

As Reported by the Senate Local Government and Elections Committee

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 61

**Senators Blessing, Antonio
Cosponsor: Senator Maharath**

A BILL

To amend sections 5311.05, 5311.08, 5311.081, 1
5311.091, 5311.16, 5311.18, 5312.02, 5312.03, 2
5312.05, 5312.06, 5312.07, and 5312.11 and to 3
enact sections 5311.192 and 5312.16 of the 4
Revised Code regarding condominiums and planned 5
community properties. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5311.05, 5311.08, 5311.081, 7
5311.091, 5311.16, 5311.18, 5312.02, 5312.03, 5312.05, 5312.06, 8
5312.07, and 5312.11 be amended and sections 5311.192 and 9
5312.16 of the Revised Code be enacted to read as follows: 10

Sec. 5311.05. (A) A declaration submitting property to the 11
provisions of this chapter shall be signed and acknowledged by 12
the owner before a judge or clerk of a court of record, county 13
auditor, county engineer, notary public, or mayor, who shall 14
certify the acknowledgment and subscribe the certificate of 15
acknowledgment. 16

(B) A declaration shall contain all of the following: 17

(1) A legal description of the land or, for a water slip 18

condominium property, of the land and the land under the water	19
area, submitted to the provisions of this chapter;	20
(2) The name of the condominium property, which shall	21
include the word "condominium";	22
(3) The purpose of the condominium property, the units and	23
recreational and commercial facilities situated in the	24
condominium property, and any restrictions upon the use of the	25
condominium property;	26
(4) A general description of buildings submitted to the	27
provisions of this chapter, stating the principal construction	28
materials and the number of stories, basements, and units. The	29
declaration for a water slip property shall also contain a	30
general description of each water slip and of the piers and	31
wharves forming each water slip submitted to the provisions of	32
this chapter;	33
(5) The unit designation of each unit submitted to the	34
provisions of this chapter and a statement of its location,	35
approximate area, the immediate common element or limited common	36
element to which it has access, and any other information	37
necessary for its proper identification;	38
(6) A description of the common elements and limited	39
common elements submitted to the provisions of this chapter, the	40
undivided interest in those elements appurtenant to each unit,	41
the basis upon which those appurtenant undivided interests are	42
allocated, and the procedures whereby the undivided interests	43
appertaining to each unit may be altered. The undivided	44
interests, basis, and procedures shall be in accordance with	45
sections 5311.031 to 5311.033 and 5311.04 of the Revised Code;	46
(7) A statement that each unit owner is a member of a unit	47

owners association established for the administration of the	48
condominium property;	49
(8) The name of a person to receive service of process for	50
the unit owners association, together with the person's	51
residence or place of business located in this state;	52
(9) A statement of any membership requirement if the unit	53
owners association or any unit owners are required to be members	54
of a not-for-profit organization that provides facilities or	55
recreation, education, or social services to owners of property	56
other than the condominium property;	57
(10) The method by which the declaration may be amended,	58
which, except as provided in division (E) of this section,	59
division (E) of section 5311.04, division (B) of section	60
5311.041, and sections 5311.031 to 5311.033 and 5311.051 of the	61
Revised Code, requires the affirmative vote of unit owners	62
exercising not less than seventy-five per cent of the voting	63
power;	64
(11) Any further provisions deemed desirable.	65
(C) The declaration for an expandable condominium property	66
shall contain all of the following in addition to the	67
requirements of division (B) of this section:	68
(1) The explicit reservation of the declarant's option to	69
expand the condominium property;	70
(2) A statement of any limitations on that option to	71
expand, including a statement as to whether the consent of any	72
unit owner is required, and how that consent is to be	73
ascertained; or a statement that there are no limitations on the	74
option to expand;	75

(3) (a) The time at which the option to expand the condominium development expires, which shall not exceed seven years from the date the declaration is filed for record;	76 77 78
(b) A statement that the declarant may, during the six months prior to the time that the option expires, extend the option for an additional seven years with the consent of the holders of a majority of the voting power of the unit owners other than the declarant;	79 80 81 82 83
(c) A statement of any circumstances that will terminate the option to expand prior to the time established pursuant to division (C) (3) (a) or (b) of this section.	84 85 86
(4) A legal description of all additional property that, through exercise of the option, may be submitted to the provisions of this chapter and added to the condominium property;	87 88 89 90
(5) A statement that specifies all of the following:	91
(a) Whether the addition of all or a particular portion of the additional property is mandatory;	92 93
(b) If the addition of additional property is not mandatory, whether all or a particular portion of the additional property must be added if any other additional property is added;	94 95 96 97
(c) Whether or not there are any limitations on portions of additional property that may be added.	98 99
(6) A statement of whether portions of the additional property may be added at different times and a statement that sets forth any limitations on the addition of additional property at different times, including the legal descriptions of	100 101 102 103

the boundaries of portions that may be added and specifications 104
on the order in which those portions may be added to the 105
condominium property or a statement that there are no 106
limitations on the addition of additional property; 107

(7) A statement of any limitations on the location of any 108
improvements that may be made on any portion of the additional 109
property added to the condominium property, or a statement that 110
there are no limitations of that kind; 111

(8) A statement of the maximum number of units that may be 112
created on the additional property. If portions of the 113
additional property may be added to the condominium property and 114
the boundaries of those portions are fixed in accordance with 115
division (C)(6) of this section, the declaration also shall 116
state the maximum number of units that may be created on each 117
portion added to the condominium property. If portions of the 118
additional property may be added to the condominium property and 119
the boundaries of those portions are not fixed in accordance 120
with division (C)(6) of this section, the declaration also shall 121
state the maximum number of units per acre that may be created 122
on any portion added to the condominium property. 123

(9) Except when the original condominium property 124
contained no units restricted to residential use, a statement of 125
the maximum percentage of the aggregate land area and the 126
maximum percentage of aggregate floor area that may be devoted 127
to units not restricted to residential use on any additional 128
property added to the condominium property; 129

(10) A statement of the extent to which any structures 130
erected on any portion of the additional property added to the 131
condominium property will be compatible with structures on the 132
submitted property in terms of quality of construction, the 133

principal materials to be used, and architectural style, or a 134
statement that the structures need not be compatible in those 135
respects; 136

(11) With respect to all improvements to any portion of 137
additional property added to the condominium property, other 138
than structures, a statement setting forth both of the 139
following: 140

(a) A description of the improvements that must be made or 141
a statement that no other improvements must be made; 142

(b) Any restrictions or limitations on the improvements 143
that may be made or a statement that there are no restrictions 144
or limitations on improvements. 145

(12) With respect to all units created on any portion of 146
additional property added to the condominium property, a 147
statement setting forth both of the following: 148

(a) Whether all units of that kind must be substantially 149
identical to units on previously submitted property; 150

(b) Any limitations on the types of units that may be 151
created on the additional property or a statement that there are 152
no limitations of that kind. 153

(13) A description of any reserved right of the declarant 154
to create limited common elements within any portion of the 155
additional property added to the condominium property or to 156
designate common elements within each portion. The description 157
shall specify the types, sizes, and maximum number of limited 158
common elements in each portion that may subsequently be 159
assigned to units; 160

(14) Drawings and plans that the declarant considers 161

appropriate in supplementing the requirements of division (C) of	162
this section;	163
(15) A statement that a successor owner of the condominium	164
property or of additional property added to the condominium	165
property who is not an affiliate of the developer and who is a	166
bona fide purchaser of the property for value, or a purchaser	167
who acquires the property at a sheriff's sale or by deed in lieu	168
of a foreclosure, is not liable in damages for harm caused by an	169
action or omission of the developer or a breach of an obligation	170
by the developer.	171
(D) The declaration for a leasehold condominium	172
development shall contain all of the following in addition to	173
the requirements of division (B) of this section:	174
(1) With respect to any ground lease or other leases, the	175
expiration or termination of which could terminate or reduce the	176
amount of condominium property, a statement setting forth the	177
county in which the lease is recorded and the volume and page of	178
the record;	179
(2) A statement setting forth the date upon which each	180
lease referred to in division (D) (1) of this section expires;	181
(3) (a) A statement of whether the unit owners own any land	182
or improvements of the condominium property in fee simple, and	183
if so, a description of the improvements and a legal description	184
of the land;	185
(b) A statement of any rights the unit owners have to	186
remove any improvements within a reasonable time after the	187
expiration or termination of any ninety-nine year lease, or a	188
statement that they have no rights of that nature.	189
(4) A statement of the rights that the unit owners have to	190

redeem the reversion or any of the reversions, or a statement	191
that they have no rights of that nature;	192
(5) A statement that, subsequent to the recording of the	193
declaration, no lessor who executed it and no successor in	194
interest to that lessor has any right or power to terminate any	195
part of the leasehold interest of any unit owner who makes	196
timely payment of the unit owner's share of the rent to the	197
person designated in the declaration for the receipt of that	198
rent and who otherwise complies with all covenants that, if	199
violated, entitle the lessor to terminate the lease.	200
(E) (1) Without a vote of the unit owners, the board of	201
directors may amend the declaration in any manner necessary for	202
any of the following purposes:	203
(a) To meet the requirements of institutional mortgagees,	204
guarantors and insurers of first mortgage loans, the federal	205
national mortgage association, the federal home loan mortgage	206
corporation, the federal housing administration, the veterans	207
administration, and similar institutions;	208
(b) To meet the requirements of insurance underwriters;	209
(c) To bring the declaration into compliance with this	210
chapter;	211
(d) To correct clerical or typographical errors or obvious	212
factual errors in the declaration or an exhibit to the	213
declaration;	214
(e) To designate a successor to the person named to	215
receive service of process for the unit owners association. If	216
the association is incorporated in this state, this may be	217
accomplished by filing with the secretary of state an	218
appropriate change of statutory agent designation;_	219

(f) To permit notices to owners, as required by the 220
declaration or bylaws, to be sent by electronic mail and, if 221
returned undeliverable, by regular mail, provided the 222
association has received the prior, written authorization from 223
the owner; 224

(g) To delete as void, any provision within the 225
declaration or bylaws, or in any applicable restriction or 226
covenant, that prohibits or limits the conveyance, encumbrance, 227
rental, occupancy, or use of property subject to this chapter on 228
the basis of race, color, national origin, sex, religion, or 229
familial status. 230

(2) Division (E) (1) of this section applies to condominium 231
properties submitted to this chapter prior to, on, or after ~~the~~ 232
~~effective date of this amendment~~ July 20, 2004. 233

(3) Any unit owner who is aggrieved by an amendment to the 234
declaration that the board of directors makes pursuant to 235
division (E) (1) of this section may commence a declaratory 236
judgment action to have the amendment declared invalid as 237
violative of division (E) (1) of this section. Any action filed 238
pursuant to division (E) (3) of this section shall be filed in 239
the appropriate court of common pleas within one year from the 240
date of the recordation of the amendment. 241

Sec. 5311.08. (A) (1) Every condominium property shall be 242
administered by a unit owners association. All power and 243
authority of the unit owners association shall be exercised by a 244
board of directors, which the unit owners shall elect from among 245
the unit owners or the spouses of unit owners. If a unit owner 246
is not an individual, that unit owner may nominate for the board 247
of directors any principal, member of a limited liability 248
company, partner, director, officer, or employee of that unit 249

owner. The majority of the board shall not consist of unit 250
owners or representatives from the same unit unless authorized 251
by a resolution adopted by the board of directors prior to the 252
board majority being comprised of owners or representatives from 253
the same unit. 254

(2) The board of directors shall elect a president, 255
secretary, treasurer, and other officers that the board may 256
desire. 257

(3) Unless otherwise provided in the declaration or the 258
bylaws, all meetings of the unit owners association are open to 259
the unit owners, and those present in person or by proxy when 260
action is taken during a meeting of the unit owners association 261
constitute a sufficient quorum. 262

(4) (a) A meeting of the board of directors may be held by 263
any method of communication, including electronic or telephonic 264
communication provided that each member of the board can hear, 265
participate, and respond to every other member of the board. 266

(b) In lieu of conducting a meeting, the board of 267
directors may take action with the unanimous written consent of 268
the members of the board. Those written consents shall be filed 269
with the minutes of the meetings of the board. 270

(B) ~~The~~ Except as provided in division (A) (1) of this 271
section, the unit owners association shall be governed by 272
bylaws. No modification of or amendment to the bylaws is valid 273
unless it is set forth in an amendment to the declaration, and 274
the amendment to the declaration is filed for record. Unless 275
otherwise provided by the declaration, the bylaws shall provide 276
for the following: 277

(1) (a) The election of the board of directors of the unit 278

owners association;	279
(b) The number of persons constituting the board;	280
(c) The terms of the directors, with not less than one-fifth to expire annually;	281 282
(d) The powers and duties of the board;	283
(e) The compensation of the directors;	284
(f) The method of removal of directors from office;	285
(g) The election of officers of the board;	286
(h) Whether or not the services of a manager or managing agent may be engaged.	287 288
(2) The time and place for holding meetings; the manner of and authority for calling, giving notice of, and conducting meetings; and the requirement, in terms of undivided interests in the common elements, of a quorum for meetings of the unit owners association;	289 290 291 292 293
(3) By whom and the procedure by which maintenance, repair, and replacement of the common elements may be authorized;	294 295 296
(4) The common expenses for which assessments may be made and the manner of collecting from the unit owners their respective shares of the common expenses;	297 298 299
(5) The method of distributing the common profits;	300
(6) By whom and the procedure by which administrative rules governing the operation and use of the condominium property or any portion of the property may be adopted and amended. These rules may govern any aspect of the condominium property that is not required to be governed by bylaws and may	301 302 303 304 305

include standards governing the type and nature of information 306
and documents that are subject to examination and copying by 307
unit owners pursuant to section 5311.091 of the Revised Code, 308
including the times and location at which items may be examined 309
or copied and any required fee for copying the information or 310
documents. 311

(C) (1) The unit owners association shall be established 312
not later than the date that the deed or other evidence of 313
ownership is filed for record following the first sale of a 314
condominium ownership interest in a condominium development. 315
Membership in the unit owners association shall be limited to 316
unit owners, and all unit owners shall be members. Until the 317
unit owners association is established, the developer shall act 318
in all instances in which action of the unit owners association 319
or its officers is authorized or required by law or the 320
declaration. 321

(2) (a) Not later than sixty days after the developer has 322
sold and conveyed condominium ownership interests appertaining 323
to twenty-five per cent of the undivided interests in the common 324
elements in a condominium development, the unit owners 325
association shall meet, and the unit owners other than the 326
developer shall elect not less than one-third of the members of 327
the board of directors. 328

(b) When computing undivided interests in expandable 329
condominium properties for purposes of divisions (C) and (D) of 330
this section, the undivided interests in common elements shall 331
be computed by comparing the number of units sold and conveyed 332
to the maximum number of units that may be created, as stated in 333
the declaration pursuant to division (C) (8) of section 5311.05 334
of the Revised Code. 335

(D) (1) Except as provided in division (C) of this section, 336
the declaration or bylaws of a condominium development may 337
authorize the developer or persons the developer designates to 338
appoint and remove members of the board of directors of the unit 339
owners association and to exercise the powers and 340
responsibilities otherwise assigned by law, the declaration, or 341
the bylaws to the unit owners association or to the board of 342
directors. The authorization for developer control may extend 343
from the date the unit owners association is established until 344
sixty days after the sale and conveyance to purchasers in good 345
faith for value of condominium ownership interests to which 346
seventy-five per cent of the undivided interests in the common 347
elements appertain, except that in no case may the authorization 348
extend for more than five years after the unit owners 349
association is established if the declaration includes 350
expandable condominium property or more than three years after 351
the unit owners association is established if the declaration 352
does not include expandable condominium property. 353

(2) If there is a unit owner other than the developer, the 354
declaration of a condominium development shall not be amended to 355
increase the scope or the period of the developer's control. 356

(3) Within sixty days after the expiration of the period 357
during which the developer has control pursuant to division (D) 358
(1) of this section, the unit owners association shall meet and 359
elect all members of the board of directors of the association. 360
The persons elected shall take office at the end of the meeting 361
during which they are elected and shall, as soon as reasonably 362
possible, appoint officers. 363

(E) The board of directors, or the developer while in 364
control of the association, may take any measures necessary to 365

incorporate the unit owners association as a not-for-profit corporation. 366
367

Sec. 5311.081. (A) ~~Unless otherwise provided in the~~ 368
~~declaration or bylaws, the~~ The unit owners association, through 369
the board of directors, shall do both of the following: 370

(1) ~~Adopt Annually, adopt and amend budgets an estimated~~ 371
~~budget for revenues, and expenditures, and.~~ The budget shall 372
include reserves in an amount adequate to repair and replace 373
major capital items in the normal course of operations without 374
the necessity of special assessments, ~~provided that the amount~~ 375
~~set aside annually for reserves shall not be less than ten per-~~ 376
~~cent of the budget for that year unless the reserve requirement~~ 377
~~is waived annually by the~~ either of the following applies: 378

(a) The declaration or bylaws include language limiting 379
the ability of the board of directors to increase assessments 380
for common expenses without a vote of the unit owners; 381

(b) The unit owners, exercising not less than a majority 382
of the voting power of the unit owners association, waive the 383
reserve requirement in writing annually. 384

(2) Collect assessments for common expenses from unit 385
owners. 386

(B) Unless otherwise provided in the declaration, the unit 387
owners association, through the board of directors, may exercise 388
all powers of the association, including the power to do the 389
following: 390

(1) Hire and fire managing agents, attorneys, accountants, 391
and other independent contractors and employees that the board 392
determines are necessary or desirable in the management of the 393
condominium property and the association; 394

(2) Commence, defend, intervene in, settle, or compromise	395
any civil, criminal, <u>land use planning,</u> or administrative action	396
or proceeding that is in the name of, or threatened against, the	397
unit owners association, the board of directors, or the	398
condominium property, or that involves two or more unit owners	399
<u>and, impacts zoning, or otherwise</u> relates to matters affecting	400
the condominium property;	401
(3) Enter into contracts and incur liabilities relating to	402
the operation of the condominium property;	403
(4) Regulate the use, maintenance, repair, replacement,	404
modification, and appearance of the condominium property;	405
(5) Adopt rules that regulate the use or occupancy of	406
units, the maintenance, repair, replacement, modification, and	407
appearance of units, common elements, and limited common	408
elements when the actions regulated by those rules affect common	409
elements or other units;	410
(6) Cause additional improvements to be made as part of	411
the common elements;	412
(7) Purchase, encumber, and convey units, and, subject to	413
any restrictions in the declaration or bylaws and with the	414
approvals required by division (H) (2) or (3) of section 5311.04	415
of the Revised Code, acquire an interest in other real property	416
and encumber or convey that interest. All expenses incurred in	417
connection with the acquisition, encumbrance, use, and operation	418
of that interest are common expenses.	419
(8) Acquire, encumber, and convey or otherwise transfer	420
personal property;	421
(9) Hold in the name of the unit owners association the	422
real property and personal property acquired pursuant to	423

divisions (B) (7) and (8) of this section;	424
(10) Grant easements, leases, licenses, and concessions through or over the common elements;	425 426
(11) Impose and collect fees or other charges for <u>all of the following:</u>	427 428
(a) <u>The use, rental, or operation of the common elements or for services;</u>	429 430
(b) <u>Services provided to unit owners;</u>	431
(c) <u>To the extent provided in the declaration or bylaws, social activities or charitable contributions on behalf of the owners association;</u>	432 433 434
(12) Impose interest and late charges for the late payment of assessments; impose returned check charges; and, pursuant to division (C) of this section, impose reasonable enforcement assessments for violations of the declaration, the bylaws, and the rules of the unit owners association, and reasonable charges for damage to the common elements or other property;	435 436 437 438 439 440
(13) Adopt and amend rules that regulate the collection of delinquent assessments and the application of payments of delinquent assessments;	441 442 443
(14) Subject to applicable laws, adopt and amend rules that regulate the termination of utility or other service to a commercial unit if the unit owner is delinquent in the payment of an assessment that pays, in whole or in part, the cost of that service;	444 445 446 447 448
(15) Impose reasonable charges for preparing, recording, or copying amendments to the declaration, resale certificates, or statements of unpaid assessments;	449 450 451

(16) Enter a unit for bona fide purposes when conditions	452
exist that involve an imminent risk of damage or harm to common	453
elements, another unit, or to the health or safety of the	454
occupants of that unit or another unit;	455
(17) To the extent provided in the declaration or bylaws,	456
assign the unit owners association's rights to common	457
assessments, or other future income, to a lender as security for	458
a loan to the unit owners association;	459
(18) Suspend the voting privileges and use of recreational	460
facilities of a unit owner who is delinquent in the payment of	461
assessments for more than thirty days;	462
(19) Purchase insurance and fidelity bonds the directors	463
consider appropriate or necessary;	464
(20) Invest excess funds in investments that meet	465
standards for fiduciary investments under Ohio law;	466
(21) Exercise powers that are:	467
(a) Conferred by the declaration or the bylaws of the unit	468
owners association or the board of directors;	469
(b) Necessary to incorporate the unit owners association	470
as a not-for-profit corporation;	471
(c) Permitted to be exercised in this state by a not-for-	472
profit corporation;	473
(d) Necessary and proper for the government and operation	474
of the unit owners association.	475
(C) (1) Prior to imposing a charge for damages or an	476
enforcement assessment pursuant to division (B) (12) of this	477
section, the board of directors shall give the unit owner a	478

written notice, which may be in the form of electronic mail to 479
an electronic mail address previously provided by the owner in 480
writing, that includes all of the following: 481

(a) A description of the property damage or violation; 482

(b) The amount of the proposed charge or assessment; 483

(c) A statement that the owner has a right to a hearing 484
before the board of directors to contest the proposed charge or 485
assessment; 486

(d) A statement setting forth the procedures to request a 487
hearing pursuant to division (C) (2) of this section; 488

(e) A reasonable date by which the unit owner must cure 489
the violation to avoid the proposed charge or assessment. 490

(2) (a) To request a hearing, the owner shall deliver a 491
written notice to the board of directors not later than the 492
tenth day after receiving the notice required by division (C) (1) 493
of this section. If the owner fails to make a timely request for 494
a hearing, the right to that hearing is waived, and the board 495
may immediately impose a charge for damages or an enforcement 496
assessment pursuant to division (C) of this section. 497

(b) If a unit owner requests a hearing, at least seven 498
days prior to the hearing the board of directors shall provide 499
the unit owner with a written notice that includes the date, 500
time, and location of the hearing. 501

(3) The board of directors shall not levy a charge or 502
assessment before holding any hearing requested pursuant to 503
division (C) (2) of this section. 504

(4) The unit owners, through the board of directors, may 505
allow a reasonable time to cure a violation described in 506

division (B) (12) of this section before imposing a charge or 507
assessment. 508

(5) Within thirty days following a hearing at which the 509
board of directors imposes a charge or assessment, the unit 510
owners association shall deliver a written notice of the charge 511
or assessment to the unit owner. 512

(6) Any written notice that division (C) of this section 513
requires shall be delivered to the unit owner or any occupant of 514
the unit by personal delivery, by certified mail, return receipt 515
requested, or by regular mail. 516

Sec. 5311.091. (A) Except as otherwise prohibited by this 517
section, any member of a unit owners association may examine and 518
copy the books, records, and minutes described in division (A) 519
of section 5311.09 of the Revised Code pursuant to reasonable 520
standards set forth in the declaration, bylaws, or rules the 521
board promulgates, which may include, but are not limited to, 522
standards governing the type of documents that are subject to 523
examination and copying, the times and locations at which those 524
documents may be examined or copied, and the specification of a 525
reasonable fee for copying the documents. 526

(B) ~~The unit owners association is not required to permit-~~ 527
~~the examination and copying of any of the following from Unless~~ 528
~~approved by the board of directors, a unit owner may not examine~~ 529
~~or copy any books, records, and or minutes that meet either of~~ 530
~~the following conditions:~~ 531

(1) Date back more than five years prior to the date of 532
the request; 533

(2) Contain any of the following: 534

(a) Information that pertains to condominium property- 535

related personnel matters;	536
(2) <u>(b)</u> Communications with legal counsel or attorney work product pertaining to pending litigation or other condominium property-related matters;	537 538 539
(3) <u>(c)</u> Information that pertains to contracts or transactions currently under negotiation, or information that is contained in a contract or other agreement containing confidentiality requirements and that is subject to those requirements;	540 541 542 543 544
(4) <u>(d)</u> Information that relates to the enforcement of the declaration, bylaws, or rules of the unit owners association against unit owners;	545 546 547
(5) <u>(e)</u> Information the disclosure of which is prohibited by state or federal law.	548 549
Sec. 5311.16. Unless otherwise provided by the declaration or bylaws, the board of directors shall insure <u>maintain, with the cost to be a common expense, all of the following:</u>	550 551 552
<u>(A) Liability insurance for all unit owners, their tenants, and all persons lawfully in possession or control of any part of the condominium property for the <u>in an amount</u> that it determines against liability for personal injury or property damage arising from or relating to the common elements and shall obtain for;</u>	553 554 555 556 557 558
<u>(B) For the benefit of all unit owners, fire and extended coverage insurance on all buildings and structures of the condominium property in an amount not less than eighty-ninety per cent of the fair market value. The cost of the insurance is a common expense. <u>replacement cost;</u></u>	559 560 561 562 563

(C) (1) Blanket fidelity, crime, or dishonesty insurance 564
coverage for any person who controls or disburses association 565
funds. As used in division (C) (1) of this section, "person who 566
controls or disburses association funds" means any individual 567
with authority or access to sign checks, conduct electronic 568
transfers, or otherwise withdraw funds from any association 569
account or deposit, including the following: 570

(a) A management company's principals and employees; 571

(b) A bookkeeper; 572

(c) The president, secretary, treasurer, any other board 573
member, or employee of the unit owners association. 574

(2) All of the following apply to the insurance coverage 575
required under division (C) (1) of this section: 576

(a) Coverage shall be for the maximum amount of funds that 577
will be in the custody of the association or its designated 578
agent at any one time plus three months of operating expenses. 579

(b) The insurance shall be the property of and for the 580
sole benefit of the association and shall protect against theft, 581
embezzlement, misappropriation, or any other unauthorized taking 582
or loss of association funds. 583

(c) The policy shall include in its definition of 584
"employee" the manager and the managing agent of the 585
association's funds or provide for this inclusion by an 586
endorsement to the policy. 587

(d) The policy shall name the association as the insured 588
party and shall include a provision requiring the issuer of the 589
policy to provide a ten-day written notice to the association's 590
president or manager in the event of cancellation or substantial 591

modification of the policy. The manager or managing agent, if 592
any, of the association shall be the designated agent on the 593
policy. 594

(e) If there is a change in the manager or the managing 595
agent of the association, then within ten days of the effective 596
start date, the new manager or managing agent shall notify the 597
insurer of such change. 598

Sec. 5311.18. (A) (1) Unless otherwise provided by the 599
declaration or the bylaws, the unit owners association has a 600
continuing lien upon the estate or interest of the owner in any 601
unit and the appurtenant undivided interest in the common 602
elements for the payment of any of the following expenses that 603
are chargeable against the unit and that remain unpaid for ten 604
days after any portion has become due and payable: 605

(a) The portion of the common expenses chargeable against 606
the unit; 607

(b) Interest, administrative late fees, enforcement 608
assessments, and collection costs, attorney's fees, and 609
paralegal fees the association incurs if authorized by the 610
declaration, the bylaws, or the rules of the unit owners 611
association and if chargeable against the unit. 612

(2) Unless otherwise provided by the declaration, the 613
bylaws, or the rules of the unit owners association, the 614
association shall credit payments made by a unit owner for the 615
expenses described in divisions (A) (1) (a) and (b) of this 616
section in the following order of priority: 617

(a) First, to interest owed to the association; 618

(b) Second, to administrative late fees owed to the 619
association; 620

(c) Third, to collection costs, attorney's fees, and 621
paralegal fees incurred by the association; 622

(d) Fourth, to the principal amounts the unit owner owes 623
to the association for the common expenses or penalty 624
assessments chargeable against the unit. 625

(3) The lien described in division (A) (1) of this section 626
is effective on the date that a certificate of lien in the form 627
described in division (A) (3) of this section is filed for record 628
in the office of the recorder of the county or counties in which 629
the condominium property is situated pursuant to an 630
authorization given by the board of directors of the unit owners 631
association. The certificate shall contain a description of the 632
unit, the name of the record owner of the unit, and the amount 633
of the unpaid portion of the common expenses and, subject to 634
subsequent adjustments, any unpaid interest, administrative late 635
fees, enforcement assessments, collection costs, attorney's 636
fees, and paralegal fees. The certificate shall be subscribed by 637
the president or other designated representative of the 638
association. 639

(4) The lien described in division (A) (1) of this section 640
is valid for a period of five years from the date of filing, 641
unless it is sooner released or satisfied in the same manner 642
provided by law for the release and satisfaction of mortgages on 643
real property or unless it is discharged by the final judgment 644
or order of a court in an action brought to discharge the lien 645
as provided in division (C) of this section. 646

(B) (1) The lien described in division (A) (1) of this 647
section is prior to any lien or encumbrance subsequently arising 648
or created except liens for real estate taxes and assessments of 649
political subdivisions and liens of first mortgages that have 650

been filed for record and may be foreclosed in the same manner 651
as a mortgage on real property in an action brought on behalf of 652
the unit owners association ~~by the president or other chief-~~ 653
~~officer of the association pursuant to authority given to that-~~ 654
~~individual as authorized by~~ the board of directors. 655

(2) In a foreclosure action a unit owners association 656
commences pursuant to division (B)(1) of this section or a 657
foreclosure action the holder of a first mortgage or other lien 658
on a unit commences, the owner of the unit, as the defendant in 659
the action, shall be required to pay a reasonable rental for the 660
unit during the pendency of the action. The unit owners 661
association or the holder of the lien is entitled to the 662
appointment of a receiver to collect the rental. Each rental 663
payment a receiver collects during the pendency of the 664
foreclosure action shall be applied first to the payment of the 665
portion of the common expenses chargeable to the unit during the 666
foreclosure action. 667

(3) In a foreclosure action the holder of a lien on a unit 668
commences, the holder of that lien shall name the unit owners 669
association as a defendant in the action. 670

(4) Unless prohibited by the declaration or the bylaws, 671
following a foreclosure action a unit owners association 672
commences pursuant to division (B)(1) of this section or a 673
foreclosure action the holder of a lien on a unit commences, the 674
association or its agent duly authorized by action of the board 675
of directors, is entitled to become a purchaser at the 676
foreclosure sale. 677

(5) A mortgage on a unit may contain a provision that 678
secures the mortgagee's advances for the payment of the portion 679
of the common expenses chargeable against the unit upon which 680

the mortgagee holds the mortgage. 681

(6) In any foreclosure action, it is not a defense, set 682
off, counterclaim, or crossclaim that the unit owners 683
association has failed to provide the unit owner with any 684
service, goods, work, or material, or failed in any other duty. 685

(C) A unit owner who believes that the portion of the 686
common expenses chargeable to the unit, for which the unit 687
owners association files a certificate of lien pursuant to 688
division (A) of this section, has been improperly charged may 689
commence an action for the discharge of the lien in the court of 690
common pleas of the county in which all or a part of the 691
condominium property is situated. In the action, if it is 692
finally determined that the portion of the common expenses was 693
improperly charged to the unit owner or the unit, the court 694
shall enter an order that it determines to be just, which may 695
provide for a discharge of record of all or a portion of the 696
lien. 697

Sec. 5311.192. (A) Unless specifically prohibited in the 698
declaration, any owner of a solar appropriate unit may install a 699
solar energy collection device on the roof of that unit if 700
either of the following conditions apply: 701

(1) The unit, as defined by the declaration, includes the 702
roof, for which the cost to insure, maintain, repair, and 703
replace is not a common expense and is instead the owner's 704
responsibility. 705

(2) The declaration specifically allows for and regulates 706
the types and installation of solar energy collection devices in 707
the common or limited common elements and establishes 708
responsibility for the cost to insure, maintain, repair, and 709

replace such devices. 710

(B) Notwithstanding division (A) of this section, a unit 711
owners association may establish reasonable restrictions 712
concerning the size, place, and manner of placement of solar 713
energy collection devices. 714

(C) As used in this section: 715

(1) "Solar appropriate unit" means a condominium unit that 716
does not have any other condominium units directly above or 717
below it. 718

(2) "Solar energy collection device" means any device 719
manufactured and sold for the sole purpose of facilitating the 720
collection and beneficial use of solar energy, including passive 721
heating panels or building components and solar photovoltaic 722
apparatus. 723

Sec. 5312.02. (A) Any planned community in this state is 724
subject to this chapter. No person shall establish a planned 725
community unless that person files and records a declaration and 726
bylaws for that planned community in the office of the recorder 727
of the county or counties in which the planned community is 728
located. 729

(B) Any declaration for a planned community shall be 730
accompanied by bylaws that provide for the operation of the 731
planned community. ~~The~~ Except as provided in division (A) (1) of 732
section 5312.03 of the Revised Code, the declaration and bylaws 733
shall provide for all of the following: 734

(1) The election of the board of directors of the owners 735
association; 736

(2) The number of persons constituting the board; 737

(3) The terms of the directors, with not less than one-	738
fifth to expire annually;	739
(4) The powers and duties of the board;	740
(5) The method of removal of directors from office;	741
(6) Whether the services of a manager or managing agent	742
may be engaged;	743
(7) The method of amending the declaration and bylaws;	744
(8) The time and place for holding meetings and the manner	745
of and authority for calling, giving notice of, and meetings,	746
<u>conducting meetings, and giving notice of meetings, which notice</u>	747
<u>may be sent by electronic mail, provided the association has</u>	748
<u>received the prior, written authorization from the owner;</u>	749
(9) The common expenses for which assessments may be made	750
and the manner of collecting from the owners their respective	751
shares of the common expenses;	752
(10) Any other matters the original declarant or the	753
owners association deem necessary and appropriate.	754
(C) Nothing in this chapter invalidates any provision of a	755
document that governs a planned community if that provision was	756
in the document at the time the document was recorded and the	757
document was recorded prior to the original effective date of	758
this chapter, <u>September 10, 2010.</u>	759
(D) (1) The board of directors of the owners association of	760
any planned community that is in existence on the original	761
effective date of this chapter, <u>September 10, 2010,</u> shall file	762
and record the bylaws of that planned community that are in	763
effect on that effective date in the office of the recorder of	764
the county or counties in which the planned community is located	765

within one hundred eighty days after that effective date. 766

(2) The board of directors of the owners association of 767
any planned community that is in existence on the original 768
effective date of this chapter, September 10, 2010, shall file 769
and record the bylaws that are adopted by the owners association 770
on or after that effective date in the office of the recorder of 771
the county or counties in which the planned community is located 772
within ninety days after the date of adoption of the bylaws. 773

(3) The board of directors of the owners association of 774
any planned community that adopts an amendment to the bylaws of 775
that planned community shall file and record the amendment in 776
the office of the recorder of the county or counties in which 777
the planned community is located within sixty days after the 778
date of adoption of the amendment. 779

(4) Nothing in division (D)(1) or (2) of this section 780
shall require the board of directors or owners association of 781
any planned community that is in existence on the original 782
effective date of this chapter, September 10, 2010, to adopt 783
bylaws of that planned community. 784

(5) No board of directors of the owners association of a 785
planned community that is in existence on the original effective 786
date of this chapter, September 10, 2010, shall pursue any civil 787
action against any person based upon any provision of the bylaws 788
of that planned community or upon any amendments to the bylaws 789
until the bylaws or amendments are filed and recorded under 790
division (D)(1), (2), or (3) of this section. 791

Sec. 5312.03. (A)(1) An owners association shall 792
administer a planned community, and a board of directors the 793
owners elect from among the owners and their spouses shall 794

exercise all power and authority of the owners association. If 795
an owner is not an individual, any principal, member of a 796
limited liability company, partner, director, officer, trustee, 797
or employee of the owner may be elected to the board. The 798
majority of the board shall not consist of owners or 799
representatives from the same lot unless authorized by a 800
resolution adopted by the board of directors prior to the board 801
majority being comprised of owners or representatives from the 802
same lot. 803

(2) Unless otherwise provided, a board of directors may 804
carry out any action this chapter requires or allows an owners 805
association to take, subject to any vote required of the owners. 806

(B) A declarant shall establish an owners association not 807
later than the date upon which the first lot in the planned 808
community is conveyed to a bona fide purchaser for value. The 809
owners association shall be organized as a nonprofit corporation 810
pursuant to Chapter 1702. of the Revised Code. 811

(C) (1) If provided in the declaration, a declarant may 812
control the owners association for the period of time the 813
declaration specifies. During the time of declarant control, the 814
declarant or the declarant's designee may appoint and remove the 815
members of the board. The period of declarant control shall 816
terminate not later than the time at which all of the lots have 817
been transferred to owners. 818

(2) Not later than the termination of any period of 819
declarant control, the owners shall elect a board of directors 820
comprised of the number of members the declaration or bylaws 821
specify. 822

Sec. 5312.05. (A) Unless otherwise specified in division 823

(C) of this section or the declaration or bylaws, the owners may 824
amend the declaration and bylaws by the consent of seventy-five 825
per cent of the owners, either in writing or in a meeting called 826
for that purpose. No amendment to the declaration or bylaws is 827
effective until filed in the office of the county recorder. 828

(B) A vote to terminate the applicability of the 829
declaration and to dissolve the planned community requires the 830
unanimous consent of owners. 831

(C) A vote to delete as void, any provision within the 832
declaration or bylaws, or any applicable restriction or 833
covenant, that limits the occupancy or use of property subject 834
to this chapter on the basis of race, color, national origin, 835
religion, sex, or familial status, requires only a majority vote 836
of the board of directors of the owners association. 837

Sec. 5312.06. (A) ~~Unless otherwise provided in the~~ 838
~~declaration or bylaws, the~~ The owners association, through its 839
board of directors, shall do both of the following: 840

(1) Annually adopt and amend an estimated budget for 841
revenues and expenditures. Any budget shall include reserves in 842
an amount adequate to repair and replace major capital items in 843
the normal course of operations without the necessity of special 844
assessments, unless the owners, exercising not less than a 845
majority of the voting power of the owners association, waive 846
the reserve requirement in writing annually. 847

(2) Collect assessments for common expenses from owners in 848
accordance with section 5312.10 of the Revised Code. 849

(B) Commencing not later than the time of the first 850
conveyance of a lot to a person other than a declarant, the 851
owners association shall maintain all of the following to the 852

extent reasonably available and applicable:	853
(1) Property insurance on the common elements;	854
(2) Liability insurance pertaining to the common elements;	855
(3) Directors and officers liability insurance;	856
<u>(4) (a) Blanket fidelity, crime, or dishonesty insurance</u>	857
<u>coverage for any person who controls or disburses association</u>	858
<u>funds. As used in division (B) (4) (a) of this section, "person</u>	859
<u>who controls or disburses association funds" means any</u>	860
<u>individual with authority or access to sign checks, conduct</u>	861
<u>electronic transfers, or otherwise withdraw funds from any</u>	862
<u>association account or deposit, including the following:</u>	863
<u>(i) A management company's principals and employees;</u>	864
<u>(ii) A bookkeeper;</u>	865
<u>(iii) The president, secretary, treasurer, any other board</u>	866
<u>member, or employee of the owners association.</u>	867
<u>(b) All of the following apply to the insurance coverage</u>	868
<u>required under division (B) (4) (a) of this section:</u>	869
<u>(i) Coverage shall be for the maximum amount of funds that</u>	870
<u>will be in the custody of the association or its designated</u>	871
<u>agent at any one time plus three months of operating expenses.</u>	872
<u>(ii) The insurance shall be the property of and for the</u>	873
<u>sole benefit of the association and shall protect against theft,</u>	874
<u>embezzlement, misappropriation, or any other unauthorized taking</u>	875
<u>or loss of association funds.</u>	876
<u>(iii) The policy shall include in its definition of</u>	877
<u>"employee" the manager and the managing agent of the</u>	878
<u>association's funds or provide for this inclusion by an</u>	879

endorsement to the policy. 880

(iv) The policy shall name the association as the insured party and shall include a provision requiring the issuer of the policy to provide a ten-day written notice to the association's president or manager in the event of cancellation or substantial modification of the policy. The manager or managing agent, if any, of the association shall be the designated agent on the policy. 881
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(v) If there is a change in the manager or the managing agent of the association, then within ten days of the effective start date, the new manager or managing agent shall notify the insurer of such change. 888
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(C) The owners association shall keep all of the following: 892
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(1) Correct and complete books and records of account that specify the receipts and expenditures relating to the common elements and other common receipts and expenses; 894
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(2) Records showing the collection of the common expenses from the owners; 897
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(3) Minutes of the meetings of the association and the board of directors; 899
900

(4) Records of the names and addresses of the owners. 901

(D) An owners association, through its board of directors, may do any of the following: 902
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(1) Hire and fire managing agents, attorneys, accountants, and other independent professionals and employees that the board determines are necessary or desirable in the management of the property and the association; 904
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(2) Commence, defend, intervene in, settle, or compromise	908
any civil, criminal, <u>land use planning,</u> or administrative action	909
or proceeding that is in the name of, or threatened against, the	910
association, the board of directors, or the property, or that	911
involves two or more owners and, <u>impacts zoning, or otherwise</u>	912
relates to matters affecting the property;	913
(3) Enter into contracts and incur liabilities relating to	914
the operation of the property;	915
(4) Enforce all provisions of the declaration, bylaws,	916
covenants, conditions, restrictions, and articles of	917
incorporation governing the lots, common elements, and limited	918
common elements;	919
(5) Adopt and enforce rules that regulate the maintenance,	920
repair, replacement, modification, and appearance of common	921
elements, and any other rules as the declaration provides;	922
(6) Acquire, encumber, and convey or otherwise transfer	923
real and personal property, subject to section 5312.10 of the	924
Revised Code;	925
(7) Hold in the name of the owners association the real	926
property and personal property;	927
(8) Grant easements, leases, licenses, and concessions	928
through or over the common elements;	929
(9) Levy and collect fees or other charges for the use,	930
rental, or operation of the common elements or for services	931
provided to owners;	932
(10) Pursuant to section 5312.11 of the Revised Code, levy	933
the following charges and assessments:	934
(a) Interest and charges for the late payment of	935

assessments;	936
(b) Returned check charges;	937
(c) Enforcement assessments for violations of the declaration, the bylaws, and the rules of the owners association;	938 939 940
(d) Charges for damage to the common elements or other property.	941 942
(11) Adopt and amend rules that regulate the collection of delinquent assessments and the application of payments of delinquent assessments;	943 944 945
(12) Impose reasonable charges for preparing, recording, or copying the declaration, bylaws, amendments to the declaration and bylaws, resale certificates, or statements of unpaid assessments;	946 947 948 949
(13) Authorize entry to any portion of the planned community by designated individuals when conditions exist that involve an imminent risk of damage or harm to common elements, another dwelling unit, or to the health or safety of the occupants of that dwelling unit or another dwelling unit;	950 951 952 953 954
(14) Subject to division (A) (1) of section 5312.09 of the Revised Code, borrow money and assign the right to common assessments or other future income to a lender as security for a loan to the owners association;	955 956 957 958
(15) Suspend the voting privileges and use of recreational facilities of an owner who is delinquent in the payment of assessments for more than thirty days;	959 960 961
(16) Purchase insurance and fidelity bonds the directors consider appropriate and necessary;	962 963

(17) Invest excess funds in investments that meet 964
standards for fiduciary investments under the laws of this 965
state; 966

(18) Exercise powers that are any of the following: 967

(a) Conferred by the declaration or bylaws; 968

(b) Necessary to incorporate the owners association as a 969
nonprofit corporation; 970

(c) Permitted to be exercised in this state by a nonprofit 971
corporation; 972

(d) Necessary and proper for the government and operation 973
of the owners association. 974

Sec. 5312.07. (A) Unless otherwise prohibited by this 975
section, any owner may examine and copy the books, records, and 976
minutes of the owners association that division (C) of section 977
5312.06 of the Revised Code describes, pursuant to reasonable 978
standards set forth in the declaration, bylaws, or rules the 979
board promulgates. The standards may include, but are not 980
limited to, standards governing the type of documents that are 981
subject to examination and copying, the times and locations at 982
which those documents may be examined or copied, and the 983
specification of a reasonable fee for copying the documents. 984

(B) Unless approved by the board of directors, an owner 985
may not examine or copy any ~~of the following from books,~~ 986
records, and or minutes that meet either of the following 987
conditions: 988

(1) Date back more than five years prior to the date of 989
the request; 990

(2) Contain any of the following: 991

<u>(a)</u> Information that pertains to property-related personnel matters;	992 993
(2) <u>(b)</u> Communications with legal counsel or attorney work product pertaining to potential, threatened or pending litigation, or other property-related matters;	994 995 996
(3) <u>(c)</u> Information that pertains to contracts or transactions currently under negotiation, or information that is contained in a contract or other agreement containing confidentiality requirements and that is subject to those requirements;	997 998 999 1000 1001
(4) <u>(d)</u> Information that relates to the enforcement of the declaration, bylaws, or rules of the owners association against other owners;	1002 1003 1004
(5) <u>(e)</u> Information, the disclosure of which is prohibited by state or federal law.	1005 1006
Sec. 5312.11. (A) An owners association may assess an individual lot for any of the following:	1007 1008
(1) Enforcement assessments and individual assessments for utility service that are imposed or levied in accordance with the declaration, as well as expenses the board incurs in collecting those assessments;	1009 1010 1011 1012
(2) Costs of maintenance, repair, or replacement incurred due to the willful or negligent act of an owner or occupant of a lot or their family, tenants, guests, or invitees, including, but not limited to, attorney's fees, court costs, and other expenses;	1013 1014 1015 1016 1017
(3) Costs associated with the enforcement of the declaration or the rules and regulations of the owners	1018 1019

association, including, but not limited to, attorney's fees,	1020
court costs, and other expenses;	1021
(4) Costs or charges the declaration or bylaws permit.	1022
(B) Unless otherwise provided by the declaration, bylaws,	1023
or rules, the owners association shall credit any amount it	1024
receives from a lot owner pursuant to this section in the	1025
following order:	1026
(1) To interest owed to the owners association;	1027
(2) To administrative late fees or enforcement assessments	1028
owed to the owners association;	1029
(3) To collection costs, attorney's fees, and paralegal	1030
fees the owners association incurred in collecting the	1031
assessment;	1032
(4) To the oldest principal amounts the owner owes to the	1033
owners association for the common expenses chargeable against	1034
the dwelling unit or lot.	1035
(C) Prior to imposing a charge for damages or an	1036
enforcement assessment pursuant to this section, the board of	1037
directors shall give the owner a written notice, <u>which may be in</u>	1038
<u>the form of electronic mail to an electronic mail address</u>	1039
<u>previously provided by the owner in writing,</u> that includes all	1040
of the following:	1041
(1) A description of the property damage or violation;	1042
(2) The amount of the proposed charge or assessment;	1043
(3) A statement that the owner has a right to a hearing	1044
before the board to contest the proposed charge or assessment;	1045
(4) A statement setting forth the procedures to request a	1046

hearing; 1047

(5) A reasonable date by which the owner must cure a 1048
continuing violation to avoid the proposed charge or assessment, 1049
if such an opportunity to cure is applicable. 1050

(D) (1) To request a hearing, the owner shall deliver a 1051
written notice to the board not later than the tenth day after 1052
receiving the notice this division requires. If the owner fails 1053
to make a timely request for a hearing, the right to that 1054
hearing is waived, and the board immediately may impose a charge 1055
for damages or an enforcement assessment pursuant to this 1056
section. 1057

(2) If an owner requests a hearing, at least seven days 1058
prior to the hearing the board shall provide the owner with a 1059
written notice that includes the date, time, and location of the 1060
hearing. 1061

(3) The board shall not levy a charge or assessment before 1062
holding any hearing requested pursuant to this section. 1063

(4) Within thirty days following a hearing at which the 1064
board imposes a charge or assessment, the owners association 1065
shall deliver a written notice of the charge or assessment to 1066
the owner. 1067

(5) Any written notice that this section requires shall be 1068
delivered to the owner or any occupant of the dwelling unit by 1069
personal delivery, by certified mail, return receipt requested, 1070
or by regular mail. 1071

Sec. 5312.16. (A) Unless specifically prohibited in the 1072
declaration, any owner may install a solar energy collection 1073
device on the owner's dwelling unit or other location within the 1074
owner's lot if either of the following conditions apply: 1075

(1) The cost to insure, maintain, repair, and replace the unit's roof or alternative location within the lot is not a common expense of the owners association and is instead the owner's responsibility. 1076
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(2) The declaration specifically allows for and regulates the types and installation of solar energy collection devices within the planned community and establishes responsibility for the cost to insure, maintain, repair, and replace such devices. 1080
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(B) Notwithstanding division (A) of this section, an owners association may establish reasonable restrictions concerning the size, place, and manner of placement of solar energy collection devices. 1084
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(C) Prior to imposing a charge for damages or an enforcement assessment pursuant to this section, the board of directors shall give the owner a written notice, which may be in the form of electronic mail to an electronic mail address previously provided by the owner in writing that includes all of the following: 1088
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(1) A description of the property damage or violation; 1094

(2) The amount of the proposed charge or assessment; 1095

(3) A statement that the owner has a right to a hearing before the board of directors to contest the proposed charge or assessment; 1096
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(4) A statement setting forth the procedures to request a hearing; 1099
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(5) A reasonable date by which the unit owner must cure the violation to avoid the proposed charge or assessment. 1101
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(D) As used in this section, "solar energy collection 1103

device" has the same meaning as in section 5311.192 of the 1104

Revised Code. 1105

Section 2. That existing sections 5311.05, 5311.08, 1106

5311.081, 5311.091, 5311.16, 5311.18, 5312.02, 5312.03, 5312.05, 1107

5312.06, 5312.07, and 5312.11 of the Revised Code are hereby 1108

repealed. 1109