

HB 2409 A STAFF MEASURE SUMMARY
Senate Committee On Housing and Development

Carrier: Sen. Patterson

Action Date: 04/29/21
Action: Do pass the A-Eng bill.
Vote: 4-1-0-0
Yeas: 4 - Anderson, Golden, Jama, Patterson
Nays: 1 - Linthicum
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Devin Edwards, LPRO Analyst
Meeting Dates: 4/27, 4/29

WHAT THE MEASURE DOES:

Allows owners to request notice of pesticide application planned by homeowners associations. Prohibits homeowners associations from requiring pesticide application unless necessary for ecological or public health.

ISSUES DISCUSSED:

- Average frequency of pesticide applications by homeowners associations
- Number of homeowners associations in Oregon
- Environmental and health impacts
- Uniform landscaping regulated by homeowners associations
- Availability of alternatives to pesticides
- General use of opt-out provisions in homeowners association governing documents

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The exterior appearance and maintenance of homes in planned communities is typically regulated by homeowners associations to meet the expectations of current homeowners and buyers. In 2016 and 2017, the Legislative Assembly enacted Senate Bill 1529 and House Bill 2722, respectively, to prohibit the enforcement of irrigation requirements by homeowners associations when certain drought declarations or conservation requirements are in effect.

The National Pesticide Information Center, a partnership between Oregon State University and the U.S. Environmental Protection Agency, bases risk of exposure to pesticides on the toxicity of the pesticide and the amount of exposure to it. Chronic exposure to certain pesticides may cause adverse health effects, particularly in infants and young children. Pesticides include defoliant, desiccants, fungicides, herbicides, and insecticides.

House Bill 2409 A allows a homeowner to ask to be notified if a homeowners association intends to apply pesticides to their property. Notice must include the date and times of the application, and information about how a property may be excluded so that no pesticides are applied. The measure also bars homeowners associations from requiring pesticide applications by owners unless it is necessary for ecological or public health. Homeowners remain responsible for meeting landscaping standards in their respective communities regardless of whether or not pesticides are applied.