

HB 2409 -2 STAFF MEASURE SUMMARY

House Committee On Housing

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Meeting Dates: 2/2, 3/25

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:

- Concerns regarding health outcomes due to pesticide exposure
- Existing "opt-out" of pesticide application in some, but not all HOAs
- Understanding of pesticide as umbrella term that includes herbicides and other chemical applications
- Expense related to provision of notice to residents who are opting out and potential costs passed on to homeowners
- Absence of State license requirement for apply pesticide application
- Application of pesticide in common areas

EFFECT OF AMENDMENT:

-2 Retains statutory definition of pesticide for purposes of this Act. Disallows homeowners associations from applying or requiring an owner to apply pesticide to an owner's property, except to the extent application is necessary to prevent a pest issue that could harm ecological or public health. Requires homeowners association to provide, upon owner's request, notice of dates and times of planned pesticide application to owner's property and means by which an owner may exclude their property from application of the pesticide. Clarifies that owner is responsible and subject to enforcement for maintaining reasonable landscaping standards within the community. Clarifies that provisions in existing or new governing documents that are inconsistent with this Act are void and unenforceable on or after January 1, 2022.

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.

HB 2409 -2 STAFF MEASURE SUMMARY

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.