

2011 LEGISLATION ALERTS

LAND USE

ULTIMATE REPOSE FOR APPEAL TO LUBA ORS 197.830

2011 OR LAWS CH 483 (HB 3166)

HB 3166 establishes a statutory limit of ten years after the date of a decision for a person to file a request with the Land Use Board of Appeals (LUBA) for review of a land use decision or limited land use decision in cases where the local government failed to provide the required notice, or failed to give notice to the surrounding area and state agencies.

Effective date: June 23, 2011.

The amendments apply to a judicial or quasi-judicial review of land use decisions that has not been reduced to a final judgment subject to no further appeal.

BALLOT MEASURE 49 AMENDMENTS ORS 195.328

2011 OR LAWS CH 612 (HB 3620)

HB 3620 allows a person to file a request for reconsideration of a claim under Ballot Measure 49 (2007) if a person's date of acquisition of the property was affected by a conveyance of the property and the person reacquired the property within ten days after the conveyance. This bill will affect a very limited number of owners who conveyed the property to a third party to correct a defect in the title.

Effective date: January 1, 2012.

The Department of Land Conservation and Development will inform a claimant of the

opportunity to request reconsideration if the claimant's eligibility for relief may be affected by these amendments. If a person files a request for reconsideration within 60 days after notice is sent, the Department will reconsider the claimant's eligibility for relief.

BROWNFIELD REDEVELOPMENT ORS 465.320, 465.327, 466.640, 468B.310

2011 OR LAWS CH 487 (HB 3325)

HB 3325 is designed to encourage "brownfield" redevelopment by providing potential purchasers with a higher degree of certainty regarding the liability that may rest with the purchaser for investigating and cleaning up the property. The bill allows the State Department of Environmental Quality (DEQ) to enter into agreements with prospective purchasers of land that release the purchasers from potential liability for some releases, threatened releases, or spills of hazardous substances or oil, including prior releases of oil into the waters of the state. The prospective purchaser is not protected from spills or releases that occur after ownership transfers, nor does the bill protect purchasers if they exacerbate or contribute to the spill or release.

Effective date: January 1, 2012.

The amendments apply to written agreements entered into by the DEQ with a party on or after the effective date.

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