

Enrolled
House Bill 2256

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 92.018 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The acquisition of the property is not for conservation purposes described in subsection (3)(c) of this section; and

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

SECTION 2. ORS 92.990 is amended to read:

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

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

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

Passed by House March 6, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate May 5, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2025

Approved:

.....M,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2025

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Tobias Read, Secretary of State