



# OREGON PROPERTY OWNERS — ASSOCIATION —

## House Committee on Rules House Bill 2312 Letter of Support

March 16, 2021

Chair Smith Warner and Committee Members:

We write in support of House Bill 2312, and thank you for holding a hearing on it.

In the 2020 session, we asked Representative Clem to introduce HB 4014 to address an issue that a property owner in Multnomah County brought to our attention. The property owner had been sued by his neighbor in a boundary line dispute, and after a trial in Multnomah County Circuit Court, the trial judge adjusted the boundary between the two parcels, causing the property owner who had been sued to lose approximately ½ acre of land.

Boundary line disputes are exceedingly common in both rural and urban areas, so there wasn't anything unusual about the Multnomah County litigation. What was unusual was the reaction of Multnomah County Planning to the judgment entered by the trial court. The property owner who had lost a ½ acre portion of his property (the parcel decreased from 31 acres to 30.5 acres) listed the property for sale, but the County informed the buyer of the property that the parcel was now considered "illegal" because the boundaries of the parcel had been changed without county approval. When the property owner informed the County that the parcel boundaries had changed as a result of a court judgment, the County indicated that their position remained unchanged. As a result, the property sale was lost.

It makes no sense for a local government to hold that a parcel becomes illegal as a result of a judgment entered by an Oregon trial court that adjusts the boundaries between two parcels. Property owners should be encouraged to use the court system to resolve boundary disputes, rather than resorting to self-help or other means. If two property owners know that a decision by a judge that changes the boundaries of their parcels will result in both parcels being considered to be "illegal" (and thus undevelopable) by the local government with land use jurisdiction over the properties, then no property owner will bring a court action to resolve a boundary dispute, because even if the property owner prevails in court, they still lose.

Unfortunately, HB 4014 died in the Senate for lack of a quorum. It was approved unanimously in the House, however, and it makes as much sense now as it did in 2020. HB 2312 addresses only a portion of the provisions of HB 4014, but it is uncontroversial and deserves passage.

PO Box 230637 Tigard, OR 97281  
Email: [opoa@oregonpropertyowners.org](mailto:opoa@oregonpropertyowners.org)