

**As Reported by the House Civil and Commercial Law Committee**

**128th General Assembly**

**Regular Session**

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**Sub. S. B. No. 187**

**Senator Seitz**

**Cosponsors: Senators Sawyer, Cates, Gillmor, Grendell, Kearney, Miller, R.,**

**Patton, Harris, Hughes**

**Representatives Murray, Coley**

—

**A B I L L**

To enact sections 5312.01 to 5312.15 of the Revised Code to establish the Ohio Planned Community Law. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 5312.01, 5312.02, 5312.03, 5312.04, 5312.05, 5312.06, 5312.07, 5312.08, 5312.09, 5312.10, 5312.11, 5312.12, 5312.13, 5312.14, and 5312.15 of the Revised Code be enacted to read as follows: 3  
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**Sec. 5312.01.** As used in this chapter: 7

(A) "Assessment" means the liability for an expense that is allocated to a lot in a planned community. 8  
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(B) "Bylaws" means an instrument filed with the declaration that provides for the operation of the owners association. 10  
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"Bylaws" also is referred to as "regulations" pursuant to Chapter 12  
1702. of the Revised Code. 13

(C) "Common element" means any property in a planned community that the owners association holds in fee or has use of pursuant to a lease or easement. 14  
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(D) "Common expense" means any expense or financial liability of the owners association, including allocations the association designates for reserves. 17  
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(E) "Declarant" means the owner of property who executes and records a declaration that the property is a planned community. 20  
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(F) "Declarant control" means the period of time in which the declarant controls the owners association by appointing or electing the members of the association's board of directors. 22  
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(G) "Declaration" means an instrument a property owner executes and records to declare that the property is a planned community subject to the provisions of this chapter. 25  
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(H) "Dwelling unit" means a detached building or the portion of a building that is designed and intended for use and occupancy for residential purposes by a single household or family. 28  
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(I) "Limited common element" means a common element that a declaration designates as reserved for use by a certain lot or lots, to the exclusion of other lots. 31  
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(J) "Lot" means a parcel or tract of land that is formed when a larger parcel of land is subdivided pursuant to Chapter 711. of the Revised Code, has a separate parcel number assigned by the county auditor, and is occupied or intended to be occupied by a dwelling unit. 34  
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(K) "Owner" means a person who owns a lot in a planned community. "Owner" does not include any person that has an interest in a lot solely as security for an obligation. 39  
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(L) "Owners association" means an organization that is comprised of owners of lots in a planned community and that is responsible for the administrative governance, maintenance, and upkeep of the planned community. 42  
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(M) "Planned community" means a community comprised of 46

individual lots for which a deed, common plan, or declaration 47  
requires any of the following: 48

(1) That owners become members of an owners association that 49  
governs the community; 50

(2) That owners or the owners association holds or leases 51  
property or facilities for the benefit of the owners; 52

(3) That owners support by membership or fees, property or 53  
facilities for all owners to use. 54

A condominium property as defined in section 5311.01 of the 55  
Revised Code is not a "planned community." 56

Sec. 5312.02. (A) Any planned community in this state is 57  
subject to this chapter. No person shall establish a planned 58  
community unless that person files and records a declaration and 59  
bylaws for that planned community in the office of the recorder of 60  
the county or counties in which the planned community is located. 61

(B) Any declaration for a planned community shall be 62  
accompanied by bylaws that provide for the operation of the 63  
planned community. The declaration and bylaws shall provide for 64  
all of the following: 65

(1) The election of the board of directors of the owners 66  
association; 67

(2) The number of persons constituting the board; 68

(3) The terms of the directors, with not less than one-fifth 69  
to expire annually; 70

(4) The powers and duties of the board; 71

(5) The method of removal of directors from office; 72

(6) Whether the services of a manager or managing agent may 73  
be engaged; 74

<u>(7) The method of amending the declaration and bylaws;</u>	75
<u>(8) The time and place for holding meetings and the manner of and authority for calling, giving notice of, and conducting meetings;</u>	76 77 78
<u>(9) The common expenses for which assessments may be made and the manner of collecting from the owners their respective shares of the common expenses;</u>	79 80 81
<u>(10) Any other matters the original declarant or the owners association deem necessary and appropriate.</u>	82 83
<u>(C) Nothing in this chapter invalidates any provision of a document that governs a planned community if that provision was in the document at the time the document was recorded and the document was recorded prior to the original effective date of this chapter.</u>	84 85 86 87 88
<u>(D)(1) The board of directors of the owners association of any planned community that is in existence on the original effective date of this chapter shall file and record the bylaws of that planned community that are in effect on that effective date in the office of the recorder of the county or counties in which the planned community is located within one hundred eighty days after that effective date.</u>	89 90 91 92 93 94 95
<u>(2) The board of directors of the owners association of any planned community that is in existence on the original effective date of this chapter shall file and record the bylaws that are adopted by the owners association on or after that effective date in the office of the recorder of the county or counties in which the planned community is located within ninety days after the date of adoption of the bylaws.</u>	96 97 98 99 100 101 102
<u>(3) The board of directors of the owners association of any planned community that adopts an amendment to the bylaws of that planned community shall file and record the amendment in the</u>	103 104 105

office of the recorder of the county or counties in which the 106  
planned community is located within sixty days after the date of 107  
adoption of the amendment. 108

(4) Nothing in division (D)(1) or (2) of this section shall 109  
require the board of directors or owners association of any 110  
planned community that is in existence on the original effective 111  
date of this chapter to adopt bylaws of that planned community. 112

(5) No board of directors of the owners association of a 113  
planned community that is in existence on the original effective 114  
date of this chapter shall pursue any civil action against any 115  
person based upon any provision of the bylaws of that planned 116  
community or upon any amendments to the bylaws until the bylaws or 117  
amendments are filed and recorded under division (D)(1), (2), or 118  
(3) of this section. 119

**Sec. 5312.03. (A)(1) An owners association shall administer a** 120  
**planned community, and a board of directors the owners elect from** 121  
**among the owners and their spouses shall exercise all power and** 122  
**authority of the owners association. If an owner is not an** 123  
**individual, any principal, member of a limited liability company,** 124  
**partner, director, officer, trustee, or employee of the owner may** 125  
**be elected to the board.** 126

(2) Unless otherwise provided, a board of directors may carry 127  
out any action this chapter requires or allows an owners 128  
association to take, subject to any vote required of the owners. 129

(B) A declarant shall establish an owners association not 130  
later than the date upon which the first lot in the planned 131  
community is conveyed to a bona fide purchaser for value. The 132  
owners association shall be organized as a nonprofit corporation 133  
pursuant to Chapter 1702. of the Revised Code. 134

(C)(1) If provided in the declaration, a declarant may 135

control the owners association for the period of time the 136  
declaration specifies. During the time of declarant control, the 137  
declarant or the declarant's designee may appoint and remove the 138  
members of the board. The period of declarant control shall 139  
terminate not later than the time at which all of the lots have 140  
been transferred to owners. 141

(2) Not later than the termination of any period of declarant 142  
control, the owners shall elect a board of directors comprised of 143  
the number of members the declaration or bylaws specify. 144

**Sec. 5312.04.** (A) A board of directors of an owners 145  
association shall elect officers from the members of the board, to 146  
include a president, secretary, treasurer, and other officers as 147  
the board designates. 148

(B) A board may act in all instances on behalf of an 149  
association unless otherwise provided in this chapter, the 150  
declaration, or bylaws. The board may appoint persons to fill 151  
vacancies in its membership for the unexpired portion of any term. 152

(C) Except during a period of declarant control, the board 153  
shall call a meeting of the owners association at least once each 154  
year. Special meetings may be called by the president, a majority 155  
of the board, owners representing fifty per cent of the voting 156  
power in the owners association, or any lower share of the voting 157  
power as the declaration or bylaws specify. 158

(D) The board may hold a meeting by any method of 159  
communication, including electronic or telephonic communication, 160  
provided that each member of the board can hear or read in real 161  
time and participate and respond to every other member of the 162  
board. 163

(E) In lieu of conducting a meeting, the board may take an 164  
action with the unanimous written consent of the members of the 165

board. Any written consent shall be filed with the minutes of the 166  
meetings of the board. 167

(F) No owner other than a director may attend or participate 168  
in any discussion or deliberation of a meeting of the board of 169  
directors unless the board expressly authorizes that owner to 170  
attend or participate. 171

(G) The board of directors of an owners association shall 172  
comply with all applicable state and federal laws concerning 173  
prohibitions against discrimination on the basis of race, color, 174  
religion, sex, military status, national origin, disability, age, 175  
or ancestry, including, but not limited to, Chapter 4112. of the 176  
Revised Code. No private right of action additional to those 177  
conferred by the applicable state and federal anti-discrimination 178  
laws is conferred on any aggrieved individual by the preceding 179  
sentence. 180

**Sec. 5312.05.** (A) Unless otherwise specified in the 181  
declaration or bylaws, the owners may amend the declaration and 182  
bylaws by the consent of seventy-five per cent of the owners, 183  
either in writing or in a meeting called for that purpose. No 184  
amendment to the declaration or bylaws is effective until filed in 185  
the office of the county recorder. 186

(B) A vote to terminate the applicability of the declaration 187  
and to dissolve the planned community requires the unanimous 188  
consent of owners. 189

**Sec. 5312.06.** (A) Unless otherwise provided in the 190  
declaration or bylaws, the owners association, through its board 191  
of directors, shall do both of the following: 192

(1) Annually adopt and amend an estimated budget for revenues 193  
and expenditures. Any budget shall include reserves in an amount 194  
adequate to repair and replace major capital items in the normal 195

course of operations without the necessity of special assessments, 196  
unless the owners, exercising not less than a majority of the 197  
voting power of the owners association, waive the reserve 198  
requirement annually. 199

(2) Collect assessments for common expenses from owners in 200  
accordance with section 5312.10 of the Revised Code. 201

(B) Commencing not later than the time of the first 202  
conveyance of a lot to a person other than a declarant, the owners 203  
association shall maintain all of the following to the extent 204  
reasonably available and applicable: 205

(1) Property insurance on the common elements; 206

(2) Liability insurance pertaining to the common elements; 207

(3) Directors and officers liability insurance. 208

(C) The owners association shall keep all of the following: 209

(1) Correct and complete books and records of account that 210  
specify the receipts and expenditures relating to the common 211  
elements and other common receipts and expenses; 212

(2) Records showing the collection of the common expenses 213  
from the owners; 214

(3) Minutes of the meetings of the association and the board 215  
of directors; 216

(4) Records of the names and addresses of the owners. 217

(D) An owners association, through its board of directors, 218  
may do any of the following: 219

(1) Hire and fire managing agents, attorneys, accountants, 220  
and other independent professionals and employees that the board 221  
determines are necessary or desirable in the management of the 222  
property and the association; 223

(2) Commence, defend, intervene in, settle, or compromise any 224



<u>civil, criminal, or administrative action or proceeding that is in</u>	225
<u>the name of, or threatened against, the association, the board of</u>	226
<u>directors, or the property, or that involves two or more owners</u>	227
<u>and relates to matters affecting the property;</u>	228
<u>(3) Enter into contracts and incur liabilities relating to</u>	229
<u>the operation of the property;</u>	230
<u>(4) Enforce all provisions of the declaration, bylaws,</u>	231
<u>covenants, conditions, restrictions, and articles of incorporation</u>	232
<u>governing the lots, common elements, and limited common elements;</u>	233
<u>(5) Adopt and enforce rules that regulate the maintenance,</u>	234
<u>repair, replacement, modification, and appearance of common</u>	235
<u>elements, and any other rules as the declaration provides;</u>	236
<u>(6) Acquire, encumber, and convey or otherwise transfer real</u>	237
<u>and personal property, subject to section 5312.10 of the Revised</u>	238
<u>Code;</u>	239
<u>(7) Hold in the name of the owners association the real</u>	240
<u>property and personal property;</u>	241
<u>(8) Grant easements, leases, licenses, and concessions</u>	242
<u>through or over the common elements;</u>	243
<u>(9) Levy and collect fees or other charges for the use,</u>	244
<u>rental, or operation of the common elements or for services</u>	245
<u>provided to owners;</u>	246
<u>(10) Pursuant to section 5312.11 of the Revised Code, levy</u>	247
<u>the following charges and assessments:</u>	248
<u>(a) Interest and charges for the late payment of assessments;</u>	249
<u>(b) Returned check charges;</u>	250
<u>(c) Enforcement assessments for violations of the</u>	251
<u>declaration, the bylaws, and the rules of the owners association;</u>	252
<u>(d) Charges for damage to the common elements or other</u>	253

<u>property.</u>	254
<u>(11) Adopt and amend rules that regulate the collection of</u>	255
<u>delinquent assessments and the application of payments of</u>	256
<u>delinquent assessments;</u>	257
<u>(12) Impose reasonable charges for preparing, recording, or</u>	258
<u>copying the declaration, bylaws, amendments to the declaration and</u>	259
<u>bylaws, resale certificates, or statements of unpaid assessments;</u>	260
<u>(13) Authorize entry to any portion of the planned community</u>	261
<u>by designated individuals when conditions exist that involve an</u>	262
<u>imminent risk of damage or harm to common elements, another</u>	263
<u>dwelling unit, or to the health or safety of the occupants of that</u>	264
<u>dwelling unit or another dwelling unit;</u>	265
<u>(14) Subject to division (A)(1) of section 5312.09 of the</u>	266
<u>Revised Code, borrow money and assign the right to common</u>	267
<u>assessments or other future income to a lender as security for a</u>	268
<u>loan to the owners association;</u>	269
<u>(15) Suspend the voting privileges and use of recreational</u>	270
<u>facilities of an owner who is delinquent in the payment of</u>	271
<u>assessments for more than thirty days;</u>	272
<u>(16) Purchase insurance and fidelity bonds the directors</u>	273
<u>consider appropriate and necessary;</u>	274
<u>(17) Invest excess funds in investments that meet standards</u>	275
<u>for fiduciary investments under the laws of this state;</u>	276
<u>(18) Exercise powers that are any of the following:</u>	277
<u>(a) Conferred by the declaration or bylaws;</u>	278
<u>(b) Necessary to incorporate the owners association as a</u>	279
<u>nonprofit corporation;</u>	280
<u>(c) Permitted to be exercised in this state by a nonprofit</u>	281
<u>corporation;</u>	282

(d) Necessary and proper for the government and operation of 283  
the owners association. 284

Sec. 5312.07. (A) Unless otherwise prohibited by this 285  
section, any owner may examine and copy the books, records, and 286  
minutes of the owners association that division (C) of section 287  
5312.06 of the Revised Code describes, pursuant to reasonable 288  
standards set forth in the declaration, bylaws, or rules the board 289  
promulgates. The standards may include, but are not limited to, 290  
standards governing the type of documents that are subject to 291  
examination and copying, the times and locations at which those 292  
documents may be examined or copied, and the specification of a 293  
reasonable fee for copying the documents. 294

(B) Unless approved by the board of directors, an owner may 295  
not examine or copy any of the following from books, records, and 296  
minutes: 297

(1) Information that pertains to property-related personnel 298  
matters; 299

(2) Communications with legal counsel or attorney work 300  
product pertaining to potential, threatened or pending litigation, 301  
or other property-related matters; 302

(3) Information that pertains to contracts or transactions 303  
currently under negotiation, or information that is contained in a 304  
contract or other agreement containing confidentiality 305  
requirements and that is subject to those requirements; 306

(4) Information that relates to the enforcement of the 307  
declaration, bylaws, or rules of the owners association against 308  
other owners; 309

(5) Information, the disclosure of which is prohibited by 310  
state or federal law. 311

Sec. 5312.08. (A) Unless otherwise provided by the 312  
declaration, the owners association is responsible for reasonable 313  
maintenance, repair, and replacement of the common elements, and 314  
each owner is responsible for maintenance, repair, and replacement 315  
of the owner's lot and improvements to that lot, including the 316  
dwelling unit and the utility lines serving that dwelling unit. 317

(B) An owner shall permit agents or employees of the owners 318  
association and other owners access through the owner's lot and 319  
dwelling unit for the purpose of fulfilling the association's 320  
duties and obligations. Any damage to the common elements, lot, or 321  
dwelling unit due to that access is the responsibility of the 322  
owner that caused the damage or the owners association if it is 323  
responsible for the damage. That owner, or the owners association, 324  
is liable for the prompt repair of any damage and, if not 325  
repairable, for the value of the damaged property or item as it 326  
existed immediately prior to that damage. 327

Sec. 5312.09. (A)(1) The owners association may not assign 328  
the right to common assessments, or the future income from those 329  
assessments, or convey any fee interest or any security interest 330  
in any portion of the common elements unless the declaration 331  
specifically provides for such a conveyance or seventy-five per 332  
cent of the voting power of the owners association, or any larger 333  
percentage the declaration specifies, approves the conveyance. 334

(2) The owners association may not convey any fee interest in 335  
a limited common element or subject a limited common element to a 336  
security interest without the approval of all of the owners of the 337  
lots to which the limited common element is allocated. Any 338  
proceeds of the conveyance of a limited common element are an 339  
asset of the owners association. 340

(B) No contract to convey or subject a common element or a 341

limited common element to a security interest is enforceable 342  
against the owners association unless it complies with division 343  
(A) of this section. The board of directors, on behalf of the 344  
owners association, has all powers necessary and appropriate to 345  
effect a conveyance or encumbrance that division (A) of this 346  
section permits, including the power to execute a deed or other 347  
instrument. 348

Sec. 5312.10. (A)(1) In accordance with its declaration, all 349  
costs the owners association incurs in the administration, 350  
governance, and maintenance of a planned community are common 351  
expenses. Unless otherwise provided in the declaration, all costs 352  
of the administration, operation, maintenance, repair, and 353  
replacement of the common elements are common expenses. 354

(2) The common expense liability of each lot shall be 355  
allocated in accordance with the allocation set forth in the 356  
declaration. If the declaration does not establish any allocation, 357  
the common expense liability shall be allocated equally among all 358  
the lots. 359

(3) The board of directors shall assess the common expense 360  
liability for each lot at least annually, based on a budget the 361  
board adopts at least annually. 362

(B) The board shall charge interest on any past due 363  
assessment or installment at the rate the board establishes, not 364  
to exceed any maximum rate permitted by law. 365

(C)(1) The board may not charge assessments for common 366  
expenses unless the declaration provides for or contemplates the 367  
charging of such assessments. 368

(2) The board may not increase any assessment for common 369  
expenses when the declaration limits the amount of such 370  
assessments unless the owners amend the declaration as provided in 371

division (A) of section 5312.05 of the Revised Code to allow the 372  
increased amount. 373

Sec. 5312.11. (A) An owners association may assess an 374  
individual lot for any of the following: 375

(1) Enforcement assessments and individual assessments for 376  
utility service that are imposed or levied in accordance with the 377  
declaration, as well as expenses the board incurs in collecting 378  
those assessments; 379

(2) Costs of maintenance, repair, or replacement incurred due 380  
to the willful or negligent act of an owner or occupant of a lot 381  
or their family, tenants, guests, or invitees, including, but not 382  
limited to, attorney's fees, court costs, and other expenses; 383

(3) Costs associated with the enforcement of the declaration 384  
or the rules and regulations of the owners association, including, 385  
but not limited to, attorney's fees, court costs, and other 386  
expenses; 387

(4) Costs or charges the declaration or bylaws permit. 388

(B) Unless otherwise provided by the declaration, bylaws, or 389  
rules, the owners association shall credit any amount it receives 390  
from a lot owner pursuant to this section in the following order: 391

(1) To interest owed to the owners association; 392

(2) To administrative late fees or enforcement assessments 393  
owed to the owners association; 394

(3) To collection costs, attorney's fees, and paralegal fees 395  
the owners association incurred in collecting the assessment; 396

(4) To the oldest principal amounts the owner owes to the 397  
owners association for the common expenses chargeable against the 398  
dwelling unit or lot. 399

(C) Prior to imposing a charge for damages or an enforcement 400

assessment pursuant to this section, the board of directors shall 401  
give the owner a written notice that includes all of the 402  
following: 403

(1) A description of the property damage or violation; 404

(2) The amount of the proposed charge or assessment; 405

(3) A statement that the owner has a right to a hearing 406  
before the board to contest the proposed charge or assessment; 407

(4) A statement setting forth the procedures to request a 408  
hearing; 409

(5) A reasonable date by which the owner must cure a 410  
continuing violation to avoid the proposed charge or assessment, 411  
if such an opportunity to cure is applicable. 412

(D)(1) To request a hearing, the owner shall deliver a 413  
written notice to the board not later than the tenth day after 414  
receiving the notice this division requires. If the owner fails to 415  
make a timely request for a hearing, the right to that hearing is 416  
waived, and the board immediately may impose a charge for damages 417  
or an enforcement assessment pursuant to this section. 418

(2) If an owner requests a hearing, at least seven days prior 419  
to the hearing the board shall provide the owner with a written 420  
notice that includes the date, time, and location of the hearing. 421

(3) The board shall not levy a charge or assessment before 422  
holding any hearing requested pursuant to this section. 423

(4) Within thirty days following a hearing at which the board 424  
imposes a charge or assessment, the owners association shall 425  
deliver a written notice of the charge or assessment to the owner. 426

(5) Any written notice that this section requires shall be 427  
delivered to the owner or any occupant of the dwelling unit by 428  
personal delivery, by certified mail, return receipt requested, or 429  
by regular mail. 430

Sec. 5312.12. (A) The owners association has a lien upon the 431  
estate or interest in any lot for the payment of any assessment or 432  
charge levied in accordance with section 5312.11 of the Revised 433  
Code, as well as any related interest, administrative late fees, 434  
enforcement assessments, collection costs, attorney's fees, and 435  
paralegal fees, that are chargeable against the lot and that 436  
remain unpaid ten days after any portion has become due and 437  
payable. 438

(B) All of the following apply to a lien charged against a 439  
property pursuant to this section: 440

(1) The lien is effective on the date that a certificate of 441  
lien is filed for record in the office of the recorder of the 442  
county or counties in which the lot is situated, pursuant to 443  
authorization by the board of directors of the owners association. 444  
The certificate shall contain a description of the lot, the name 445  
of the record owner of the lot, and the amount of the unpaid 446  
assessment or charge. It shall be subscribed to by the president 447  
of the board or other designated representative of the owners 448  
association. 449

(2) The lien is a continuing lien upon the lot against which 450  
each assessment or charge is made, subject to automatic subsequent 451  
adjustments reflecting any additional unpaid interest, 452  
administrative late fees, enforcement assessments, collection 453  
costs, attorney's fees, paralegal fees, and court costs. 454

(3) The lien is valid for a period of five years from the 455  
date of filing, unless it is sooner released or satisfied in the 456  
same manner provided by law for the release and satisfaction of 457  
mortgages on real property or unless it is discharged by the final 458  
judgment or order of a court in an action brought to discharge the 459  
lien as provided in this section. 460

(4) The lien is prior to any lien or encumbrance subsequently 461



arising or created, except liens for real estate taxes and 462  
assessments of political subdivisions and liens of first mortgages 463  
that have been filed for record prior to the recording of the 464  
lien, and may be foreclosed in the same manner as a mortgage on 465  
real property in an action brought by the owners association. 466

(C)(1) In any foreclosure action that the holder of a lien 467  
commences, the holder shall name the owners association as a 468  
defendant in the action. The owners association or the holder of 469  
the lien is entitled to the appointment of a receiver to collect 470  
rental payments due on the property. Any rental payment a receiver 471  
collects during the pendency of the foreclosure action shall be 472  
applied first to the payment of the portion of the common expenses 473  
chargeable to the lot during the foreclosure action. 474

(2) Unless prohibited by the declaration or the bylaws, 475  
following any foreclosure action, the owners association or an 476  
agent the board authorizes is entitled to become a purchaser at 477  
the foreclosure sale. 478

(3) A mortgage on a lot may contain a provision that secures 479  
the mortgagee's advances for the payment of the portion of the 480  
common expenses chargeable against the lot upon which the 481  
mortgagee holds the mortgage. 482

(4) In any foreclosure action, it is not a defense, set off, 483  
counterclaim, or crossclaim that the owners association has failed 484  
to provide the owner with any service, goods, work, or material, 485  
or failed in any other duty. 486

(D) An owner may commence an action for the discharge of the 487  
lien in the court of common pleas of the county in which all or a 488  
part of the property is situated if the owner believes that the 489  
liability for the unpaid assessment or charge for which the owners 490  
association filed a certificate of lien was improperly charged. In 491  
the action, if it is finally determined that the unpaid amount of 492

the assessment or charge was improperly charged to the owner or 493  
the lot, the court shall enter an order that it determines to be 494  
just, which may provide for a discharge of record of all or a 495  
portion of the lien and an award of attorney's fees to the owner. 496

Sec. 5312.13. The owners association and all owners, 497  
residents, tenants, and other persons lawfully in possession and 498  
control of any part of an ownership interest shall comply with any 499  
covenant, condition, and restriction set forth in any recorded 500  
document to which they are subject, and with the bylaws and the 501  
rules of the owners association, as lawfully amended. Any 502  
violation is grounds for the owners association or any owner to 503  
commence a civil action for damages, injunctive relief, or both, 504  
and an award of court costs and reasonable attorney's fees in both 505  
types of action. 506

Sec. 5312.14. In any action relating to the common elements 507  
or to any right, duty, or obligation possessed or imposed upon the 508  
owners association by statute or otherwise, the owners association 509  
may sue or be sued as a separate legal entity. Service of summons 510  
or other process may be made upon the owners association by 511  
serving the process personally upon the president of the board of 512  
directors or the person named as statutory agent of the 513  
association if it is an incorporated entity. Any action brought by 514  
or on behalf of the owners association shall be pursuant to 515  
authority granted by the board of directors. 516

Sec. 5312.15. This chapter shall be construed to establish a 517  
uniform framework for the operation and management of planned 518  
communities in this state and to supplement any planned community 519  
governing document that is in existence on the effective date of 520  
this chapter. In the event of a specific conflict between this 521  
chapter and express requirements or restrictions in such a 522

governing document, the governing document shall control. This 523  
chapter shall control if any governing document is silent with 524  
respect to any provision of this chapter. 525