

Submitter: Andrew and Ami McNab

On Behalf Of:

Committee: House Committee On Housing and Homelessness

Measure: SB437

Writing in support of this bill as an HOA prohibition on gardening is essentially a mandate that land be wasted in favor of having each development have identical-looking yards. We have several other laws that have been passed already which have limited the previous reach of planned communities, such as laws allowing the installation of solar panels (ORS 94.778), and those which state there can't be a water-use requirement for lawns and the like during times of drought (ORS 94.779). These are obviously good and beneficial measures that outweigh the focus on aesthetics of planned communities.

The history of HOAs is already quite unsavory; not allowing the use of land for gardening and raising of certain non-invasive animals perpetuates classist-type beliefs as food currently (especially organic and ethically-raised livestock) continues to be heavily impacted by inflation. Gardening has been a keystone of early civilization and has encouraged the formation and continuation of community. It represents centuries of caring for the earth and the people inhabiting said space. As climate change continues to impact the land, it's important that children and families have the opportunity to learn how to care for and look after nature, and how to utilize these skills for the betterment and support of society in general.

With respect to concerns about weeds / unsightly growth, bees (which are an important piece of the health of wildlife and have been dwindling in number) appreciate and actively benefit from weeds, and those who are allergic have already needed to practice careful measures to protect their health and safety. If ducks or chickens escape enclosure, they generally do so for the purpose of eating, and pay little attention to individuals walking past them.

This issue as a whole would not be so pressing if the vast majority of new developments were not placed in HOAs, but since new houses tend to be put into these restrictive communities, more attention needs to be directed towards the idea that homeowners should be allowed to utilize the land for the health and wellbeing of themselves and their families, rather than placing so much attention and importance on the idea that every lot within a development must contain some non-zero amount of homogeneity.