

HB 2722 STAFF MEASURE SUMMARY
House Committee On Energy and Environment

Carrier: Rep. McLain

Action Date: 03/27/17

Action: Do Pass.

Vote: 9-0-0-0

Yeas: 9 - Barnhart, Bentz, Boone, Helm, Holvey, Johnson, Power, Reschke, Smith DB

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Beth Reiley, LPRO Analyst

WHAT THE MEASURE DOES:

Stipulates provision of condominiums or planned communities governing documents that impose irrigation requirements are void and unenforceable while any of the following is in effect: 1) declaration by Governor that drought exists or is likely or occur; 2) finding by Water Resources Commission that severe or continuing drought exists or is likely to occur; 3) governing body of political subdivision requires conservation or curtailment of water use; or 4) association adopts rule to reduce or eliminate irrigation water use. Authorizes association for planned community or condominium to adopt rules that require the reduction or elimination of irrigation on any portion of the planned community and permit or require the replacement of turf or other landscape vegetation with xeriscape. Authorizes association to require prior review and approval by association of any plans by unit owner to replace landscape vegetation with xeriscape and requires the use of best practices and industry standards to reduce landscaped areas. Defines terms and reorganizes certain provisions within each statutory series. Declares an emergency, takes effect upon passage.

ISSUES DISCUSSED:

- An association's ability to consider irrigation and landscaping requirements in governing documents
- Xeriscaping is a landscape style that requires little to no irrigation
- Legislative history

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

According to the report of the Task Force on Drought Emergency Response, drought is not an abnormal event in Oregon, with notable droughts occurring in 1976-77, 1992, 2001-02, and 2015. In 2015, Oregon experienced severe to extreme drought conditions across the entire state, according to the U.S. Drought Monitor. The 2015 drought was prompted by warmer than normal temperatures, record-low snowpack, and, in some parts of the state, below-normal spring and summer precipitation. The result was record-low to near-record-low streamflows in most parts of the state. The Governor declared drought in 25 of Oregon's 36 counties, the most since 1992, when a statewide drought declaration was issued.

In 2016, the Legislative Assembly enacted Senate Bill 1529 which prohibited the enforcement of irrigation requirements imposed by homeowner's associations following a finding, declaration or adopted ordinance of existing or likely drought conditions. House Bill 2722 would extend those exemptions to both condominiums and planned communities by allowing their associations to determine that irrigation requirements are void and unenforceable while certain drought declarations, findings, conservation requirements or association rules are in effect. The Act would also authorize a planned community or a condominium association to adopt rules to require the reduction or elimination of irrigation and allow or require the replacement of turf or other landscape vegetation with xeriscape.