

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 371**

**Representatives Grossman, Perales**

**Cosponsor: Representative Anielski**

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**A B I L L**

To amend sections 5311.01, 5311.08, 5311.081, 1  
5311.09, 5311.091, and 5311.22 and to enact 2  
sections 5311.082, 5311.083, 5311.15, 5311.28 to 3  
5311.33, and 5311.99 of the Revised Code to 4  
require certain unit owners association managers 5  
to hold a real estate broker's license, to make 6  
changes to the board meetings, record retention, 7  
and budget procedure requirements of the 8  
Condominium Law, and to establish a registry of 9  
condominium developments and the Ohio Condominium 10  
Dispute Resolution Commission. 11

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

**Section 1.** That sections 5311.01, 5311.08, 5311.081, 5311.09, 12  
5311.091, and 5311.22 be amended and sections 5311.082, 5311.083, 13  
5311.15, 5311.28, 5311.29, 5311.30, 5311.31, 5311.32, 5311.33, and 14  
5311.99 of the Revised Code be enacted to read as follows: 15

**Sec. 5311.01.** As used in this chapter, except as otherwise 17  
provided: 18

(A) "Agent" means any person who represents a developer or 19

who acts for or on behalf of a developer in selling or offering to 20  
sell any ownership interest in a condominium development. "Agent" 21  
does not include an attorney whose representation of a developer 22  
consists solely of rendering legal services. 23

(B) "Additional property" means land, including surface and 24  
air rights, or improvements to land that are described in an 25  
original declaration and that may be added in the future to an 26  
expandable condominium property. 27

(C) "Affiliate of a developer" means any person who controls 28  
a developer or is controlled by a developer. For the purposes of 29  
this division: 30

(1) A person "controls" a developer if any of the following 31  
applies: 32

(a) The person is a general partner, officer, member, 33  
manager, director, or employer of the developer. 34

(b) The person owns, controls, holds with power to vote, or 35  
holds proxies representing more than twenty per cent of the voting 36  
interest in the developer, doing so either directly or indirectly, 37  
acting in concert with one or more other persons, or through one 38  
or more subsidiaries. 39

(c) The person controls, in any manner, the election of a 40  
majority of the developer's directors. 41

(d) The person has contributed more than twenty per cent of 42  
the developer's capital. 43

(2) A person "is controlled by" a developer if any of the 44  
following applies: 45

(a) The developer is a general partner, member, manager, 46  
officer, director, or employer of the person. 47

(b) The developer owns, controls, holds with power to vote, 48  
or holds proxies representing more than twenty per cent of the 49

voting interest in the person, doing so either directly or 50  
indirectly, acting in concert with one or more other persons, or 51  
through one or more subsidiaries. 52

(c) The developer controls, in any manner, the election of a 53  
majority of the person's directors. 54

(d) The developer has contributed more than twenty per cent 55  
of the person's capital. 56

(3) "Control" does not exist for purposes of division (C)(1) 57  
or (2) of this section if a person or developer holds any power 58  
described in either of those divisions solely as security for an 59  
obligation and that power is not exercised. 60

(D) "Body of water" means a stream, lake, pond, marsh, river, 61  
or other body of natural or artificial surface water. 62

(E) "Common assessments" means assessments that are charged 63  
proportionately against all units for common purposes. 64

(F) "Common elements" means, unless otherwise provided in the 65  
declaration, the following parts of the condominium property: 66

(1) The land described in the declaration; 67

(2) All other areas, facilities, places, and structures that 68  
are not part of a unit, including, but not limited to, the 69  
following: 70

(a) Foundations, columns, girders, beams, supports, 71  
supporting walls, roofs, halls, corridors, lobbies, stairs, 72  
stairways, fire escapes, entrances, and exits of buildings; 73

(b) Basements, yards, gardens, parking areas, garages, and 74  
storage spaces; 75

(c) Premises for the lodging of janitors or persons in charge 76  
of the property; 77

(d) Installations of central services, including, but not 78

limited to, power, light, gas, hot and cold water, heating,	79
refrigeration, air conditioning, and incinerating;	80
(e) Elevators, tanks, pumps, motors, fans, compressors,	81
ducts, and, in general, all apparatus and installations existing	82
for common use;	83
(f) Community and commercial facilities that are not listed	84
in division (F)(2)(a), (b), (c), (d), or (e) of this section but	85
provided for in the declaration;	86
(g) All parts of the condominium property that are not listed	87
in division (F)(2)(a), (b), (c), (d), (e), or (f) of this section	88
that are necessary or convenient to its existence, maintenance,	89
and safety, that are normally in common use, or that have been	90
designated as common elements in the declaration or drawings.	91
(G) "Common expenses" means expenses designated as common	92
expenses in this chapter or in the declaration.	93
(H) "Common losses" means the amount by which the common	94
expenses during any period of time exceeds the common assessments	95
and common profits during that period.	96
(I) "Common profits" means the amount by which the total	97
income received from any of the following exceeds expenses	98
allocable to the particular income, rental, fee, or charge:	99
(1) Assessments charged for special benefits to specific	100
units;	101
(2) Rents received from the rental of equipment or space in	102
common elements;	103
(3) Any other fee, charge, or income other than common	104
assessments.	105
(J) "Common surplus" means the amount by which common	106
assessments collected during any period exceed common expenses.	107
(K) "Condominium" means a form of real property ownership in	108

which a declaration has been filed submitting the property to the 109  
condominium form of ownership pursuant to this chapter and under 110  
which each owner has an individual ownership interest in a unit 111  
with the right to exclusive possession of that unit and an 112  
undivided ownership interest with the other unit owners in the 113  
common elements of the condominium property. 114

(L) "Condominium development" means a ~~condominium~~ property in 115  
which two or more individual residential or water slip units, 116  
together with their undivided interests in the common elements of 117  
the property, are offered for sale pursuant to a common 118  
promotional plan. 119

(M) "Condominium instruments" means the declaration and 120  
accompanying drawings and plans, the bylaws of the unit owners 121  
association, the condominium development disclosure statement 122  
described in section 5311.26 of the Revised Code, any contracts 123  
pertaining to the management of the condominium property, and any 124  
other documents, contracts, or instruments establishing ownership 125  
of or exerting control over a condominium property or unit. 126

(N) "Condominium ownership interest" means a fee simple 127  
estate or a ninety-nine-year leasehold estate, renewable forever, 128  
in a unit, together with an appurtenant undivided interest in the 129  
common elements. 130

(O) "Condominium property" means all real and personal 131  
property submitted to the provisions of this chapter, including 132  
land, the buildings, improvements, and structures on that land, 133  
the land under a water slip, the buildings, improvements, and 134  
structures that form or that are utilized in connection with that 135  
water slip, and all easements, rights, and appurtenances belonging 136  
to the land or to the land under a water slip. 137

(P) "Conversion condominium development" means a condominium 138  
development that was operated as a rental property and occupied by 139

tenants immediately prior to the submission of the property to the 140  
provisions of this chapter. 141

(Q) "Convertible unit" means a unit that may be converted 142  
into one or more units and common elements, including limited 143  
common elements. 144

(R) "Declaration" means the instrument by which property is 145  
submitted to the provisions of this chapter. "Declaration" 146  
includes all amendments to that declaration. 147

(S) "Developer" means any person who directly or indirectly 148  
sells or offers for sale condominium ownership interests in a 149  
condominium development. "Developer" includes the declarant of a 150  
condominium development and any successor to that declarant who 151  
stands in the same relation to the condominium development as the 152  
declarant. 153

(T) "Exclusive use area" means common elements that the 154  
declaration reserves for delegation by the board of directors to 155  
the use of a certain unit or units, to the exclusion of other 156  
units. 157

(U) "Expandable condominium property" means a condominium 158  
property in which the original declaration reserves the right to 159  
add additional property. 160

(V) "Leasehold condominium development" means a condominium 161  
development in which each unit owner owns a ninety-nine-year 162  
leasehold estate, renewable forever, in the owner's unit, in the 163  
land upon which that unit is situated, or in both, together with 164  
an undivided leasehold interest in the common elements, with all 165  
leasehold interests due to expire at the same time. 166

(W) "Limited common elements" means the common elements that 167  
the declaration designates as being reserved for use by a certain 168  
unit or units, to the exclusion of the other units. 169

(X) "Offer" includes any inducement or solicitation to encourage a person to acquire a condominium ownership interest in a condominium development.

(Y) "Par value" means a number, expressed in dollars, points, or as a percentage or fraction, attached to a unit by the declaration.

(Z) "Purchaser" means a person who purchases a condominium ownership interest for consideration pursuant to an agreement for the conveyance or transfer of that interest for consideration.

(AA) "Sale of a condominium ownership interest" means the execution by both parties of an agreement for the conveyance or transfer for consideration of a condominium ownership interest. "Sale of a condominium ownership interest" does not include a transfer of one or more units from the developer to another developer, a subsidiary of the developer, or a financial institution for the purpose of facilitating the sale or development of the remaining or unsold portion of the condominium property or additional property.

(BB) "Unit" means the part of the condominium property that is designated as a unit in the declaration, is delineated as a unit on the drawings prepared pursuant to section 5311.07 of the Revised Code, and is one of the following:

(1) A residential unit, in which the designated part of the condominium property is devoted in whole or in part to use as a residential dwelling consisting of one or more rooms on one or more floors of a building. A "residential unit" may include exterior portions of the building, spaces in a carport, and parking spaces as described and designated in the declaration and drawings.

(2) A water slip unit, which consists of the land that is under the water in a water slip and the land that is under the

piers or wharves that form the water slip, and that is used for 201  
the mooring of watercraft. 202

(3) A commercial unit in which the property is designated for 203  
separate ownership or occupancy solely for commercial purposes, 204  
industrial purposes, or other nonresidential or nonwater slip use. 205

(CC) "Unit owner" means a person who owns a condominium 206  
ownership interest in a unit. 207

(DD) "Unit owners association" means the condominium 208  
association or other organization that administers the condominium 209  
property and that consists of all the owners of units in a 210  
condominium property. 211

(EE) "Watercraft" has the same meaning as in division (A) of 212  
section 1547.01 of the Revised Code. 213

(FF) "Water slip" means a channel of water between piers or 214  
wharves. 215

(GG) "Manager" or "managing agent" means a person that is 216  
responsible, alone or in concert with others, for the management 217  
of a condominium property. 218

**Sec. 5311.08.** (A)(1) Every condominium property shall be 219  
administered by a unit owners association. All power and authority 220  
of the unit owners association shall be exercised by a board of 221  
directors, which the unit owners shall elect from among the unit 222  
owners or the spouses of unit owners. If a unit owner is not an 223  
individual, that unit owner may nominate for the board of 224  
directors any principal, member of a limited liability company, 225  
partner, director, officer, or employee of that unit owner. 226

(2) The board of directors shall elect a president, 227  
secretary, treasurer, and other officers that the board may 228  
desire. 229

(3) Unless otherwise provided in the declaration or the 230



bylaws, all meetings of the unit owners association are open to 231  
the unit owners, and those present in person or by proxy when 232  
action is taken during a meeting of the unit owners association 233  
constitute a sufficient quorum. 234

(4)(a) All meetings of the board of directors shall be open 235  
to all unit owners. A portion of each board meeting shall be 236  
allocated for comments by unit owners. A unit owner may send an 237  
agent or a representative, as authorized by a notarized statement 238  
of the unit owner, to attend a board meeting in the unit owner's 239  
place. 240

(b) At least five days prior to a meeting of the board of 241  
directors, the board shall post a notice of the meeting in the 242  
common areas of the condominium property and on the web site 243  
maintained by the association or managing agent, if the 244  
association or managing agent has a web site. The board also shall 245  
send notice to a unit owner who has requested to be included in a 246  
mailing list, by electronic mail to the unit owner's electronic 247  
mail address or by traditional mail to the unit owner's home 248  
mailing address, as requested by the unit owner. The board shall 249  
make all public materials provided to board members for the 250  
meeting available to unit owners upon request. 251

(c) A meeting of the board of directors may be held by any 252  
method of communication, including electronic or telephonic 253  
communication provided that each member of the board, and each 254  
unit owner that participates, can hear, participate, and respond 255  
to every other member of the board or unit owner. 256

~~(b) In lieu of conducting a meeting, the~~ (d) The board of 257  
~~directors may take action with the unanimous written consent of~~ 258  
~~the members of the board. Those written consents shall be filed~~ 259  
~~with the minutes of the meetings of the board~~ shall vote on the 260  
record. 261

(B) The unit owners association shall be governed by bylaws.	262
No modification of or amendment to the bylaws is valid unless it	263
is set forth in an amendment to the declaration, and the amendment	264
to the declaration is filed for record. Unless otherwise provided	265
by the declaration, the bylaws shall provide for the following:	266
(1)(a) The election of the board of directors of the unit	267
owners association;	268
(b) The number of persons constituting the board;	269
(c) The terms of the directors, with not less than one-fifth	270
to expire annually;	271
(d) The powers and duties of the board;	272
(e) The compensation of the directors;	273
(f) The method of removal of directors from office;	274
(g) The election of officers of the board;	275
(h) Whether or not the services of a manager or managing	276
agent may be engaged.	277
(2) The time and place for holding meetings; the manner of	278
and authority for calling, giving notice of, and conducting	279
meetings; and the requirement, in terms of undivided interests in	280
the common elements, of a quorum for meetings of the unit owners	281
association;	282
(3) By whom and the procedure by which maintenance, repair,	283
and replacement of the common elements may be authorized;	284
(4) The common expenses for which assessments may be made and	285
the manner of collecting from the unit owners their respective	286
shares of the common expenses;	287
(5) The method of distributing the common profits;	288
(6) By whom and the procedure by which administrative rules	289
governing the operation and use of the condominium property or any	290

portion of the property may be adopted and amended. These rules 291  
may govern any aspect of the condominium property that is not 292  
required to be governed by bylaws and may include standards 293  
governing the type and nature of information and documents that 294  
are subject to examination and copying by unit owners pursuant to 295  
section 5311.091 of the Revised Code, including the times and 296  
location at which items may be examined or copied and any required 297  
fee for copying the information or documents. 298

(C)(1) The unit owners association shall be established not 299  
later than the date that the deed or other evidence of ownership 300  
is filed for record following the first sale of a condominium 301  
ownership interest in a condominium development. Membership in the 302  
unit owners association shall be limited to unit owners, and all 303  
unit owners shall be members. Until the unit owners association is 304  
established, the developer shall act in all instances in which 305  
action of the unit owners association or its officers is 306  
authorized or required by law or the declaration. 307

(2)(a) Not later than sixty days after the developer has sold 308  
and conveyed condominium ownership interests appertaining to 309  
twenty-five per cent of the undivided interests in the common 310  
elements in a condominium development, the unit owners association 311  
shall meet, and the unit owners other than the developer shall 312  
elect not less than one-third of the members of the board of 313  
directors. 314

(b) When computing undivided interests in expandable 315  
condominium properties for purposes of divisions (C) and (D) of 316  
this section, the undivided interests in common elements shall be 317  
computed by comparing the number of units sold and conveyed to the 318  
maximum number of units that may be created, as stated in the 319  
declaration pursuant to division (C)(8) of section 5311.05 of the 320  
Revised Code. 321

(D)(1) Except as provided in division (C) of this section, 322

the declaration or bylaws of a condominium development may 323  
authorize the developer or persons the developer designates to 324  
appoint and remove members of the board of directors of the unit 325  
owners association and to exercise the powers and responsibilities 326  
otherwise assigned by law, the declaration, or the bylaws to the 327  
unit owners association or to the board of directors. The 328  
authorization for developer control may extend from the date the 329  
unit owners association is established until sixty days after the 330  
sale and conveyance to purchasers in good faith for value of 331  
condominium ownership interests to which seventy-five per cent of 332  
the undivided interests in the common elements appertain, except 333  
that in no case may the authorization extend for more than five 334  
years after the unit owners association is established if the 335  
declaration includes expandable condominium property or more than 336  
three years after the unit owners association is established if 337  
the declaration does not include expandable condominium property. 338

(2) If there is a unit owner other than the developer, the 339  
declaration of a condominium development shall not be amended to 340  
increase the scope or the period of the developer's control. 341

(3) Within sixty days after the expiration of the period 342  
during which the developer has control pursuant to division (D)(1) 343  
of this section, the unit owners association shall meet and elect 344  
all members of the board of directors of the association. The 345  
persons elected shall take office at the end of the meeting during 346  
which they are elected and shall, as soon as reasonably possible, 347  
appoint officers. 348

(E) The board of directors, or the developer while in control 349  
of the association, may take any measures necessary to incorporate 350  
the unit owners association as a not-for-profit corporation. 351

(F) If the services of a manager or managing agent are 352  
engaged, the manager or managing agent shall comply with section 353  
5311.15 of the Revised Code. 354

Sec. 5311.081. (A) Unless otherwise provided in the 355  
declaration or bylaws, the unit owners association, through the 356  
board of directors, shall do both of the following: 357

(1) Adopt and amend budgets for revenues, expenditures, and 358  
reserves in an amount adequate to repair and replace major capital 359  
items in the normal course of operations without the necessity of 360  
special assessments, provided that the amount set aside annually 361  
for reserves shall not be less than ten per cent of the budget for 362  
that year unless the reserve requirement is waived annually by the 363  
unit owners exercising not less than a majority of the voting 364  
power of the unit owners association; 365

(2) Collect assessments for common expenses from unit owners. 366

(B) Unless otherwise provided in the declaration, the unit 367  
owners association, through the board of directors, may exercise 368  
all powers of the association, including the power to do the 369  
following: 370

(1) ~~Hire~~ Subject to section 5311.15 of the Revised Code, hire 371  
and fire managing agents, attorneys, accountants, and other 372  
independent contractors and employees that the board determines 373  
are necessary or desirable in the management of the condominium 374  
property and the association; 375

(2) Commence, defend, intervene in, settle, or compromise any 376  
civil, criminal, or administrative action or proceeding that is in 377  
the name of, or threatened against, the unit owners association, 378  
the board of directors, or the condominium property, or that 379  
involves two or more unit owners and relates to matters affecting 380  
the condominium property; 381

(3) Enter into contracts and incur liabilities relating to 382  
the operation of the condominium property; 383

(4) Regulate the use, maintenance, repair, replacement, 384

modification, and appearance of the condominium property;	385
(5) Adopt rules that regulate the use or occupancy of units,	386
the maintenance, repair, replacement, modification, and appearance	387
of units, common elements, and limited common elements when the	388
actions regulated by those rules affect common elements or other	389
units;	390
(6) Cause additional improvements to be made as part of the	391
common elements;	392
(7) Purchase, encumber, and convey units, and, subject to any	393
restrictions in the declaration or bylaws and with the approvals	394
required by division (H)(2) or (3) of section 5311.04 of the	395
Revised Code, acquire an interest in other real property and	396
encumber or convey that interest. All expenses incurred in	397
connection with the acquisition, encumbrance, use, and operation	398
of that interest are common expenses.	399
(8) Acquire, encumber, and convey or otherwise transfer	400
personal property;	401
(9) Hold in the name of the unit owners association the real	402
property and personal property acquired pursuant to divisions	403
(B)(7) and (8) of this section;	404
(10) Grant easements, leases, licenses, and concessions	405
through or over the common elements;	406
(11) Impose and collect fees or other charges for the use,	407
rental, or operation of the common elements or for services	408
provided to unit owners;	409
(12) Impose interest and late charges for the late payment of	410
assessments; impose returned check charges; and, pursuant to	411
division (C) of this section, impose reasonable enforcement	412
assessments for violations of the declaration, the bylaws, and the	413
rules of the unit owners association, and reasonable charges for	414

damage to the common elements or other property;	415
(13) Adopt and amend rules that regulate the collection of delinquent assessments and the application of payments of delinquent assessments;	416 417 418
(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;	419 420 421 422 423
(15) Impose reasonable charges for preparing, recording, or copying amendments to the declaration, resale certificates, or statements of unpaid assessments;	424 425 426
(16) Enter a unit for bona fide purposes when conditions exist that involve an imminent risk of damage or harm to common elements, another unit, or to the health or safety of the occupants of that unit or another unit;	427 428 429 430
(17) To the extent provided in the declaration or bylaws, assign the unit owners association's rights to common assessments, or other future income, to a lender as security for a loan to the unit owners association;	431 432 433 434
(18) Suspend the voting privileges and use of recreational facilities of a unit owner who is delinquent in the payment of assessments for more than thirty days;	435 436 437
(19) Purchase insurance and fidelity bonds the directors consider appropriate or necessary;	438 439
(20) Invest excess funds in investments that meet standards for fiduciary investments under Ohio law;	440 441
(21) Exercise powers that are:	442
(a) Conferred by the declaration or the bylaws of the unit owners association or the board of directors;	443 444

(b) Necessary to incorporate the unit owners association as a not-for-profit corporation; 445  
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(c) Permitted to be exercised in this state by a not-for-profit corporation; 447  
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(d) Necessary and proper for the government and operation of the unit owners association. 449  
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(C)(1) Prior to imposing a charge for damages or an enforcement assessment pursuant to division (B)(12) of this section, the board of directors shall give the unit owner a written notice that includes all of the following: 451  
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(a) A description of the property damage or violation; 455

(b) The amount of the proposed charge or assessment; 456

(c) A statement that the owner has a right to a hearing before the board of directors to contest the proposed charge or assessment; 457  
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(d) A statement setting forth the procedures to request a hearing pursuant to division (C)(2) of this section; 460  
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(e) A reasonable date by which the unit owner must cure the violation to avoid the proposed charge or assessment. 462  
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(2)(a) To request a hearing, the owner shall deliver a written notice to the board of directors not later than the tenth day after receiving the notice required by division (C)(1) of this section. If the owner fails to make a timely request for a hearing, the right to that hearing is waived, and the board may immediately impose a charge for damages or an enforcement assessment pursuant to division (C) of this section. 464  
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(b) If a unit owner requests a hearing, at least seven days prior to the hearing the board of directors shall provide the unit owner with a written notice that includes the date, time, and location of the hearing. 471  
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(3) The board of directors shall not levy a charge or assessment before holding any hearing requested pursuant to division (C)(2) of this section.

(4) The unit owners, through the board of directors, may allow a reasonable time to cure a violation described in division (B)(12) of this section before imposing a charge or assessment.

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

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

(D) Not later than thirty days after the board of directors adopts a budget in accordance with division (A)(1) of this section, the board shall provide to all the unit owners a summary of the budget including an explanation of the amount and method of calculating and funding reserves, if applicable.

**Sec. 5311.082.** (A) The division of real estate and professional licensing in the department of commerce shall establish and maintain a registry, in the form of a database, of the names of unit owners associations in the state. Information in the database shall be available for public viewing. The division shall include access to the information in the database on the division's web site and in other materials, as determined by the superintendent of real estate and professional licensing.

(B) The division shall perform all of the following duties:

(1) Adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code to carry out sections 5311.082

and 5311.083 of the Revised Code governing the registration of 505  
unit owners associations; 506

(2) Prescribe the form and content of all applications to be 507  
used for registration and renewal of registration pursuant to 508  
section 5311.083 of the Revised Code; 509

(3) Review applications for registration and issue 510  
registration certificates to unit owners associations that meet 511  
the requirements for registration pursuant to section 5311.083 of 512  
the Revised Code; 513

(4) Collect all fees related to the registration and renewal 514  
of registration certificates for unit owners associations; 515

(5) Maintain a written record of each unit owners association 516  
registered with the division, which shall include such 517  
documentation as required by the division. The record shall be 518  
available for inspection by the public through the web site and 519  
copies shall be made available pursuant to division (B) of section 520  
149.43 of the Revised Code. 521

(6) Hire all division personnel necessary to implement 522  
sections 5311.082 and 5311.083 of the Revised Code. 523

**Sec. 5311.083.** (A)(1) The board of directors of a unit owners 524  
association shall apply to the division of real estate and 525  
professional licensing in the department of commerce to register 526  
the association on forms prescribed by the division. With the 527  
application, the applicant shall submit any information required 528  
by the division and a registration fee as specified in rules 529  
adopted by the Ohio condominium dispute resolution commission 530  
pursuant to division (A)(2) of section 5311.31 of the Revised 531  
Code. In no event shall the registration fee exceed three dollars 532  
for each unit. 533

(2) The director of commerce, by rule adopted in accordance 534

with Chapter 119. of the Revised Code, may reduce the amount of 535  
the registration fee required by this section in any year if the 536  
director determines that the total amount of funds the fee is 537  
generating at the amount specified in the rules adopted by the 538  
commission exceeds the amount of funds the division and the 539  
commission need to carry out their powers and duties under this 540  
chapter. If the director so reduces the amount of the registration 541  
fee, the director shall reduce it for all owners or other persons 542  
required to pay the fee under division (A)(1) of this section. If 543  
the director has reduced the fee under division (A)(2) of this 544  
section, the director may later raise it up to the amounts 545  
permitted under division (A)(1) of this section if, in any year, 546  
the director determines that the total amount of funds the fee is 547  
generating at the reduced amount is insufficient for the division 548  
and the commission to carry out their powers and duties under this 549  
chapter. 550

(B) Upon receipt of the completed application form, 551  
documentation, and registration fee, the division shall issue a 552  
certificate of registration to the unit owners association. The 553  
board of directors of the unit owners association shall display 554  
the certificate in a conspicuous place on the premises of the 555  
condominium property for which the registration was obtained. If 556  
no appropriate place for displaying the certificate exists on the 557  
premises, the board of directors shall keep the certificate of 558  
registration on file and available for public inspection at the 559  
board's office or at the office of the unit association's managing 560  
agent. 561

(C)(1) Except as otherwise provided in this division, each 562  
registration issued pursuant to this section shall expire annually 563  
on the thirty-first day of August and may be renewed. The renewal 564  
fee shall be the same as the initial registration fee prescribed 565  
under division (A) of this section. 566

(2) The board of directors of a unit owners association that 567  
fails to timely file its renewal with the division also shall be 568  
required to pay a late penalty fee in an amount equal to fifty per 569  
cent of the renewal fee prescribed under division (C)(1) of this 570  
section. 571

(D) All registration and renewal fees collected pursuant to 572  
this section shall be paid into the state treasury to the credit 573  
of the division to be used by the division to carry out its powers 574  
and duties under this chapter and by the commission. 575

**Sec. 5311.09.** (A)(1) The unit owners association shall keep 576  
all of the following: 577

(a) Correct and complete books and records of account that 578  
specify the receipts and expenditures relating to the common 579  
elements and other common receipts and expenses; 580

(b) Records showing the allocation, distribution, and 581  
collection of the common profits, losses, and expenses among and 582  
from the unit owners; 583

(c) Minutes of the meetings of the association and the board 584  
of directors; 585

(d) Records of the names and addresses of the unit owners and 586  
their respective undivided interests in the common elements; 587

(e) Records showing the names and addresses of the members of 588  
the board of directors and association officers; 589

(f) Records of all actions taken without a meeting of the 590  
board of directors; 591

(g) The original or restated documents described in division 592  
(B)(1)(b) of this section; 593

(h) All financial statements and tax returns, which shall be 594  
kept for a minimum of three years; 595

(i) All current contracts into which the condominium 596  
development has entered; 597

(j) Records of approvals or denials for requests for design 598  
or architectural approval from the board of directors or the unit 599  
owners association; 600

(k) Ballots, proxies, and other voting records of the board 601  
of directors and the unit owners association, which shall be kept 602  
for a minimum of one year. 603

(2) Within thirty days after a unit owner obtains a 604  
condominium ownership interest, the unit owner shall provide the 605  
following information in writing to the unit owners association 606  
through the board of directors: 607

(a) The home address, home and business mailing addresses, 608  
and the home and business telephone numbers of the unit owner and 609  
all occupants of the unit; 610

(b) The name, business address, and business telephone number 611  
of any person who manages the owner's unit as an agent of that 612  
owner and, if that person is required to be licensed under section 613  
4735.02 of the Revised Code, a copy of that person's license as a 614  
real estate broker or salesperson. 615

(3) Within thirty days after a change in any information that 616  
division (A)(2) of this section requires, a unit owner shall 617  
notify the association, through the board of directors, in writing 618  
of the change. When the board of directors requests, a unit owner 619  
shall verify or update the information. 620

(B)(1) When elected members of a board of directors of a unit 621  
owners association take control of the association, the declarant 622  
or developer shall deliver to the board correct and complete 623  
copies of all of the following: 624

(a) The books, records, and minutes referred to in division 625

(A) of this section; 626

(b) The declaration, the bylaws, the drawings prepared 627  
pursuant to section 5311.07 of the Revised Code, as recorded, and 628  
any articles of incorporation of the unit owners association, as 629  
recorded; 630

(c) Except in the case of a conversion condominium, 631  
documents, information, and sources of information concerning the 632  
location of underground utility lines, and plans and 633  
specifications that are not proprietary or copyrighted, of the 634  
buildings, other improvements, and structures of the condominium 635  
property that are reasonably available to the developer, but only 636  
in connection with condominium developments declared on or after 637  
~~the effective date of this amendment~~ July 20, 2004, and 638  
condominium developments that are declared prior to that date but 639  
originally built or constructed on or after that date. 640

(2) The board of directors may commence a civil action on 641  
behalf of the unit owners association in the court of common pleas 642  
of the county in which the condominium property is located to 643  
obtain injunctive relief or recover damages for harm resulting 644  
from the declarant's or developer's failure to comply with 645  
division (B)(1) of this section. 646

**Sec. 5311.091.** (A)(1) Except as otherwise prohibited by this 647  
section, any member of a unit owners association or any manager or 648  
managing agent of the condominium property may examine and copy 649  
the ~~books, records, and minutes~~ information described in division 650  
(A) of section 5311.09 of the Revised Code pursuant to reasonable 651  
standards set forth in the declaration, bylaws, or rules the board 652  
promulgates, which may include, ~~but are not limited to, standards~~ 653  
~~governing the type of documents that are subject to examination~~ 654  
~~and copying~~, the times and locations at which those documents may 655  
be examined or copied, and the specification of a reasonable fee 656

for copying the documents or the supervision of examination. A 657  
member of the unit owners association, manager, or managing agent 658  
desiring to examine or copy the information shall submit a notice 659  
five days in advance of the date of examination. 660

(2) Unless otherwise provided in the declaration or bylaws 661  
pursuant to division (B)(6) of section 5311.08 of the Revised 662  
Code, the board of directors may establish a policy requiring a 663  
unit owner, manager, or managing agent that requests records in 664  
accordance with division (A)(1) of this section to pay a 665  
reasonable charge for copies of the records or supervision for 666  
examination of the records. 667

(B) The unit owners association is not required to permit the 668  
examination and copying of any of the following from books, 669  
records, and minutes: 670

(1) Information that pertains to condominium property-related 671  
personnel matters; 672

(2) Communications with legal counsel or attorney work 673  
product pertaining to pending litigation or other condominium 674  
property-related matters; 675

(3) Information that pertains to contracts or transactions 676  
currently under negotiation, or information that is contained in a 677  
contract or other agreement containing confidentiality 678  
requirements and that is subject to those requirements; 679

(4) Information that relates to the enforcement of the 680  
declaration, bylaws, or rules of the unit owners association 681  
against unit owners; 682

(5) Information the disclosure of which is prohibited by 683  
state or federal law. 684

Sec. 5311.15. (A) No manager or managing agent of a 685  
condominium development containing more than ten units shall 686

manage or be hired by a unit owners association pursuant to 687  
sections 5311.08 and 5311.081 of the Revised Code unless the 688  
manager or managing agent holds an active real estate broker's 689  
license or real estate salesperson's license issued under Chapter 690  
4735. of the Revised Code. 691

(B) A real estate salesperson may not perform the duties of a 692  
manager or managing agent pursuant to division (A) of this section 693  
unless the salesperson is affiliated with a broker who has 694  
executed a management agreement with the unit owner's association. 695

**Sec. 5311.22.** (A) Unless otherwise provided in the 696  
declaration or bylaws, each unit owner may exercise that 697  
percentage of the total voting power of all unit owners on any 698  
question for which the vote of unit owners is permitted or 699  
required that is equivalent to the undivided interest in the 700  
common elements appurtenant to the owner's unit. 701

(B) Fiduciaries who are owners of record of a unit or units 702  
may vote their respective interests as unit owners. Unless 703  
otherwise provided in the declaration or bylaws, if two or more 704  
persons, whether fiduciaries, tenants in common, or otherwise, own 705  
undivided interests in a unit, each person may exercise the 706  
proportion of the voting power of all of the owners of the unit 707  
that is equivalent to the person's proportionate undivided 708  
interest in the unit. 709

(C) A fiduciary for a unit owner or of the estate of a unit 710  
owner may vote as though the fiduciary were the unit owner when 711  
the fiduciary has furnished to the unit owners association proof, 712  
satisfactory to it, of the fiduciary's appointment and 713  
qualification as an executor under the last will of a deceased 714  
unit owner, an administrator of the estate of a deceased unit 715  
owner, a guardian, committee, or conservator of the estate of a 716



minor or incompetent who is a unit owner, a trustee in bankruptcy 717  
of a unit owner, a statutory or judicial receiver or liquidator of 718  
the estate or affairs of a unit owner, or an assignee for the 719  
benefit of creditors of a unit owner. 720

(D) When any fiduciary or representative of a unit owner who 721  
is not described in division (C) of this section has furnished the 722  
unit owners association with satisfactory proof of authority, that 723  
person may vote as though a unit owner. 724

(E) Unless otherwise provided in the declaration or bylaws, 725  
votes allocated to a unit may be cast by a directed or undirected 726  
proxy executed by a unit owner, provided that a person shall not 727  
cast votes representing more than fifteen per cent of the votes in 728  
the unit owners association pursuant to undirected proxies. 729

**Sec. 5311.28.** (A) There is hereby created the Ohio 730  
condominium dispute resolution commission, consisting of the 731  
following seven members, who shall be appointed by the governor, 732  
with the advice and consent of the senate: 733

(1) Two members shall be unit owners and members of a unit 734  
owners association, but not members of a unit owners association 735  
board of directors. One of these members shall be from a small 736  
association and one shall be from a large association. 737

(2) Two members shall be members of a unit association board 738  
of directors. One of these members shall be from a small 739  
association and one shall be from a large association. 740

(3) One member shall be a certified public accountant. 741

(4) One member shall be a real estate attorney. 742

(5) One member shall represent the public and be a 743  
noncondominium property homeowner. 744

(B)(1) Within a reasonable time, the governor shall make 745  
initial appointments to the commission. The initial members of the 746

commission shall serve staggered terms ending on the thirtieth day 747  
of June one, two, three, four, or five years after appointment, as 748  
determined by the governor. Thereafter, terms of office shall be 749  
for five years, commencing on the first day of July and ending on 750  
the thirtieth day of June. Each member shall hold office from the 751  
date of appointment until the end of the term for which appointed. 752  
No more than four members shall be members of any one political 753  
party. No member of the Ohio condominium dispute resolution 754  
commission shall serve concurrently as a member of the Ohio real 755  
estate commission or the Ohio real estate appraiser board. Each 756  
member, before entering upon the duties of office, shall subscribe 757  
to and file with the secretary of state the constitutional oath of 758  
office. The governor may remove any member for misconduct, neglect 759  
of duty, incapacity, or malfeasance in accordance with section 760  
3.04 of the Revised Code. All vacancies that occur shall be filled 761  
in the manner prescribed for the regular appointments to the Ohio 762  
condominium dispute resolution commission. Any member appointed to 763  
fill a vacancy occurring prior to the expiration of the term for 764  
which the member's predecessor was appointed shall hold office for 765  
the remainder of such term. Any member shall continue in office 766  
subsequent to the expiration date of the member's term until the 767  
member's successor takes office, or until a period of sixty days 768  
has elapsed, whichever occurs first. No member shall hold office 769  
for more than two consecutive full terms. 770

(2) Annually, upon the qualification of the member appointed 771  
in such year, the Ohio condominium dispute resolution commission 772  
shall organize by selecting from its members a chairperson and 773  
vice-chairperson and shall do all things necessary and proper to 774  
carry out and enforce this chapter. 775

The Ohio condominium dispute resolution commission may do all 776  
of the following: 777

(a) Administer oaths; 778

<u>(b) Issue subpoenas;</u>	779
<u>(c) Summon witnesses;</u>	780
<u>(d) Compel the production of books, papers, records, and other forms of evidence;</u>	781 782
<u>(e) Fix the time and place for hearing any matter related to compliance with sections 5311.08, 5311.081, 5311.083, 5311.09, and 5311.091 of the Revised Code.</u>	783 784 785
<u>(3) The Ohio condominium dispute resolution commission shall meet at least once each calendar quarter to conduct the business of the commission.</u>	786 787 788
<u>(4) A majority of the members of the commission shall constitute a quorum.</u>	789 790
<u>(5) Members of the Ohio condominium dispute resolution commission shall receive no compensation but shall be reimbursed for their actual and necessary expenses incurred in the discharge of their duties.</u>	791 792 793 794
<u>(C) The division of real estate and professional licensing in the department of commerce shall provide the Ohio condominium dispute resolution commission with meeting space, staff services, and other technical assistance required by the commission in carrying out its duties pursuant to sections 5311.29 to 5311.33 of the Revised Code.</u>	795 796 797 798 799 800
<u>(D) As used in this section:</u>	801
<u>(1) "Small association" means a condominium development with fifty units or less;</u>	802 803
<u>(2) "Large association" means a condominium development with more than fifty units.</u>	804 805
<u>Sec. 5311.29. The Ohio condominium dispute resolution commission or the superintendent of real estate and professional</u>	806 807

licensing may compel, by order or subpoena, the production of any 808  
book, paper, or document in relation to any matter over which the 809  
commission or superintendent has jurisdiction and which is the 810  
subject of inquiry and investigation by the commission or 811  
superintendent. The commission or the superintendent also may 812  
compel, by order or subpoena, the attendance of witnesses to 813  
testify in a hearing held pursuant to section 5311.32 of the 814  
Revised Code. For those purposes, the commission or superintendent 815  
shall have the same power as judges of courts of common pleas to 816  
administer oaths, compel the attendance of witnesses, and compel 817  
the production of any book, paper, or document. Service of the 818  
subpoena may be made by sheriffs or constables, or by certified 819  
mail, return receipt requested, and the subpoena shall be deemed 820  
served on the date delivery is made or the date the person refused 821  
to accept delivery. Witnesses shall receive, after their 822  
appearance before the commission or superintendent, the fees and 823  
mileage provided for under section 119.094 of the Revised Code. If 824  
two or more witnesses travel together in the same vehicle, the 825  
mileage fee shall be paid to only one of those witnesses, but the 826  
witnesses may agree to divide the fee among themselves in any 827  
manner. 828

In addition to the powers granted to the commission and 829  
superintendent under this section, in case any person fails to 830  
file any statement or report, obey any subpoena, give testimony, 831  
answer questions, or produce any books, records, or papers as 832  
required by the commission or superintendent under this chapter, 833  
the court of common pleas of any county in the state, upon 834  
application made to it by the commission or superintendent setting 835  
forth such failure, may make an order awarding process of subpoena 836  
or subpoena duces tecum for the person to appear and testify 837  
before the commission or superintendent, and may order any person 838  
to give testimony and answer questions, and to produce books, 839  
records, or papers, as required by the commission or 840

superintendent. Upon the filing of such order in the office of the 841  
clerk of the court of common pleas, the clerk, under the seal of 842  
the court, shall issue process of subpoena for the person to 843  
appear before the commission or superintendent at a time and place 844  
named in the subpoena, and each day thereafter until the 845  
examination of such person is completed. The subpoena may contain 846  
a direction that the witness bring with the witness to the 847  
examination any books, records, or papers mentioned in the 848  
subpoena. The clerk shall also issue, under the seal of the court, 849  
such other orders, in reference to the examination, appearance, 850  
and production of books, records, or papers, as the court directs. 851  
If any person so summoned by subpoena fails to obey the subpoena, 852  
to give testimony, to answer questions as required, or to obey an 853  
order of the court, the court, on motion supported by proof, may 854  
order an attachment for contempt to be issued against the person 855  
charged with disobedience of any order or injunction issued by the 856  
court under this chapter. If the person is brought before the 857  
court by virtue of the attachment, and if upon a hearing the 858  
disobedience appears, the court may order the offender to be 859  
committed and kept in close custody. 860

**Sec. 5311.30.** (A) The Ohio condominium dispute resolution 861  
commission is a part of the department of commerce for 862  
administrative purposes. The director of commerce is ex officio 863  
the executive officer of the commission, or the director may 864  
appoint the superintendent of real estate and professional 865  
licensing to act as executive officer of the commission. 866

(B) The commission or the superintendent, except as otherwise 867  
provided, shall do all of the following: 868

(1) Hear and investigate all of the following: 869

(a) General complaints and disputes between a unit owner and 870  
a unit owners association or board of directors; 871

(b) Requests by a majority of unit owners in a unit owners association or upon a motion of the board of directors of a unit owners association to audit the elections of the unit owners association; 872  
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(c) Disputes over access to records of a unit owners association or board of directors. 876  
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(2) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the commission or superintendent are appropriate. The investigators or auditors have the right to review and audit the records described in division (A)(1) of section 5311.09 of the Revised Code during normal business hours. 878  
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(C) The commission or superintendent may, in connection with investigations and audits under division (B) of this section, subpoena witnesses as provided in section 5311.29 of the Revised Code. 885  
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(D) All information that is obtained by the commission, superintendent, investigators, and auditors performing investigations or conducting inspections, audits, and other inquiries pursuant to division (B) of this section and all reports, documents, and other work products that arise from that information and that are prepared by the commission, investigators, auditors, or other personnel of the department, shall be held in confidence by the superintendent or commission, the investigators and auditors, and other personnel of the department. 889  
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**Sec. 5311.31.** The Ohio condominium dispute resolution commission shall perform all of the following duties: 899  
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(A) Adopt, amend, and rescind such rules in accordance with 901

Chapter 119. of the Revised Code as are necessary in carrying out 902  
sections 5311.29 to 5311.33 of the Revised Code, including rules 903  
relative to the following: 904

(1) Transacting the commission's business and managing its 905  
affairs; 906

(2) Establishing registration and renewal fees pursuant to 907  
section 5311.083 of the Revised Code; 908

(3) Establishing procedures for receiving, reviewing, and 909  
responding to complaints filed pursuant to section 5311.32 of the 910  
Revised Code; 911

(4) Conducting investigations in response to complaints filed 912  
pursuant to division (A) of section 5311.32 of the Revised Code; 913

(5) Auditing elections pursuant to division (B) of section 914  
5311.30 of the Revised Code or as part of an investigation in 915  
response to complaints filed pursuant to division (A) of section 916  
5311.32 of the Revised Code; 917

(6) Conducting audits pursuant to division (B) of section 918  
5311.30 of the Revised Code; 919

(7) Resolving complaints by using informal techniques of 920  
mediation, conciliation, and persuasion, including requiring the 921  
parties involved in a complaint to be given prompt notice of any 922  
offers to resolve disputes and responses thereto; 923

(8) Advising all parties making a complaint, or who are the 924  
subject of a complaint, of any recommendations or findings of fact 925  
made by the commission with respect to the complaint; 926

(9) Requesting the party who has filed a complaint or is the 927  
subject of a complaint, and is affected by recommendations of the 928  
commission made with respect to the complaint, to notify the 929  
commission within a time specified by the commission of any action 930  
the party has taken in response to the commission's 931

<u>recommendations;</u>	932
<u>(10) Conducting nonpublic hearings and maintaining commission</u>	933
<u>proceedings and records as confidential, notwithstanding sections</u>	934
<u>121.22 and 149.43 of the Revised Code when the commission</u>	935
<u>determines that the nature of the complaints merits that action;</u>	936
<u>(11) Determining the method to be used in serving notices as</u>	937
<u>required by section 5311.32 of the Revised Code.</u>	938
<u>(B) Publicize information concerning the existence and duties</u>	939
<u>of the commission and the procedure for filing complaints pursuant</u>	940
<u>to section 5311.32 of the Revised Code;</u>	941
<u>(C) Conduct hearings on complaints pursuant to section</u>	942
<u>5311.32 of the Revised Code;</u>	943
<u>(D) Submit at least annually by the thirty-first day of March</u>	944
<u>a report on the commission's activities of the immediately</u>	945
<u>preceding calendar year to the governor and the majority and</u>	946
<u>minority leaders of the senate and house of representatives. The</u>	947
<u>report shall indicate the total number of complaints received,</u>	948
<u>initiated, and investigated under sections 5311.32 and 5311.33 of</u>	949
<u>the Revised Code; the total number of complaints for which</u>	950
<u>hearings were held; and the total number of referrals made to</u>	951
<u>prosecuting attorneys pursuant to section 5311.33 of the Revised</u>	952
<u>Code.</u>	953
<u>(E) Review, at least once each year, all actions taken by the</u>	954
<u>prosecuting attorneys in response to referrals made to them by the</u>	955
<u>commission or the superintendent of real estate and professional</u>	956
<u>licensing. The commission shall include in the report required in</u>	957
<u>division (D) of this section information regarding the nature of</u>	958
<u>the inappropriate conduct alleged in each referral and the status</u>	959
<u>or disposition made of each referral occurring during the</u>	960
<u>preceding two years.</u>	961
<u>(F) Perform all functions as are necessary in administering</u>	962



and enforcing sections 5311.29 to 5311.33 of the Revised Code. 963

Sec. 5311.32. (A) Any person may file a complaint regarding 964  
the activity, practice, policy, or procedure of, or regarding an 965  
alleged violation of section 5311.08, 5311.081, 5311.09, or 966  
5311.091 of the Revised Code by, any board of directors of a unit 967  
owners association registered pursuant to section 5311.083 of the 968  
Revised Code that adversely affects or may adversely affect the 969  
interest of a unit owner. All complaints shall be in writing and 970  
submitted to the division of real estate and professional 971  
licensing in the department of commerce on forms provided by the 972  
division. 973

(B) With respect to complaints filed pursuant to division (A) 974  
of this section, the division shall do all of the following: 975

(1) Acknowledge receipt of the complaint by sending written 976  
notice to the person who filed the complaint not more than twenty 977  
days after receipt of the complaint; 978

(2) Send written notice of the complaint within seven days 979  
after receipt of the complaint to the entity that is the subject 980  
of the complaint; 981

(3) Before taking further action, allow the entity that is 982  
the subject of a complaint thirty days after the date the division 983  
sends notice of the complaint to respond to the division with 984  
respect to the complaint. 985

(C) The Ohio condominium dispute resolution commission shall 986  
hear each complaint filed pursuant to division (A) of this section 987  
within one hundred eighty days after its filing, unless it has 988  
been resolved by the parties to the complaint. 989

Sec. 5311.33. (A) The superintendent of real estate and 990  
professional licensing or the Ohio condominium dispute resolution 991  
commission, on the superintendent's or the commission's own motion 992

or as a result of a complaint received pursuant to section 5311.32 993  
of the Revised Code and with good cause shown, shall investigate 994  
or cause to be investigated alleged violations of sections 995  
5311.08, 5311.081, 5311.09, and 5311.091 of the Revised Code. If 996  
the commission or the superintendent of real estate and 997  
professional licensing believes that a violation has occurred, the 998  
commission or superintendent shall do all of the following: 999

(1) Request the prosecuting attorney of the county in which 1000  
the alleged violation occurred to initiate such proceedings as are 1001  
appropriate; 1002

(2) In accordance with section 5311.30 of the Revised Code, 1003  
audit the records of the condominium association named in the 1004  
complaint to ensure compliance with this chapter. 1005

(B) The commission or superintendent, at any time, may 1006  
dismiss a complaint if the commission or superintendent determines 1007  
there is not good cause shown for the complaint. If the commission 1008  
or superintendent dismisses a complaint, the commission or 1009  
superintendent shall notify the person who filed the complaint 1010  
within twenty days of reaching the commission's or 1011  
superintendent's decision and identify the reason why the 1012  
complaint was dismissed. 1013

(C) When necessary for the division of real estate and 1014  
professional licensing in the department of commerce to perform 1015  
the duties required by sections 5311.32 and 5311.33 of the Revised 1016  
Code, the superintendent may issue subpoenas and compel the 1017  
production of books, papers, records, and other forms of evidence. 1018

**Sec. 5311.99.** (A) Whoever violates section 5311.083 of the 1019  
Revised Code is guilty of a misdemeanor of the third degree. 1020

(B) Whoever violates section 5311.08, 5311.09, or 5311.091 of 1021  
the Revised Code is guilty of a misdemeanor of the first degree. 1022

(C) Whoever violates section 5311.081 of the Revised Code is 1023  
guilty of a felony of the fifth degree, and, notwithstanding 1024  
section 2929.18 of the Revised Code, the court may impose upon the 1025  
offender an additional fine of not more than two thousand five 1026  
hundred dollars. 1027

**Section 2.** That existing sections 5311.01, 5311.08, 5311.081, 1028  
5211.09, 5311.091, and 5311.22 of the Revised Code are hereby 1029  
repealed. 1030

**Section 3.** Sections 5311.082, 5311.083, and 5311.15 of the 1031  
Revised Code, as enacted by this act, shall take effect one 1032  
hundred twenty days after the effective date of this act. During 1033  
that period, the Superintendent of Real Estate and Professional 1034  
Licensing shall collect and process applications for unit owners 1035  
association registration and shall issue certificates of 1036  
registration. During that time, no association is required to have 1037  
a certificate of registration. 1038