



Main Office • 133 SW 2nd Ave, Ste 201 • Portland, OR 97204
Willamette Valley Office • 454 Willamette St, Ste 213 • Eugene, OR 97401
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528

February 14, 2023

To: Senator Kayse Jama, Chair, and Committee members
Senate Committee on Housing and Development

From: Mary Kyle McCurdy, Deputy Director

Re: SB 437 - Allowing production of food in planned community

Thank you for the opportunity to testify today in support of SB 437, which would allow production of food in planned communities despite

1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities; protect family farms, forests and natural areas; and provide transportation and housing choice.

SB 437 would allow homeowners and renters (with the approval of the homeowner) to grow and produce food on their lot, to the extent it is allowed under the relevant city or county laws, even if it is prohibited or restricted by the governing documents of a homeowners' association. This bill would affect planned communities and some subdivisions, which are primarily inside cities and towns.

1000 Friends supports this common sense statute. Raising vegetables, growing fruit trees, raising chickens and honeybees, and other similar activities on one's residential lot should be encouraged, not prohibited. It enables Oregonians to have access to inexpensive, healthy food. It connects people, and especially children, to how food is grown, an activity many families engage in. Many Oregonians, including immigrants, grow familiar produce, herbs, and spices that they cannot find in local stores. Yet, we have heard of residents being prohibited from, for example, growing tomatoes and other vegetables in the front of their homes. Oregon has some of the best soils and climate in the world for growing food, and we should be encouraging, not prohibiting, it.

Submitter: Suraya Arslan

On Behalf Of:

Committee: Senate Committee On Housing and Development

Measure: SB437

My name is Suraya Arslan and I work for a non profit in Washington County that supports people in learning how to grow their own food in a way that is healthy for their families and our planet. While we have some spaces in a community garden in Forest Grove, our space is limited and families that juggle full time jobs, children, and other duties, often do not have time to travel to the gardens everyday. We see the change that happens when families start to cultivate and harvest their own food: intake of fruits and vegetables increases, they save money on groceries, and are overall more connected to their cultural traditions and communities in general.

Allowing families to have more control over how they use their land is a critical piece to achieving healthy communities in the State of Oregon. Hope that you will support this bill.

Thank you.

Submitter: Emily Jones
On Behalf Of:
Committee: Senate Committee On Housing and Development
Measure: SB437

Dear Senators,

Thank you for taking the time to consider this very important measure. As the climate crisis continues to wreak havoc on our food systems, it becomes increasingly important to improve access to healthy, locally grown and affordable food. Passing this bill will help provide food autonomy to many constituents who currently lack the legal authorization to grow their own food. In order to meet the challenges caused by inflation, growing populations and the climate crisis, we must build resilient communities focused on sustainable agriculture. Updating the law so people have a right to grow their own food on their own property (and rented property) is a huge step toward ensuring resilient communities. I benefit from the ability to grow my own fruits, vegetables and gourmet mushrooms. I frequently share excess produce with my elderly neighbors who don't have the same abilities that I do. Together we are stronger when we have access to food cultivation. I urge you to pass this bill and help ensure healthy sustainable communities throughout Oregon.

Sincerely,
Em Jones

Submitter: Juliette Palenshus

On Behalf Of:

Committee: Senate Committee On Housing and Development

Measure: SB437

I support this bill.

Submitter: Cindy Moomaw-Nerf
On Behalf Of:
Committee: Senate Committee On Housing and Development
Measure: SB437

I am strongly in favor of this bill because it should be a basic right to be able to grow food on one's property! People should absolutely have the right to plant gardens or raised beds for growing food. It may not be as "pretty" as a lawn with a few shrubs, but it's a heck of a lot more useful (and very tasty, too). It would improve the productivity of neighborhoods to get away from only allowing lawns which don't provide food or habitat for anything. Also, gardening can be a very social activity and could motivate more people to be outside and interact with their neighbors. (And virtually all the mental health studies are showing that friendship and connection are the best predictors of a longevity.)

Please support this bill, SB 437.

Thank you,
CIndy Moomaw-Nerf

Submitter: Angelita Sanchez
On Behalf Of: Community Members
Committee: Senate Committee On Housing and Development
Measure: SB437

Chair Jama and members of the committee, Thank you for the opportunity to testify today.

My name is Angelita Sanchez and I support this bill 100%. I urge the committee to support SB 437 as well.

Growing food is an environmental & social justice issue, but one that is not talked about enough. So let's talk about it.

We know that as the state looks to invest into more affordable housing, new construction is being built with restrictive covenants in mind.

Restrictions which prevent people from being able to offset their cost of living by growing their own food, especially people who are already rent-stressed.

And frankly we know that the cost of eggs has grown exponentially, so in an effort to minimize food insecurity while offering additional resources for maintaining stable housing,

more must be done, such as allowing chickens to be permissible in all communities. I personally know of families who have had to give up their food producing pets, because of HOA restrictions. It's traumatizing and a shame.

I run a trucking company. My trucks use diesel fuel, which is necessary to do the work that keeps our state's infrastructure running.

I understand how my activities at work generate a carbon footprint, so I look for ways to mitigate.

One such way is by shopping local, raising food locally and facilitating that for thousands of others through

my Oregon Ranch Farm Direct group. I recognize that by reducing my carbon footprint related to where my

family's food comes from, I can help offset the impact of my trucking business. I do keep a garden and hens of my own, in my backyard.

Being able to be a part of a robust community food system reduces the need for food to be hauled to Oregon on diesel trucks.

If you can shop in your own backyard because you are not entirely restricted on growing or producing for yourself,

then you reduce road miles making trips to the store. These little changes will help reduce emissions, one forkful at a time.

And growing food, instead of doing landscaping that is sometimes required by HOA's, reduces water

consumption for landscaping that is strictly ornamental. I urge you to check out the

article I have included.

If LA can support this idea of microfarms, while addressing food insecurity, then I know Oregon can too.

<https://www.latimes.com/california/story/2021-05-13/asante-microfarms-jamiah-hargins-south-la-fresh-food-produce>

I appreciate that people want to live in communities with aesthetic values like how many cars

you can have parked on the street, or that you're not painting your house in pink zebra stripes, but food

security isn't an aesthetic, it's a necessity. And the ability to produce food for oneself cannot be restricted

to only those with the means to live in on a property that is unrestricted.

As a city councilor, I welcome debates about what can and can't be done on property to ensure

that those conversations happen in a public fashion, not through a private contract that binds the hands

of future owners and tenants. Many cities in Oregon allow chickens for example and already disallow roosters as a matter of

nuisance. And they already don't allow livestock for meat production but do for things like milk for

cheese production. And there are already things like "lot square footage" requirements per animal kept,

and restrictions on proximity to neighbors outlined in our local ordinances. If they need to be revisited, each city or county can do that.

Currently The City of Sweet Home has such ordinances and I am proud to say that we also recently updated our ordinances to include additional beehives for honey production & pollination.

If the legislature wants to address impacts of reducing road miles & fossil fuel consumption,

while also addressing hunger issues & stable housing, this simple little bill, SB 437, which breaks free

from restrictive covenants on the right to subsist goes a long way towards addressing it all. It won't cost the state a dime.

Thank you.

Submitter: Sienna Fitzpatrick
On Behalf Of:
Committee: Senate Committee On Housing and Development
Measure: SB437

I am very supportive of this bill! Being able to grow food in your yard supports resilience and healthy eating; is a source of community-building and mutual aid (like sharing food during a pandemic!!); and helps people feel more connected to their land and the place they live. HOAs and other management agencies should not have the power to prevent people from accessing the aforementioned benefits of home-grown food. Gardening was a personal source of joy and growth for me when I was a child, and I find it astonishing that people who live in HOAs could have that opportunity stripped from them or their families for the sake of "aesthetics" or maintenance. Please support this bill!

Submitter: Cindy Capparelli
On Behalf Of: residents affected by HOAs
Committee: Senate Committee On Housing and Development
Measure: SB437

Please support this bill to allow more people to grow their own food. HOA regulations against food gardens are an artifact of bias against immigrants and marginalized groups. We can take a step past this by allowing people to farm their land instead of paying more money for often useless and polluting lawns.

Submitter: Kirsten Miller
On Behalf Of:
Committee: Senate Committee On Housing and Development
Measure: SB437

Ten Rivers Food Web supports SB 437 and all Oregonians having the right to grow food in their own yards. We are advocates of a better food system and would like to see the bill pass this time so that even HOA members are able to grow food in their own yards.

Thank you,
Ten Rivers Food Web
Board of Directors

Submitter: Andrew and Ami McNab
On Behalf Of:
Committee: House Committee On Housing and Homelessness
Measure: SB437

Writing in support of this bill as an HOA prohibition on gardening is essentially a mandate that land be wasted in favor of having each development have identical-looking yards. We have several other laws that have been passed already which have limited the previous reach of planned communities, such as laws allowing the installation of solar panels (ORS 94.778), and those which state there can't be a water-use requirement for lawns and the like during times of drought (ORS 94.779). These are obviously good and beneficial measures that outweigh the focus on aesthetics of planned communities.

The history of HOAs is already quite unsavory; not allowing the use of land for gardening and raising of certain non-invasive animals perpetuates classist-type beliefs as food currently (especially organic and ethically-raised livestock) continues to be heavily impacted by inflation. Gardening has been a keystone of early civilization and has encouraged the formation and continuation of community. It represents centuries of caring for the earth and the people inhabiting said space. As climate change continues to impact the land, it's important that children and families have the opportunity to learn how to care for and look after nature, and how to utilize these skills for the betterment and support of society in general.

With respect to concerns about weeds / unsightly growth, bees (which are an important piece of the health of wildlife and have been dwindling in number) appreciate and actively benefit from weeds, and those who are allergic have already needed to practice careful measures to protect their health and safety. If ducks or chickens escape enclosure, they generally do so for the purpose of eating, and pay little attention to individuals walking past them.

This issue as a whole would not be so pressing if the vast majority of new developments were not placed in HOAs, but since new houses tend to be put into these restrictive communities, more attention needs to be directed towards the idea that homeowners should be allowed to utilize the land for the health and wellbeing of themselves and their families, rather than placing so much attention and importance on the idea that every lot within a development must contain some non-zero amount of homogeneity.

Witness Registration

Committee Name : Senate Committee On Housing and Development

Public Hearing On : SB 437

Meeting Date & Time : 2/15/2023 8:00:00 AM

Witness First Name	Witness Last Name	Organization	Position Title	City	Position on Measure
Allen	Hancock			Eugene	Support
Angelita	Sanchez	City of Sweet Home	Councilor	Sweet Home	Support
Rachelle	Dixon			Portland	Support
Rich	Vial	Community Associations Institute	Legislative Action Committee Member	Hillsboro	Oppose