

# House Bill 4090

Sponsored by Representatives MCLAIN, HELM, RAYFIELD; Representatives GREENLICK, HOLVEY, MCKEOWN, PARRISH, TAYLOR, WITT (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits declaration or bylaws of planned community or condominium from requiring owners to water or irrigate lawns, gardens or other landscaped areas.

## A BILL FOR AN ACT

1  
2 Relating to residential irrigation.

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

4 **SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 94.550 to 94.783.**

5 **SECTION 2. (1) Notwithstanding any contrary provisions of the declaration or bylaws of**  
6 **a planned community:**

7 (a) An owner may limit or abstain from watering or irrigating a lawn, garden or other  
8 landscaped area owned by the owner for the purpose of conserving water.

9 (b) A provision in the declaration or bylaws of a planned community that requires an  
10 owner to water or irrigate a lawn, garden or other landscaped area is void and unenforceable  
11 as a violation of the public policy to protect the public health, safety and welfare of the  
12 people of Oregon.

13 (2) An owner subject to an instrument that contains a provision described in subsection  
14 (1)(b) of this section may file a petition to remove the provision in the manner provided in  
15 ORS 93.272.

16 **SECTION 3. Section 4 of this 2016 Act is added to and made a part of ORS chapter 100.**

17 **SECTION 4. (1) Notwithstanding any contrary provisions of the declaration or bylaws of**  
18 **a condominium:**

19 (a) A unit owner may limit or abstain from watering or irrigating a lawn, garden or other  
20 landscaped area within any limited common elements reserved for the use of the unit owner  
21 for the purpose of conserving water.

22 (b) A provision in the declaration or bylaws of a condominium that requires a unit owner  
23 to water or irrigate a lawn, garden or other landscaped area is void and unenforceable as a  
24 violation of the public policy to protect the public health, safety and welfare of the people  
25 of Oregon.

26 (2) A unit owner subject to an instrument that contains a provision described in sub-  
27 section (1)(b) of this section may file a petition to remove the provision in the manner pro-  
28 vided in ORS 93.272.

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.