief from the Board action which the Board may grant if it finds a compelling reason for the owner's non-attendance.

The written complaint with the name of the complainant and any other evidence shall be given to the owner at least [5] **five** days before the hearing which shall be conducted in an open meeting. The Board shall conduct the hearing in a fair and reasonable manner but does not have to follow strict rules of evidence. The Board shall present evidence about the alleged violation. The complainant may speak at the hearing. The owner shall be given the opportunity to present evidence, explain the circumstance, or argue that the rule, bylaw, or declaration is not applicable. The Board shall deliberate in open session. It may direct the parties to participate in mediation, assess the penalty, reduce the penalty, or find no violation.

*[Fines imposed as penalties accumulate on the owner's account and are treated in the same manner as overdue Association fees and are subject to the same collection procedures.]*

## **2. [Fines] Penalties for violations of Rules, Bylaws, or Declarations**

- a. The Board may impose fines *[for violations of these Rules, the Bylaws, or the Declarations]* not exceeding \$250 for per occurrence or \$250 per day for continuing violations. **Fines imposed as penalties accumulate on the owner's account and are treated in the same manner as overdue Association fees and are subject to the same collection procedures**
- b. **The Board may terminate access to and use of recreational facilities available to owners.**

Effective April 1, 2017; revised February 1, 2019; revised July 1, 2019, revised July 28, 2020, revised January 26, 2021, revised April 26, 2021, revised August 9, 2021, revised xxx.

### **Authority**

ORS 100.405, 100.435, 100.505, 100.515, 100.530, 100.535, 100.540, and 100.545; Stage 2 Declarations 3, 4, and 5; Bylaws 5.11, 7.1, 7.2, 7.3, 7.5, 7.6, 7.7, 7.8, and 8.1.6

**CHAPTER 67**

AN ACT

HB 2534

Relating to removal of discriminatory restrictions in governing documents; creating new provisions; amending ORS 93.270; and prescribing an effective date.

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

**SECTION 1.** ORS 93.270 is amended to read:

93.270. (1) A person conveying or contracting to convey fee title to real property, or recording a declaration under ORS 94.580, may not include in an instrument for that purpose a provision:

(a) Restricting the use of the real property by any person or group of persons by reason of race, color, religion, sex, sexual orientation, national origin or disability.

(b) Restricting the use of the real property:

(A) As a certified or registered family child care home pursuant to ORS 329A.250 to 329A.450 or as the premises of an exempt family child care provider participating in the subsidy program under ORS 329A.500; or

(B) By any home or facility that is licensed under ORS 443.400 to 443.455 or 443.705 to 443.825 to provide residential care alone or in conjunction with treatment or training or a combination thereof.

**(2) A condominium that includes units used for residential purposes or planned community, including a community not subject to ORS 94.550 to 94.783, may not include in a recorded instrument governing the community and may not enforce any provision that would restrict the use of the community or the lots or units of the community because of race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits.**

[2] (3) Any provision in an instrument executed in violation of subsection (1) or (2) of this section is void and unenforceable.

[3] (4) An instrument that contains a provision restricting the use of real property in a manner listed in subsection (1)(b) of this section does not give rise to any public or private right of action to enforce the restriction.

[4(a)] (5)(a) An instrument that contains a provision restricting the use of real property by requiring roofing materials with a lower fire rating than that required in the state building code established under ORS chapter 455 does not give rise to any public or private right of action to enforce the restriction in an area determined by a local jurisdiction as a wildfire hazard zone. Prohibitions on public or private right of action under this paragraph are limited solely to considerations of fire rating.

(b) As used in this subsection, “wildfire hazard zones” are areas that are legally declared by a governmental agency having jurisdiction over the area to have special hazards caused by a combination of combustible natural fuels, topography and climatic conditions that result in a significant hazard of catastrophic fire over relatively long periods each year. Wildfire hazard zones shall be determined using criteria established by the State Forestry Department.

**SECTION 2.** The amendments to ORS 93.270 by section 1 of this 2021 Act apply to instruments recorded on, before or after the effective date of this 2021 Act.

**SECTION 3.** Section 4 of this 2021 Act is added to and made a part of ORS 94.550 to 94.783.

**SECTION 4. (1) On or before December 31, 2022, each homeowners association shall review each governing document currently binding on the planned community, or the lots or the lot owners within the planned community and shall:**

(a) Amend or restate each document as necessary to remove all restrictions against the use of the community or the lots not allowed under ORS 93.270 (2); or

(b) Execute and record a declaration that the homeowners association has reviewed the governing documents binding on the planned community and that the documents do not contain any restriction, rule or regulation against the use of the community or the lots by a person or group of persons because of race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits.

(2) Notwithstanding ORS 94.590 or 94.625 or any requirement of the declaration or bylaws, an amendment to or a restatement of the declaration or bylaws under subsection (1)(a) of this section is effective and may be recorded without the vote of the owners or the board members if the amendment or restatement includes a certification signed by the president and secretary of the homeowners association that the amended or restated declaration or bylaws does not change that document except as required under this section and as may be necessary to correct scrivener’s errors or to conform format and style.

**SECTION 5.** Section 6 of this 2021 Act is added to and made a part of ORS chapter 100.

**SECTION 6. (1) On or before December 31, 2022, each association of a condominium that includes units used for residential purposes shall review each governing document currently**

binding on the condominium or the units or unit owners within the condominium and shall:

(a) Amend or restate each document as necessary to remove all restrictions against the use of the condominium or the units not allowed under ORS 93.270 (2); or

(b) Execute and record a declaration that the association has reviewed the governing documents binding on the condominium and that the documents do not contain any restriction, rule or regulation against the use of the condominium or the units by a person or group of persons because of race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits.

(2) Notwithstanding ORS 100.110, 100.135, 100.413 or any requirement of the declaration or bylaws, an amendment to or a restatement of

the declaration or bylaws under this section, upon submission and approval of the Real Estate Commissioner under ORS 100.123, 100.125, 100.668 and 100.675, is effective and may be recorded without the vote of the owners or the board members if the amended or restated declaration or bylaws includes a certification signed by the president and secretary of the association that the amended or restated declaration or bylaws does not change that document except as required under this section and as may be necessary to correct scriveners' errors or to conform format and style.

**SECTION 7.** This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Approved by the Governor May 21, 2021  
Filed in the office of Secretary of State May 27, 2021  
Effective date September 25, 2021

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regular meeting of the board of directors, or at any special meeting of the board of directors called for such purpose.

4.4 Chairman. The chairman shall be the chief executive officer of the Association. He or she shall preside at all meetings of the Association and of the board of directors. The chairman shall have all of the general powers and duties which are usually vested in the chief executive officer of an association, including but not limited to the power to appoint committees from among the unit owners from time to time as the chairman may in his or her discretion decide is appropriate to assist in the conduct of the affairs of the Association.

4.5 Secretary. The secretary shall keep the minutes of all proceedings of the board of directors and the minutes of all meetings of the Association. He or she shall attend to the giving and serving of all notices to the unit owners and directors and other notices required by law. The secretary shall keep the records of the Association, except for those of the treasurer, and shall perform all other duties incident to the office of secretary of an association and as may be required by the directors or the chairman. In addition, the secretary shall act as vice chairman, taking the place of the chairman and performing the chairman's duties whenever the chairman is absent or unable to act, unless the directors have appointed another vice chairman.

4.6 Treasurer. The treasurer shall have the responsibility for Association funds and securities and shall be responsible for keeping full and accurate financial records and books of account showing all receipts and disbursements, and for the preparation of required financial statements. He or she shall be responsible for the deposit of all moneys and other valuable effects in such depositories as may from time to time be designated by the board of directors, and shall disburse funds of the Association upon properly authorized vouchers. The treasurer shall perform all other duties incident to the office of treasurer of an association and such other duties as may be assigned to him or her by the board of directors.

4.7 Execution of Instruments. All agreements, contracts, deeds, leases and other instruments of the Association, except checks, shall be executed by such person or persons as designated by general or special resolution of the board of directors and, in the absence of any general or special resolution applicable to any such instrument, then such instrument shall be signed by the chairman. All checks shall be signed by the treasurer, or in the absence or disability of the treasurer, by the chairman or any duly elected assistant treasurer.

Amendment to Bylaws 4.4-4.7 pursuant to Chapter 67, Oregon Laws 2021

4.4 Chair The chair shall be the chief executive officer of the Association. The chair shall preside at all meetings of the Association and of the board of directors. The chair shall have all of the general powers and duties which are usually vested in the chief executive of an association, including but not limited to the power to appoint committees from among the unit owners from time to time as the chair may in the chair's discretion decide is appropriate to assist in the conduct of the affairs of the Association.

4.5 Secretary The secretary shall keep the minutes of all proceeding of the board of directors and the minutes of all meetings of the Association. The secretary shall attend to giving and serving of all notices to the unit owners and directors and other notices required by law. The secretary shall keep the records of the Association, except for those of the treasurer, and shall perform all other duties incident to the office of secretary of an association and as may be required by the directors or the chair. In addition, the secretary shall act as vice chair, taking the place of the chair and performing the chair's duties whenever the chair is absent or unable to act, unless the directors have appointed another vice chair.

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