

**Enrolled**  
**House Bill 3061**

Sponsored by Representative RESCHKE; Representatives BARRETO, BOSHAART DAVIS, CLEM, MARSH, MCLANE, NEARMAN, NOBLE, ZIKA, Senators BOQUIST, HANSELL, LINTHICUM, THATCHER

CHAPTER .....

AN ACT

Relating to the transfer of a political subdivision's real property; amending ORS 271.330 and 271.335; and declaring an emergency.

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

**SECTION 1.** ORS 271.330 is amended to read:

271.330. (1) Any political subdivision is granted express power to relinquish the title to any of the political subdivision's property not needed for public use to any governmental body, providing the property shall be used for not less than 20 years for a public purpose by the governmental body in the State of Oregon. These transfers for public purposes may include transfers without consideration of property held by counties as a result of tax foreclosures.

(2)(a) Any political subdivision is granted express power to relinquish the title to any of the political subdivision's property to a qualifying nonprofit corporation or a municipal corporation for the purpose of providing any of the following:

- (A) Low income housing;
- (B) Social services; or
- (C) Child care services.

(b) As used in this subsection:

(A) "Qualifying nonprofit corporation" means a corporation that is a public benefit corporation as defined in ORS 65.001 (35) and that has obtained a ruling from the federal Internal Revenue Service providing that the corporation is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code.

(B) "Social services" and "child care services" include but are not limited to education, training, counseling, health and mental health services and the provision of facilities and administrative services to support social services and child care services.

(3) Any political subdivision is granted express power to convey real property to a nonprofit or municipal corporation to be used by the nonprofit or municipal corporation for the creation of open space, parks or natural areas for perpetual public use. The instrument conveying the real property shall include a restriction on the use of the property that limits the uses of the property to those uses described in this subsection. The instrument conveying the property shall also contain a provision for the reversion of the property to the political subdivision if the property is not used in conformance with the restriction. Real property conveyed under this subsection may include real property held by a political subdivision as a result of tax foreclosures.

**(4) Any political subdivision is granted express power to convey real property to a nonprofit, municipal or private corporation for the purpose of providing broadband service. The instrument conveying the real property shall include a restriction on the use of the property that requires the property to be used to provide broadband service. The instrument conveying the property shall also contain a provision for the reversion of the property to the political subdivision if the property is not used in conformance with the restriction.**

[4] (5) Transfers under this section may include transfers without consideration of property held by counties as a result of tax foreclosures.

[5] (6) Before any county court or board of county commissioners may transfer, under subsection (1) of this section, any tax foreclosed lands in which the state or a political subdivision has represented delinquent and uncollected taxes, liens or assessments, the county court or board of county commissioners shall advertise in a newspaper of general circulation in the county for two successive weeks the court's or the board's intention to so transfer the property. The notice shall state when the county court will hear objections to the transfer and must specifically describe the property intended to be transferred. After the hearing set in the notice is held and objections are heard, the court may, in the court's sound discretion, proceed with the transfer. Except in the case of a transfer for low income housing, real property shall be conveyed by deed, subject to a reversionary interest retained by the granting political subdivision in the event that the property is used for a purpose that is inconsistent with the grant. The granting political subdivision may waive the subdivision's right to a reversionary interest at the time the property is conveyed. After the transfer the interests of the state or any political subdivision in the land on account of uncollected taxes, liens or assessments are extinguished, and the county is relieved of the necessity to account for uncollected taxes, liens or assessments.

**SECTION 2.** ORS 271.335 is amended to read:

271.335. Any political subdivision, by resolution adopted by the governing body of the political subdivision, may waive and relinquish any reversionary interest held by the political subdivision in property transferred under ORS 271.330 when the transfer occurred:

(1) Not less than 20 years prior to the date on which the resolution is adopted[.]; or

**(2) Less than 20 years prior to the date on which the resolution is adopted, if the political subdivision determines that waiving and relinquishing its reversionary interest is in the public interest.**

**SECTION 3.** This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

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**Passed by House April 10, 2019**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 2, 2019**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

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Bev Clarno, Secretary of State