

HB 2409 A STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

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Meeting Dates: 4/27, 4/29

WHAT THE MEASURE DOES:

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

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

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 to prohibit 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.

Pesticides are defined in ORS 634.006 to include defoliants, desiccants, fungicides, herbicides, and insecticides.

House Bill 2409 A allows an owner to request a notice if a homeowner association plans to apply pesticides to their property. The notice must include the planned date and times of the application, as well as how owners may exclude their property from the application. Associations will not be able to require owners to apply pesticide to their property unless necessary for ecological or public health. If an owner refuses to apply pesticide, the owner will assume responsibility to maintain landscaping standards consistent with community appearance. Any provisions in homeowner association governing documents that are inconsistent with state policies supporting public health, safety, and welfare will be void.