

HB 3322 A STAFF MEASURE SUMMARY

Carrier: Rep. Hayden

House Committee On Housing

Action Date: 04/13/21

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-1-0-0

Yeas: 7 - Campos, Marsh, Meek, Morgan, Neron, Weber, Zika

Nays: 1 - Fahey

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Claire Adamsick, LPRO Analyst

Meeting Dates: 4/6, 4/13

WHAT THE MEASURE DOES:

Disallows planned communities from including provisions in governing documents that prohibit or restrict owner or owner's tenant to produce food products on owner's lot, including through gardening, hen-keeping, and beekeeping. Allows homeowners association (HOA) to enforce regulations requiring that food production be performed in a competent and proficient manner or be consistent with applicable laws and ordinances related to food production.

ISSUES DISCUSSED:

- Ability of home gardening to address food insecurity, particularly among Black, Indigenous, and People of Color (BIPOC) Oregonians
- Emphasis on compliance with existing city ordinances around gardening and other food production
- Amending "chickens" to "hens" to exclude roosters
- Concerns regarding beekeeping related to bee-specific allergies
- Concerns about food production negatively impacting owner's or adjacent property
- Whether HOA can set specific restrictions based on lot size or setback requirements

EFFECT OF AMENDMENT:

Clarifies that food production activities allowed under this Act include gardening, hen-keeping, and beekeeping. Removes emergency clause.

BACKGROUND:

Oregon statute defines a "planned community" as any subdivision that results in a pattern of ownership of real property, and of the improvements and rights located on or belonging to the real property. It does not include condominiums or time share properties. It specifies that owners in a planned community are collectively responsible for the exterior maintenance of any property that is individually owned, and it allows planned communities to adopt landscape standards and best practices, including minimizing irrigation and turf.

House Bill 3322 A allows for food production on an owner's lot within a planned community, including gardening, hen-keeping, and beekeeping, subject to certain regulations established by a homeowners association requiring food production be performed in a competent and proficient manner or be consistent with applicable laws and ordinances related to food production.