

HB 2256 A STAFF MEASURE SUMMARY

Senate Committee On Natural Resources and Wildfire

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Meeting Dates: 4/17, 4/22

WHAT THE MEASURE DOES:

The measure specifies that a government entity, charitable organization, or federally recognized Indian Tribe that purchases unlawfully established land is not entitled to damages or equitable relief against the seller if the deed indicates that the purchaser use the property for conservation purposes.

Fiscal impact: Has minimal fiscal impact.

Revenue impact: No revenue impact.

HOUSE VOTE: Ayes, 45; Nays, 12; Excused, 3.

Detailed Summary:

Specifies that a purchaser is not entitled to damages or equitable relief against a seller of unlawfully established land under ORS 92.018: Buyer's remedies for purchase of improperly created unit of land, if the following conditions apply:

- The purchaser is the state, any county, metropolitan service district, soil and water conservation district, city or park and recreation district, or another specified county service district, a charitable organization, or federally recognized Indian Tribe.
- The unlawfully established unit of land was separately documented before January 1, 2025; and,
- The deed from the seller indicates intent for the purchaser to use or convey the property for specific conservation purposes.

Additionally specifies that a person acquiring an interest in the land from the purchaser, or a subsequent owner, is not entitled to damages or equitable relief from the original seller or any prior purchaser if the acquisition is not for conservation purposes, and the initial purchase was made less than five years before the new acquisition. Exempts these purchases from penalties under statutes governing land subdivisions, property rights, and transactions.

ISSUES DISCUSSED:

- Application to lands only purchased for conservation purposes
- Potential impacts on agricultural land
- Rationale of opposition

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Land subdivisions, sales, and partitions are governed by ORS Chapter 92. A subdivision involves dividing a larger parcel into multiple lots for sale or development, requiring local approval for compliance with zoning, infrastructure, and environmental standards. Land partitions, which divide a parcel into fewer than four lots, also require local approval but are subject to zoning and land-use regulations. Oregon law mandates property disclosures in land sales, particularly in subdivisions, to ensure transparency and compliance with the Oregon Land Sales Act.

Unlawfully established units of land refer to parcels created or subdivided without proper legal approval, violating local zoning or subdivision requirements. These properties may not meet infrastructure standards like road access, utilities, or environmental protections, posing challenges for future buyers and developers. Such land divisions often occur when legal processes, such as permits or zoning compliance, are not followed.