

April 26, 2021



Oregon Progressive Party Independent Party of Oregon

Position on Bills at 2021 Session of Oregon Legislature:

Dear Committee: **HB 2409: Support**

The Independent Party of Oregon and Oregon Progressive Party support this bill, which would allow 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, "except to the extent a pesticide or other pest management practice is necessary to manage or prevent a pest issue that could harm 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 are voided.

The bill allows HOAs to "enforce against the responsible owner reasonable standards for landscaping that allow for consistent appearances within the community." "Reasonable standards" would not include standards that effectively require the application of pesticides. The bill also allows HOAs to apply pesticides, over the owner's objection, if "necessary to manage or prevent a pest issue that could harm ecological or public health." This does not grant HOAs the authority to define the terms "ecological or public health." Those are objective terms would be determined ultimately by the courts.

Oregon Progressive Party

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