

A-Engrossed House Bill 2256

Ordered by the House February 28
Including House Amendments dated February 28

Sponsored by Representative FRAGALA, Senators PROZANSKI, MANNING JR; Representatives ANDERSEN, GAMBA, LIVELY, OWENS, Senators GELSER BLOUIN, GOLDEN, PHAM K, TAYLOR (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act limits risk from selling unlawful units of land to protect nature. (Flesch Readability Score: 63.7).

Exempts the seller and [*the nonprofit purchaser of*] **a nonprofit, public body or tribe that purchases** property for conservation purposes from civil or criminal liability for selling **certain** units of land not lawfully established. **Cancels exception for a purchaser who resells the land to the private market within five years of the land being deeded for conservation purposes.**

A BILL FOR AN ACT

1
2 Relating to sales of units of land not lawfully established for conservation purposes; amending ORS
3 92.018 and 92.990.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 92.018 is amended to read:

6 92.018. (1) If a person buys a unit of land that is not a lawfully established unit of land, the
7 person may bring an individual action against the seller in an appropriate court to recover damages
8 or to obtain equitable relief. The court shall award reasonable attorney fees to the prevailing party
9 in an action under this section.

10 (2) If the seller of a unit of land that was not lawfully established is a county that
11 [*involuntarily*] acquired the unit of land by means of foreclosure under ORS chapter 312 of delin-
12 quent tax liens, the person who purchases the unit of land is not entitled to damages or equitable
13 relief.

14 **(3) A purchaser is not entitled to damages or equitable relief against a seller under this**
15 **section if:**

16 **(a) The purchaser of the unit of land is a holder, as defined in ORS 271.715;**

17 **(b) The unlawfully established unit of land was separately described in an instrument that**
18 **was executed on or before January 1, 2025; and**

19 **(c) The deed from the seller reflects an intention that the purchaser use or convey the**
20 **property for conservation purposes, such as:**

21 **(A) Retaining or protecting the land's natural, scenic or open space values;**

22 **(B) Ensuring the land's availability for agricultural, forest, recreational or open space**
23 **use;**

24 **(C) Preserving the land's historical, architectural, archaeological or cultural aspects; or**

25 **(D) Protecting natural resources or maintaining or enhancing air or water quality.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(4) A person acquiring an interest from a purchaser described in subsection (3) of this**
2 **section or from someone subsequent in title to the purchaser is not entitled to damages or**
3 **equitable relief under this section against:**

4 **(a) The original seller under subsection (3) of this section; or**

5 **(b) Any purchaser or subsequent purchaser under subsection (3) of this section, except**
6 **for the seller under this subsection, if:**

7 **(A) The acquisition of the property is not for conservation purposes described in sub-**
8 **section (3)(c) of this section; and**

9 **(B) The first acquisition subject to subsection (3) of this section was less than five years**
10 **prior to the acquisition under this subsection.**

11 **SECTION 2.** ORS 92.990 is amended to read:

12 92.990. (1)(a) Violation of any provision of ORS 92.010 to 92.090, 92.100 and 92.120 to 92.170 or
13 of any regulation or ordinance adopted thereunder, is a Class C misdemeanor.

14 **(b) This subsection does not apply to a sale of property that is not a lawfully established**
15 **unit of land made to or from a purchaser as described in ORS 92.018 (3) or (4).**

16 (2) Any person who violates any of the provisions of ORS 92.325 (1), 92.345 to 92.365, 92.405 (1),
17 (2) and (3), 92.425, 92.433, 92.460 to 92.475 and any alternative requirements of the Real Estate
18 Commissioner prescribed pursuant to ORS 92.425 (3), not waived by the commissioner pursuant to
19 ORS 92.395, or who provides false information or omits to state material facts pursuant to ORS
20 92.337, commits a Class C felony.

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