

## **HB 2409 -1 STAFF MEASURE SUMMARY**

### **House Committee On Housing**

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**Meeting Dates:** 2/2

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#### **WHAT THE MEASURE DOES:**

Prohibits homeowners associations from applying, or requiring an owner to apply, pesticide to an owner's property. Requires homeowners association to notify owner at least seven days prior to pesticide application on owner's property. Clarifies that an owner is subject to reasonable landscaping standards established by the association. Specifies that "pesticide," for the purposes of this Act, does not include products that are allowed for use in organic crop production or are used to abate or prevent an ecological or public health emergency. Clarifies that provisions in governing documents that are inconsistent with this Act are void and unenforceable on or after January 1, 2022.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-1 Clarifies that an owner who opts out of pesticide application on their property maintains responsibility for landscaping that is consistent with appearances within the community. Allows the association to enforce reasonable standards for consistent landscaping practices.

##### **BACKGROUND:**

Oregon statute specifies that owners in a planned community are collectively responsible for the exterior maintenance of any property that is individually owned (ORS 94.550). In 2016 and 2017, the Legislative Assembly enacted legislation that prohibited the enforcement of irrigation requirements in a planned community's governing documents 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 the pesticide. Chronic exposure to certain pesticides may cause adverse health effects, particularly in infants and young children, who are more sensitive to the toxic effects of pesticides, as their brain, nervous system and organs are still developing.

House Bill 2409 prohibits homeowners associations from requiring the application of pesticides to an owner's property, and requires that an association provide seven days' notice to an owner before applying pesticide to their property. Any governing documents of a homeowners association that do not include these provisions are void and unenforceable on or after the effective date, January 1, 2022.