

SB 437 A STAFF MEASURE SUMMARY
House Committee On Housing and Homelessness

Carrier: Rep. Gamba

Action Date: 05/18/23
Action: Do Pass the A-Eng bill.
Vote: 6-5-0-0
Yeas: 6 - Boice, Dexter, Gamba, Helfrich, Helm, Javadi
Nays: 5 - Cate, Fahey, Hartman, Levy E, Wright
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Claire Adamsick, LPRO Analyst
Meeting Dates: 4/20, 5/18

WHAT THE MEASURE DOES:

Prevents planned community governing documents, or landscaping or architectural guidelines, from prohibiting or restricting owners, or tenants of owners with landlord approval, from producing food products on owner’s lot, limited to gardening, hen-keeping, or beekeeping. Allows planned communities to enforce applicable regulations regarding food production.

ISSUES DISCUSSED:

- Modifications to 2021 version of bill to specify allowed food production is limited to gardening, hen-keeping and beekeeping
- Applicability of existing local government policies on food production to planned communities
- Potential impact of food production on adjacent neighbors within homeowners association
- Alignment of measure provisions with perceived expectation of controlled environment within homeowners' associations
- Weighing livability improvements or challenges related to ability to garden or keep hens or bees
- Concerns related to bee sting allergies

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Planned communities as defined in Oregon law chapter 94, include any subdivision resulting in a pattern of ownership of real property and the buildings and improvements in which owners are collectively responsible for maintenance, operation, insurance, or other expenses relating to the property. Condominiums, exclusively commercial and industrial subdivisions, and timeshare plans are excluded from the definition of planned community under this chapter. Governing documents for these communities include provisions relating to common ownership and maintenance of the community and are binding upon the community’s lots. Current statute allows planned communities to adopt landscape standards and best practices, including minimizing irrigation and turf.

Senate Bill 437 A prevents planned communities’ governing documents or guidelines from prohibiting gardening, hen-keeping, or beekeeping, and a planned community to enforce applicable regulations related to food production.