



# Oregon

Tina Kotek, Governor

**AGENDA ITEM NO.**

**I.C.**

**Notice of Agency  
OREGON REAL ESTATE BOARD  
Regular Meeting Agenda  
Agency Office - Salem, Oregon  
August , 2023**

**Real Estate Agency**  
530 Center St. NE, Suite 100  
Salem, Oregon 97301-2505  
Phone: (503) 378-4170  
[www.oregon.gov/rea](http://www.oregon.gov/rea)

**I. BOARD BUSINESS - Chair Gonzalez**

- A. Call to Order
- B. Chair Gonzalez comments/Roll Call
- C. Approval of the Agenda and Order of Business
- D. Approval of 6.5.23, regular meeting minutes
- E. Date of the Next Meeting: 10.02.23 to begin at 10am, Location: Riverhouse Hotel - Bend, Oregon

**II. PUBLIC COMMENT - Chair Gonzalez**

- This time is set aside for persons wishing to address the Board on matters not on the agenda. Speakers will be limited to five minutes.
- The Board Chair reserves the right to further limit or exclude repetitious or irrelevant presentations. If written material is included, 12 copies of all information to be distributed to board members should be given to the Board Liaison prior to the meeting.
- Action will not be taken at this meeting on citizen comments. The Board, however, after hearing from interested citizens, may place items on a future agenda so proper notice may be given to all interested parties.
- If no one wishes to comment, the next scheduled agenda item will be considered.

**III. REQUESTS FOR WAIVERS - Chair Gonzalez Waiver request log.**

- A. Claire Farr
- B. Daniel Richard Weisfield

**IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Chair Gonzalez.**

- A. Justin Moriarty

**V. BOARD ADVICE/ACTION - Commissioner Strode**

- A. Public Comment Follow up: Daniel Rodriguez – Case No. 2023-206
- B. LARRC 2024-2025
- C. Contiguous State Reciprocity Practices (Continue discussion on [ORS 696.265](#) Recognition of nonresident real estate licensee & [OAR 863-014-0080](#) Nonresident License Recognition)

**VI. NEW BUSINESS - Commissioner Strode**

**VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Chair Gonzalez**

**VIII. REPORTS – Chair Gonzalez**

- A. Commissioner Strode
- B. Agency division reports-Deputy Commissioner Higley
  1. Regulations, Meghan Lewis
  2. Land Development Division, Michael Hanifin
  3. Administrative Services, Mesheal Heyman
  4. Licensing and Education, Madeline Alvarado
  5. Compliance Division, Liz Hayes

**IX. ANNOUNCEMENTS – Chair Gonzalez.** Next board meeting: 10.02.23 to begin at 10am, Riverhouse Hotel – Bend, Oregon

**X. ADJOURNMENT – Chair Gonzalez**

**Interpreter services, auxiliary aids for persons with disabilities, and access to attend remotely by videoconference are available upon advance request.**



# Oregon

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**AGENDA ITEM NO.**

**I.D.**

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**OREGON REAL ESTATE BOARD**  
**Regular Meeting Minutes – Agency Office – Salem, Oregon**  
**June 5, 2023**  
**10:00 a.m.**

**BOARD MEMBERS PRESENT:**

Jose Gonzalez  
Susan Glen  
Marie Due  
Michael Warren  
LaTasha Beal  
Lawnae Hunter (remote)  
Pat Ihnat

**BOARD MEMBERS ABSENT:**

Alex MacLean  
Kim Hedding

**OREA STAFF PRESENT:**

Steve Strode, Commissioner  
Anna Higley, Deputy Commissioner  
Madeline Alvarado, Licensing & Education Division Manager  
Elli Kataura, Regulation Division Manager  
Michael Hanifin, Land Development Manager  
Mesheal Heyman, Administrative Services Division Manager  
Liz Hayes, Compliance Division Lead

**CITIZEN:**

Angela Rodriguez  
Daniel Rodriguez  
Barbara Geyer  
Erica Curry

**I. BOARD BUSINESS - Chair Gonzalez**

- A. Call to Order
- B. Chair Gonzalez comments/Roll Call
- C. Approval of the Agenda and Order of Business

**MOTION TO APPROVE 6.5.2023 REGULAR MEETING AGENDA AS SUBMITTED BY MICHAEL WARREN**

**SECONDED BY MARIE DUE**

**MOTION CARRIED BY UNANIMOUS VOTE**

- D. Approval of 4.3.23, regular meeting minutes with correct of spelling of Pat Ihnat's name.

**MOTION TO APPROVE 4.3.2023 REGULAR MEETING MINUTES AS SUBMITTED BY PAT IHNAT**

**SECONDED BY MARIE DUE**

**MOTION CARRIED BY UNANIMOUS VOTE**

- E. Date of the Next Meeting: 08.07.23 to begin at 10am, Location Oregon Real Estate Agency Office, Salem, Oregon

**II. PUBLIC COMMENT - Chair Gonzalez**

- A. Angela Rodriguez
- B. Daniel Rodriguez
- C. Barbara Guyer



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- III. **REQUESTS FOR WAIVERS - Chair Gonzalez Waiver request log.**
  - A. None
- IV. **PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Chair Gonzalez.**
  - A. None
- V. **BOARD ADVICE/ACTION - Commissioner Strode**
  - A. LARRC 2024-2025
  - B. [ORS 696.265](#) Recognition of nonresident real estate licensee & [OAR 863-014-0080](#) Nonresident License Recognition
- VI. **NEW BUSINESS - Commissioner Strode**
- VII. **COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Chair Gonzalez**
- VIII. **REPORTS – Chair Gonzalez**
  - A. Commissioner Strode
  - B. Agency division reports-Deputy Commissioner Higley
    1. Regulations, Elli Kataura
    2. Land Development Division, Referred to Written Report
    3. Administrative Services, Mesheal Heyman
    4. Licensing and Education, Referred to Written Report
    5. Compliance Division, Liz Hayes
- IX. **ANNOUNCEMENTS – Chair Gonzalez.** Next board meeting: 08.7.23 to begin at 10am, Location Oregon Real Estate Agency Office Salem – 530 Center St NE Suite 100, Salem, Oregon 97301
- X. **ADJOURNMENT – Chair Gonzalez**

**OREGON REAL ESTATE AGENCY – Experience Requirement Waiver Request Log (2018-2023)**

<p><b>AGENDA ITEM NO. III.</b></p>
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DATE	NAME	LICENSE TYPE	APPROVED/DENIED	FACTS AND BOARD DISCUSSION
04.02.18	Ross Kelley	PB	Denied	<p><b>FACTS:</b> Ross Kelley requests a waiver of experience to become a principal broker. Mr. Kelley explained his request was based on his legal experience on both residential and commercial real estate and also that his business model would be a small scale of commercial properties. Dave Koch asked Mr. Kelley about his attitude towards managing and Mr. Kelley responded that his goal would be to provide exemplary service and he has reviewed ORS Chapter 696. Mr. Koch asked Mr. Kelley if he had supervision experience and Mr. Kelley responded that has supervised paralegals, attorneys and in his current position as well. Alex MacLean asked Mr. Kelley if he has had any experience with day to day transaction activity and Mr. Kelley responded he has worked with many brokers as well as buyers and sellers.</p> <p><b>MOTION TO DENY MR. KELLEY’S REQUEST FOR WAIVER OF EXPERIENCE AND RECOMMEND MR. KELLEY MAKE HIS REQUEST AFTER ONE YEAR OF EXPERIENCE BY DAVE KOCH</b>  <b>SECOND BY PAT IHNAT</b>  <b>MOTION CARRIED BY UNANIMOUS VOTE</b></p>
06.04.18	Ryan McGraw	PB	Approved	<p><b>FACTS:</b> Ryan McGraw requests experience waiver to become principal broker. Mr. McGraw appeared and explained the basis for his request for waiver was that he has practiced real estate law in some form for 9 years. He also explained that for the past 2 years he has been the equivalent to a principal broker in California, however, he relocated to Oregon and did not build the business in California. Mr. McGraw obtained his broker license in Oregon about a year ago and has handled some transactions but his goal was to build a residential property management business while continuing to sell homes. Dave Koch asked Mr. McGraw what supervisory experience he had. Mr. McGraw responded that for the last 6 years he has been responsible for supervising 22 staff in his current role. Dave Hamilton asked Mr. McGraw if he was operating as both realtor with a company and also the energy company. Mr. McGraw responded that he was operating as both. Commissioner Bentley clarified the area of concern for board members was Mr. McGraw his lack of experience in supervising new licensees and Mr. McGraw responded that he agreed with that concern and would only take on licensees that are fully experienced. Discussion: Alex MacLean stated although Mr. McGraw’s lack of experience with supervision was a concern Mr. MacLean was in support of approval of this motion. Mr. Koch asked Mr. McGraw to expand on his management process/experience and Mr. McGraw described how he has handled various personnel issues as a manager/supervisor. Jose Gonzalez also expressed his support for approval of this motion. Pat Ihnat asked Mr. McGraw how he handled lease negotiations and Mr. McGraw responded that he has been involved as supervising and also has used brokers.</p> <p><b>MOTION TO APPROVE RYAN MCGRAW’S REQUEST FOR WAIVER OF EXPERIENCE BY LAWNAE HUNTER</b>  <b>SECOND BY PAT IHNAT</b>  <b>MOTION CARRIED BY UNANIMOUS VOTE</b></p>
12.10.18	Joseph Edwards	PB	Withdrawn	<p>Joseph Edwards requests an experience waiver, Mr. Edwards contacted the agency to cancel his appearance due to unsafe road conditions.</p>
04.01.19	Ross Kelley	PB	Denied	<p>Ross Kelley requests experience requirement waiver. Chair Farley asked Mr. Kelley to expand on the basis of his request for a waiver. Mr. Kelley explained that since his appearance before the board about a year ago he had completed two transactions and had a listing pending. Mr. Kelley stated that becoming a principal broker would allow him to provide quality service to his clients and also open his own real estate brokerage firm. <b>DISCUSSION:</b> Alex MacLean expressed his appreciation to Mr. Kelley for appearing before the board for a second time and also encouraged him to continue gaining the required experience to become a principal broker. Jose Gonzalez explained that his personal experience of learning from principal brokers was instrumental for him in becoming a principal broker.</p> <p><b>MOTION TO DENY ROSS KELLEY’S REQUEST FOR WAIVER BY DEBRA GISRIEL</b>  <b>SECOND BY DAVE HAMILTON</b>  <b>MOTION CARRIED BY UNANIMOUS VOTE</b></p>
6.3.19	Ruth Howard	PB	Approved	<p>Ruth Howard requested a waiver of experience to become a principal broker. Howard appeared in person. Howard explained the basis for her request. Worked in real estate as a secretary for an office in 1980. Over the years she owned a small business and leased homes for a retirement community, She then got her real estate license. She was asked by the outgoing principal broker and the president of her current company to become the principal broker despite not having the required experience. Dave Koch asked if Laurie Thiel had comments. Thiel spoke on Howard’s behalf. Koch recused himself from the vote, but recommended approval comments. Thiel spoke on Howard's behalf, Koch recused himself from the vote, but recommended approval of the request. Pat Ihnat commented that Koch is usually is the one that questions experience waiver requests) and that Koch's support is uncharacteristic. Howard explained how her leasing experience helped her in professional real estate. Lawnae commented favorable on 1-loward1s background, Ihnat asked how many are in the office now. Howard responded 20. Lawnae asked about trust accounting experience. Debra Gisriel asked if there is another principal broker</p>



				<p>in the office who can step in, Thiel stated that there are licensees that who could meet the requirements but no one with the desire or skills to manage, Gisriel suggested that Howard take the Principal Broker Advanced Practices course and the Principal Broker Academy right away. Dave Hamilton asked question about transaction issues. Alex MacLean inquired about time line for Bill (current PB in the office) to mentor, number of deals occurring in office and experience of brokers in office. MacLean also asked how many RE/MAX offices are in Portland, where are management meetings held, if other RE/MAX management is available to her as a resource, and what her plans are for growing office. Koch commented on history of office. MacLean confirmed Bill is retiring from management of office, not from real estate business, and asked about Dave Koch's relationship with the office and RE/MAX. Ihnat commented when Howard obtains a principal broker license, she could leave RE/MAX and open her own office. Jef Farley commented on the shortcomings of the law requiring only three years of active licensed experience to obtain a principal broker license.</p> <p><b>DISCUSSION:</b> Dave Hamilton commented he considers Dave Koch's recommendation. Lawnae agreed. Pat said leasing experience similar. Susan commented on past leasing experience and number of transactions completed.</p> <p><b>MOTION TO APPROVE RUTH HOWARD'S REQUEST FOR WAIVER OF EXPERIENCE BY PAT IHNAT. SECOND BY DEBRA GISRIEL.</b></p>
2.3.20	Christopher Ambrose	PB	Approved	<p>Christopher Ambrose, Mr. Ambrose explained that he had been practicing attorney with Ambrose Law Group and an active attorney for approximately 30 years. He also stated that he was one of three owners of Total Real Estate Group LLC, which is a residential brokerage based out of Bend and his waiver request is based on his hands on experience as well as working very closely with the principal broker employed at Total Real Estate Group. Mr. Ambrose reported his company closed approximately 70 ns last year, bringing in 55 million in sales and that he had worked with and assisted in the selection of software. Alex MacLean asked Mr. Ambrose how his becoming a principal broker would affect the current principal broker at the company. Mr. Ambrose explained that he would continue to work closely with the principal broker but focus on managing the office and allocating duties while principal broker would continue to produce. Dave Hamilton asked Mr. Ambrose is the current principal broker was a principal in the company and Mr. Ambrose stated current principal broker is not a principal in the company. <b>Discussion:</b> Pat Ihnat, Dave Hamilton and Kim Hedding all stated that they advocated the approval of the Mr. Ambrose's waiver request based on his experience in both the legal and real estate industry. Ms. Hedding asked Mr. Ambrose if his intention was to continue to practice law and Mr. Ambrose affirmed.</p> <p><b>MOTION TO APPROVE CHRISTOPHER AMBROSE'S WAIVER REQUEST BY ALEX MACLEAN SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</b></p>
12.07.20	Jerry Jones	PB	DENIED	<p>Chair Hunter asked Mr Jones to explain the basis for his waiver request and he responded that he had held various business roles in the real estate industry, such as development projects, commercial management firm. He also explained that he wanted to expand to a brokerage firm and that having the principal broker designation would be a tremendous professional benefit. Susan Glen asked Mr Jones if he was aware of the 3 year requirement previously and re responded that he was aware of the requirement. Marie Due asked Mr. Jones if he had management experience. Mr. Jones explained that he had managed teams of 2 to 3 brokers and upwards of 20. Pat Ihnat stated that managing brokers requires dealing with substantive issues rather than broad management. Jose Gonzalez asked Mr. Jones what options were available to him if his waiver request were to be denied and Mr. Jones replied that the principal broker who plans on retiring would postpone his retirement if necessary.</p> <p><b>MOTION TO DENY JERRY JONES'S 3 YEAR EXPERIENCE WAIVER REQUEST BY ALEX MACLEAN SECOND BY MARIE DUE MOTION CARRIED BY UNANIMOUS VOTE</b></p>
12.07.20	Eric Zechnelley	PB		<p>Chair Hunter asked Mr. Zechnelley to explain the basis for his waiver request and he responded that his family owns and operates multiple businesses relating to various areas of real estate, which he has been involved in since he was in high school. He also explained that he received a Master Degree in Real Estate Development from Portland State University. Alex MacLean asked Mr. Zechnelley who he would be managing and what type of business and he responded that the business was a manufactured home company involving commercial real estate transactions and he would be managing a couple of brokers. Pat Ihnat asked Mr. Zechnelley how he believed his degree weighed in on answering questions from brokers and he replied that many of the courses he took covered law/rule content along with transaction processes. <b>DISCUSSION:</b> Pat Ihnat stated although Mr. Zechnelley's experience was with manufactured homes, his course study and degree were impressive. Alex MacLean stated Mr. Zechnelley's would benefit from more management experience.</p> <p><b>MOTION TO DENY ERIC ZECHNELLEY'S 3 YEAR EXPERIENCE WAIVER REQUEST BY ALEX MACLEAN SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</b></p>
02.01.21	Robert Tessmer	PB	MOTION FAILED – TIE VOTE	<p>Chair MacLean asked Mr. Tessmer to explain the basis for his waiver request and he responded that his career had consisted of property searches, purchasing, rebuilding, and renovating. He also explained that as a veteran his goals were to work with</p>

				<p>disabled veterans and assist them with finding homes. Pat Ihnat asked Mr. Tessmer to explain how his experience met with the waiver request requirements and he explained that he his experience included lease negotiations, writing leases, and contract management. Vice Chair Ihnat asked Mr. Tessmer if he planned to employ brokers and he responded that at some point he would be employing brokers. Lawnae Hunter asked Mr. Tessmer to provide a summary of his supervisory experience and he responded that he had vast experience with contract management and managing people with setting their career enhancement guidelines. Lawnae Hunter also asked Mr. Tessmer if he was familiar with the financial responsibilities required of a principal broker. Mr. Tessmer explained that he was familiar with the financial responsibilities. Dave Hamilton asked Mr. Tessmer what experience he had with overseeing several brokers and ensuring that they follow proper guidelines and he responded he would have a business plan in place to facilitate proper supervision. Discussion: Chair MacLean asked Mr. Tessmer to elaborate on his connection to Mr. Larkin. Mr. Tessmer explained that his relationship with Mr. Larkin was as a mentor and seeking his advice/input on certain situations. Susan Glen asked Mr. Tessmer if he had considered working under the supervision of a principal broker for a period of time and he responded that he would not work well in that type of setting or environment.</p> <p><b>MOTION TO APPROVE ROBERT TESSMER'S EXPERIENCE WAIVER REQUEST BY LAWNAE HUNTER SECOND BY PAT IHNAT</b></p> <p><b>MOTION FAILS BY TIE VOTE (AYES: LAWNAE HUNTER, SUSAN GLEN, PAT IHNAT, ALEX MACLEAN. NAYS: MARIE DUE, DEBRA GISRIEL, KIM HEDDINGER, DAVE HAMILTON)</b></p>
02.01.21	Eric Zechnelley	PB	APPROVED	<p>Eric Zechnelley - Mr. Zechnelley asked Chair MacLean the reason the board denied his previous waiver request on 12.7.20 and both Chair MacLean and Dave Hamilton responded that the reason for the denial was lack his of experience. Vice Chair Ihnat stated that she would be inclined to support Mr Zechnelley's waiver request based on his college degree. David Malcolm, attorney for Mr. Zechnelley, explained that he reviewed the last 5 years of waiver requests and board meeting minutes and determined that Mr. Zechnelley has met the requirements for to qualify for a waiver request.</p> <p><b>MOTION TO APPROVE ERIC ZECHNELLEY'S WAIVER REQUEST BY PAT IHNAT SECOND BY LAWNAE HUNTER</b></p> <p><b>MOTION CARRIED BY UNANIMOUS VOTE</b></p>
04.05.21	Robert Tessmer	PB	APPROVED	<p>Robert Tessmer - David Malcolm, attorney for Mr. Tessmer explained Mr. Tessmer's qualifications qualifying him for the waiver request. Alex MacLean asked Mr. Malcolm to explain Mr. Tessmer's anticipated supervisory duties would be and Mr. Malcolm responded that Mr. Tessmer had no plans to hire brokers. Pat Ihnat summarized Mr. Tessmer's business plan as a sole proprietor shop, assisting buyers to find property. Debra Gisriel asked Mr. Tessmer is he currently held a brokers' license or taken the principal broker's course work and Mr. Malcolm responded that Mr. Tessmer did not hold a broker's license or taken the principal broker's coursework.</p> <p><b>MOTION TO APPROVE ROBERT TESSMER'S EXPERIENCE WAIVER REQUIREMENT REQUEST BY LAWNAE HUNTER SECOND BY PAT IHNAT</b></p> <p><b>MOTION CARRIED BY 6 AYES (ALEX MACLEAN, PAT IHNAT, MARIE DUE, KIM HEDDINGER, JOSE GONZALEZ, AND LAWNAE HUNTER) AND 3 NAYS (DAVID HAMILTON, SUSAN GLEN, AND DEBRA GISRIEL)</b></p>
06.07.21	Michael Paluska	PB	APPROVED	<p>Michael Paluska explained his background as an attorney he did not practice litigation and had over 25 years of experience in real estate law. Chair MacLean asked Mr. Paluska what experience he had with continuing education and Mr. Paluska responded that he had provided continuing education for the commercial industry members and for attorneys. Lawnae Hunter asked Mr. Paluska if he intended to operate a traditional brokerage, which would include supervising other brokers and he indicated that was his intention. Chair MacLean asked Mr. Paluska to elaborate on his current supervisory role and he explained that his practice consisted of one attorney and his management experience has been managing staff at various companies that he has owned. Dave Hamilton asked if he intended to continue to run his law firm and Mr. Paluska responded that he would.</p> <p><b>MOTION TO APPROVE MICHAEL PALUSKA'S REQUEST FOR EXPERIENCE WAIVER BY PAT IHNAT SECOND BY KIM HEDDINGER</b></p> <p><b>MOTION CARRIED BY 8 YES VOTES (ALEX MACLEAN, PAT IHNAT, MARIE DUE, JOSE GONZALEZ, DEBRA GISRIEL, LAWNAE HUNTER, SUSAN GLEN, AND KIM HEDDINGER) ONE NO (DAVE HAMILTON)</b></p>
04.04.22	Dana McNeil	PB	APPROVED	<p>Dana McNeil requested board approval for a 21 month waiver of the 3 year broker experience requirement for the principal broker license. Ms. McNeil outlined her experience of 15 years in commercial real estate, working specifically in the GSA niche in real estate negotiation, project management and construction.</p> <p><b>MOTION TO APPROVE DANA MCNEIL'S REQUEST FOR EXPERIENCE WAIVER BY ALEX MACLEAN SECOND BY LAWNAE HUNTER</b></p> <p><b>MOTION CARRIED BY UNANIMOUS VOTE</b></p>
06.06.22	Robert Pile	PB	MOTION FAILED – TIE VOTE	<p><b>MOTION TO APPROVE ROBERT PILE PRINCIPAL BROKER EXPERIENCE WAIVER BY ALEX MACLEAN SECOND BY LAWNAE HUNTER</b></p> <p><b>MOTION DOES NOT CARRY WITH SPLIT VOTE– (Gisriel-Nay, Due-Nay, Glen-Nay, Heddinger-Nay, Beal-Aye, Hunter-Aye, MacLean-Aye, Ihnet-Aye)</b></p>
12.5.22	Robert Pile	PB	APPROVED	<p><b>MOTION TO APPROVE ROBERT PILE'S REQUEST FOR EXPERIENCE WAIVER BY LAWNAE HUNTER SECOND BY LATASHA BEAL</b></p> <p><b>MOTION CARRIED BY UNANIMOUS VOTE</b></p>

2.6.23	Kristie Hornbeck	PB	MOTION FAILED – TIE VOTE	<b>MOTION TO APPROVE KRISTIE HORNBECK PRINCIPAL BROKER EXPERIENCE WAIVER</b> <b>MOTION BY LAWNAE HUNTER</b> <b>SECOND BY KIM HEDDINGER</b> <b>MOTION DOES NOT CARRY WITH SPLIT VOTE– (Hunter-Aye, Hedding-Aye, Beal-Aye, Gonzalez-Aye, Due-Nay, Ihnat-Nay, MacLean-Nay, Warren-Nay, Glen-Abstain)</b>
4.3.23	Kristie Hornbeck	PB	APPROVED	<b>MOTION TO APPROVE KRISTIE HORNBECK PRINCIPAL BROKER EXPERIENCE WAIVER</b> <b>MOTION BY LAWNAE HUNTER</b> <b>SECOND BY SUSAN GLEN</b> <b>I A I D A I V</b>

# Oregon Real Estate Board

## Experience Requirement Waiver Request

**Date:** 06/26/2023  
**Name** CLAIRE ANNE FARR  
**Address:** 5505 SW DELKER ROAD, TUALATIN, OREGON 97062  
**Daytime Phone Number:** 503-936-6595 **Oregon License Number:** 201246501

### GENERAL INFORMATION AND DOCUMENTATION

- I am seeking an experience requirement waiver to become a real estate **PRINCIPAL BROKER**. (ORS 696.022 and OAR 863-014-0040)
- I am currently licensed as a real estate broker in Oregon: Yes  No   
 If yes, please state the dates for which you held an Oregon real estate license: JAN. 4, 2022 to PRESENT  
 Was your Oregon license obtained through a reciprocal agreement with another state? Yes  No
- I am currently licensed or have held a real estate license in another state that was issued by the state's licensing authority: Yes  No . Indicate the following

Type of License	State Issued	Dates Active License Held
REAL ESTATE BROKER	WASHINGTON STATE	From: 04/12/2022 To PRESENT
		From: To
		From: To

- Per OAR 863-014-0040 and OAR 863-014-0042, I have:

	Yes	No	Date Completed	Additional Required Information	Agency Use Only
Completed the "Broker Administration and Sales Supervision" course for principal real estate brokers. <b>Must be completed PRIOR to waiver request.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JUNE 1 2023	Attach original course certificate.	
Submitted the Real Estate License Application for Principal Broker license and \$300 fee. <b>Must be completed PRIOR to waiver request.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JUNE 9 2023	Attach copy of confirmation letter from Agency.	
Successfully passed the Oregon Principal Broker exam. <b>Must be completed PRIOR to waiver request.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JUNE 7 2023	National Score: <u>65</u> State Score: <u>40</u>	
Graduated from a four-year college or university with a degree in real estate curriculum approved by the Commissioner. (863-014-0042)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2009	Attach official transcript to request, if any.	
Graduated with a two-year community college associates degree in real estate curriculum approved by the Commissioner. (863-014-0042)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Attach official transcript, if any.	
Substantial real estate-related experience equivalent to at least 3 years active licensed experience. Include any real estate designations achieved. (OAR 863-014-0042)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FEB 2009 TO OCT 2021	Attach a written details about your additional real estate experience that would assist in the Board's consideration of your waiver request.	

	Yes	No	Date Completed	Additional Required Information	Agency Use Only
Included the number and type of real estate transactions (listings and transactions that were closed) I have completed while holding a real estate license in Oregon or in another state.	X		See document ation	Attach a document showing the number and types of transactions you have completed while licensed, if any.	

### **REQUIRED DOCUMENTS**

Listed below are the required documents to be included in the request for an experience waiver.

1. Your letter requesting a waiver of the three year active licensed experience. This letter should:
  - o State the reason for the request, including the compelling reason why you cannot wait to complete the three years of active licensed experience.
  - o Indicate the real estate experience you have that would be an acceptable substitute for the three years of required experience.
  - o Explain how you obtained the knowledge and expertise to adequately manage a real estate business, which includes supervising Oregon real estate licensees and handling clients' trust accounts.
2. Required documentation listed above in the General Information and Documentation section #4.

### **HELPFUL DOCUMENTS**

The following information is helpful, but not required, for the Board to thoroughly evaluate your request:

- o Letters of reference pertaining to your real estate experience
- o Letters of reference from current or past supervising principal brokers
- o Supervisory experience
- o Familiarity and experience in other related industries: escrow, title, mortgage, etc.

### **OTHER REQUIREMENTS**

- You will be required to attend the Oregon Real Estate Board meeting when this waiver is discussed. The Board schedule will be communicated in follow-up correspondence upon receipt of your documents.
- Be prepared to answer questions from the Board to support your request.
- Waiver requests must be received at the agency no less than 21 days before the board meets.
- You must email all documents, including this completed and signed "Experience Requirement Waiver Request," to [madeline.c.alvarado@oregon.gov](mailto:madeline.c.alvarado@oregon.gov).

**IMPORTANT NOTE:** All documents submitted become part of the Board Packet and, therefore, public record. The Agency highly recommends that you remove/redact any confidential information on your documents, such as your social security number, date of birth, and credit card information. Please do not put the packet into any type of folder or binding.

Please direct any questions to Madeline Alvarado at 971-719-3406 or [madeline.c.alvarado@oregon.gov](mailto:madeline.c.alvarado@oregon.gov).

I certify that the above information is true to the best of my knowledge.

7/12/2023

\_\_\_\_\_  
Signature of Waiver Applicant

\_\_\_\_\_  
Date

### **2023 BOARD MEETING DATES**

#### **MEETING DATE**

February 6, 2023  
April 3, 2023  
June 6, 2023  
August 7, 2023  
October 2, 2023  
December 4, 2023

#### **WAIVER PACKET DUE DATE**

January 16, 2023  
March 13, 2023  
May 16, 2023  
July 17, 2023  
September 11, 2023  
November 13, 2023

# EMILY WINTER

Senior Account Manager – CBRE  
[winteremilyl@gmail.com](mailto:winteremilyl@gmail.com)  
901-626-9912

June 27, 2023

To whom it may concern:

Claire and I worked with each other very closely on the Nike real estate portfolio from 2018 – 2021. Claire was heavily involved in the decisions, negotiations, and execution of all the retail store leases in North America. A portfolio that had over 500 leases and a annual rent obligation of over \$300 million.

The negotiations she worked on were not limited to retail stores. She was instrumental in the execution of storage agreements, signage agreements, and parking agreements making her very familiar with several areas of real estate.

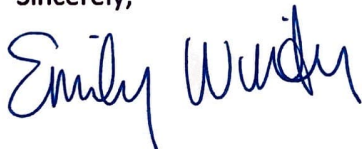
Claire and I discussed Nike's strategy on a regular basis. These conversations were about the beginnings of new locations and how they would impact financial obligations to the portfolio. She was extremely intuitive when it came to negotiating rent and the changes in digital footprints. This often led to discussions involving fixed triple nets, sales-based rent with the inclusion and exclusion of online sales, as well as the market implications of rent escalations.

Every month, we reviewed the monthly rent roll and evaluated if rent was missing, incorrect, or being placed on hold for contractual reasons. This included reviewing all the variances for month over month changes due to lease year implications, annual escalations, and estimates for annual reconciliations. We passed multiple audits by outside auditors reviewing our process controls and books.

When new leases or legal documents arrived requiring clarifications, Claire would review the legal documents with us to resolve any potential discrepancies within the documents. She would reference the LOI's and provide additional support if needed should any questions arise regarding the terms of the agreements. Her knowledge of the legal requirements, as well as the intent of the clauses, provided everything we needed to communicate with the landlords and maintain a compliant portfolio.

I have gained a lot of knowledge and experience from what Claire was able to accomplish with the Nike North America retail team. She continues to share her knowledge with me even after she has left her role and we continue to discuss the evolution of the real estate industry on a regular basis.

Sincerely,



Emily Winter

**July 7, 2023**

15945 SW Shearwater Ct  
Beaverton, OR 97007  
201.936.3506  
[michelle.berkey@nike.com](mailto:michelle.berkey@nike.com) (W)  
[mspeyer@gmail.com](mailto:mspeyer@gmail.com) (H)

To Whom It May Concern:

I am writing on behalf of Claire Farr regarding her Commercial Real Estate experience and background. Claire and I worked together at Nike, Inc. for approximately five (5) years. During that time, I had the pleasure to work very closely with Claire in my roles as both an attorney in Nike Legal supporting her team and as a Director on Nike's Global Real Estate and Store Construction team. I can attest to her skills, abilities and experience.

Claire is a detail-oriented real estate professional who completed over 200 lease renewal and renegotiation transactions on behalf of Nike and Converse during the time Claire and I worked together. Claire served as the primary point of contact for Nike's North America landlords and negotiated lease terms and financial provisions, including, but not limited to, construction clauses, rent concessions and abatement, radius provisions, sales reporting clauses and co-tenancy provisions.

Claire is a skilled negotiator and always takes the lead in driving key initiatives and identifying issues. She has a deep understanding of Commercial Real Estate and several years' experience leading commercial transactions for a Fortune 500 company. She is honest and trustworthy, and I would recommend her without hesitation to any organization or employer.

If you have any questions, feel free to contact me at the address provided above.

Best,

*Michelle Berkey*

Michelle Berkey





July 10, 2023

Dear Oregon Real Estate Agency:

My name is Steven Wade, and I am a licensed Oregon Real Estate Principal Broker and was previously a licensed broker in Illinois for 10 years. Before practicing in Oregon, I worked for Berkshire Hathaway Commercial in the Chicago office with a focus on multi-family sales and commercial leasing.

I am writing to you offering my letter of recommendation for Claire Farr. I was her managing commercial Principal Broker at Keller Williams Portland Premiere from January 2022 to March 2023. In addition to regular oversight, we have been working closely together on a listing since Fall '22 that we expect to close this year. Through this experience, I have witnessed her trustworthiness, integrity, and capabilities.

In my experience with Claire, I have found her to be professional and knowledgeable at a level well beyond that required of a 3-year licensee. I respectfully recommend her for an experience waiver based on her education, decade of experience working in Nike real estate, and my first-hand experience working with her over the last year and a half.

Thank you for your consideration.

Steve Wade  
Licensed Oregon Principal Broker

Keller Williams Commercial Division  
Keller Williams Portland Premiere  
7504 SW Bridgeport Road, Tualatin, Oregon

A handwritten signature in black ink, appearing to read 'StWL', written in a cursive style.



# CLAIRE FARR

503.936.6595 | [clairefarr@delkerre.com](mailto:clairefarr@delkerre.com) | Portland, Oregon | [www.delkerre.com](http://www.delkerre.com)

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## SUMMARY

- Claire's career is primarily focused on commercial real estate for occupiers. She has an undergraduate degree in real estate and finance from the University of Denver graduating top of her class. She is a licensed real estate broker in OR and WA.
  - She grew her career in Nike real estate around the world in retail, office, and industrial portfolios in 50 countries with extensive real estate committee experience touching \$2B+ in investments
  - In 2021, She founded Delker to advise Fortune 500 and growing brands with real estate strategy and management.
  - She is considered an expert in retail portfolio management, negotiations, lease admin, and real estate economics and finance, and regularly teaches for the National Retail Tenants Association.
  - She has directly managed more than 10 people and indirectly managed and coached dozens including broker partners.
- 

## DELKER REAL ESTATE [LAKE OSWEGO, OR] FOUNDER AND PRINCIPAL // 2021-PRESENT

Advise national retail occupiers.

### Brands represented:



COLE HAAN



### Industry Affiliations



## NIKE, INC. [BEAVERTON, OR]

### SENIOR LEASE PORTFOLIO MANAGER, RETAIL REAL ESTATE // 2016-2021

Optimize the portfolio by advising and executing omni-channel lease strategies for a 400+ door fleet to maximize savings, grow revenue, and increase business flexibility for multiple brands and concepts.

- Execute 200+ lease renewals and renegotiations with wide variety of landlords exceeding \$4m savings in last 12 months and upgrades to expand business flexibility and accelerate target relocations.
- Lead portfolio reviews with leadership to present deals, align on future fleet, and optimize financial health of portfolio.
- Responsible for marketplace planning for entire US and Canada fleet in partnership with site selection
- End to end management of 500+ contracts including legal and finance partnership, data quality assurance, critical dates, rent pay (\$270m+/yr), reporting, audit (landlord and tenant), etc.
- Lead lease admin team and manage relationships with external master broker and lease admin partner

### DIRECTOR BUSINESS OPERATIONS, CORPORATE REAL ESTATE // 2014-2016

#### Chief of staff to head of real estate

- Created a global delivery process for leasing and tenant improvement projects for new organization
- Program managed development of global real estate center of excellence including vendor partnerships, best practices, software and guiding principles for executing real estate transactions and projects
- Developed global fleet review process and reporting tool for daily project management and leadership reporting

### MANAGER BUSINESS OPERATIONS, GLOBAL REAL ESTATE DEVELOPMENT // 2010-2014

#### Program and Investment committee manager for international and domestic corporate real estate

- Project management and financial analysis of nationwide HQ search and economic incentive strategy including site selection, economic impact, land survey and transportation engineer vendors
- Selected to create and manage real estate investment committee for any investment \$1m+ including all prep, facilitation and follow-up. Responsibilities included pre-review of business cases and financials based on investment guardrails, GAAP accounting, and integration of business strategy with advisement to committee leads; meeting facilitation and portfolio oversight of approved projects and investments.
- Project management support and steering committee updates for executive level global projects such as new Shanghai campus, Converse HQ relocation, WHQ campus expansion, and all acquisitions.
- Expert in the budgeting, approval process and accounting implications of real estate projects and investments
- Read and interpret real estate documents such as leases and PSA's

## Claire Farr – Experience Waiver Request supporting documentation

List of transactions completed while licensed in Oregon since January 2022:

- 1 office lease representing tenant
- 1 office for sale representing Seller in cooperation with the US Department of Justice
- More than 10 regional and national retail tenant representation deals incomplete due to lack of retail vacancy in Portland area suburbs, undesirable downtown Portland options, construction pricing, high interest rates, and general fear of future recession that ultimately killed these deals.

# Principal Broker Course Completion Certificate

THIS CERTIFICATE WILL VERIFY THAT:

**Claire Farr**

Real Estate License Number: 201246501

Mailing Address of:  
5505 SW Delker Road, Tualatin, OR 97062

has successfully completed the final examination for the correspondence/Internet study course:

## **Brokerage Administration and Sales Supervision**

The course credit granted is **40 hours** on the date of **June 1, 2023** at [www.OnlineEd.com](http://www.OnlineEd.com). The date of completion is the date the actual Internet study course examination was actually taken and graded. This course is approved by the Oregon Real Estate Agency to meet the requirements of the Oregon Principal Real Estate Broker - Brokerage Administration and Sales Supervision 40 hour course required as a prerequisite to obtaining an Oregon Principal Real Estate Brokers License.

THIS OFFERING IS UNDER THE TOPIC OF  
**Brokerage Administration and Sales Supervision**

OREGON REAL ESTATE AGENCY CERTIFIED CONTINUING EDUCATION COURSE

PROVIDER COURSE NUMBER: **1038-1039**

THIS COURSE WAS SPONSORED AND THIS CERTIFICATE ISSUED BY:



OnlineEd, LLC.  
Chris Culbertson, School Director  
14355 SW ALLEN BLVD STE 240, BEAVERTON OR 97005-4700  
mail@OnlineEd.com, <https://www.onlineed.com/>  
Phone: (503) 670-9278

Certificate Authentication Number: 2519648

This certificate is void if the above authentication number cannot be verified by OnlineEd

Click to verify: <https://www.onlineed.com/VERIFY?EB7D-2706-7063-80FC-2E06>



July 12, 2023

Dear Oregon Real Estate Board Members,

As part of my formal request and application for an Experience Requirement Waiver Request, please find below my compelling reason for this request and relevant and substantial experience for your consideration. I am hopeful that you will find the following summary and attached documentation supportive of my request.

I am submitting this request because I have sufficient education and experience to operate as a sole practitioner in Oregon. I believe my in-house experience practicing real estate at Nike for more than a decade qualifies me to provide national and regional tenant representation services in Oregon and does not require oversight by a licensed Principal Broker. Oregon law does not require that I be licensed to practice real estate as an in-house full-time employee so I never pursued a license.

Following my undergraduate degree completion in 2009, I travelled back home to Portland and commenced my real estate career at Nike as an analyst for the corporate real estate team supporting deal makers and business leaders in opening new corporate headquarters, showrooms, and industrial sites around the world. Among dozens of global and national projects, this work included a nationwide site search concluded with an expansion of the existing headquarters in Beaverton. Then, I was tapped to create the first ever real estate committee for corporate real estate investments including any deal or capital investment over \$1m with oversight responsibilities in partnership with a team of Nike executives. Then, I became Director of Real Estate Operations acting as chief of staff for a new corporate real estate team creating all budgets, team organizational structures, and strategy for all international investments, including in the US and Oregon. Then, for 5 years, I moved to Nike's North America retail real estate team leading marketplace strategy, lease administration, transactions, and rent pay for all 500+ existing store leases. In my tenure at Nike, I was directly involved in completing more than \$2b in real estate investments, personally completed more than 200 deals, oversaw an international real estate investment committee for several years, reviewed thousands of lease and purchase and sale agreements, directly managed more than 10 people and indirectly managed and coached dozens more including external broker partners, I was responsible for managing a team that processed more than \$1.3 billion in complex rental payments over five years and thousands of rent lines per month. I personally passed twice a year audits by external firms including Deloitte and Price Waterhouse Cooper reviewing rent pay processes and amounts. Due to confidentiality, I am not permitted to share the specific deals or investments but can offer that they were in more than 20 states, including office, retail, and industrial in Oregon and can be certified verbally by my former Nike colleagues and supporting letter of recommendation.

Since being licensed in January 2022, I have been working on numerous tenant representation deals with national and regional tenants focused on the Portland area in addition to providing advisory services.

I have had speaking engagements with Portland State University at their annual breakfast in 2015 and at CoreNet's annual conference in 2015. I am a regular teacher for the National Retail Tenants Association and am a member of International Council of Shopping Centers and Realtor® organization. I am the vice-

chair of the young professionals board for De La Salle North Catholic High School in Portland advancing education and opportunities for low income students.

While I was not required to be licensed in Oregon during my time at Nike, I have substantial transaction experience that I hope you find sufficiently covers the required 3 years of licensed experience to obtain a Principal Broker License. I hope you will find the supporting materials and letters of recommendation as evidence of my experience and abilities.

Respectfully,  
Claire Farr  
[clairefarr@delkerre.com](mailto:clairefarr@delkerre.com)  
503-936-6595

*Claire Farr*



# UNIVERSITY OF DENVER

Denver, Colorado 80208-9405  
Office of the Registrar

Student No: 871840784

Date of Birth: 22-MAY

Date Issued: 18-MAY-2023

Record of: Claire Anne Farr

Page: 1

Issued To: Claire Kimbrel

Parchment DocumentID: TWVZSGFE

Course Level: Undergraduate

Credential/Degree Awarded: BS in Business Administration  
04-JUN-2009

Major : Finance - Real Estate

SUBJ NO.	COURSE TITLE	CRED CRD	PTS H	SUBJ NO.	COURSE TITLE	CRED CRD	PTS R
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Institution Information continued:

WATS 1212	Science of Contemporary Issues	4.00 A	16.00	REAL 1777	Introduction to Real Estate	4.00 A-	14.80
				Hrs: 16.00 GPA-Hrs: 16.00 QPts: 61.60 GPA: 3.85			

TRANSFER CREDIT ACCEPTED BY THE INSTITUTION:

Dean's List

Advanced Placement

Hrs: 4.00 GPA-Hrs: 0.00 QPts: 0.00 GPA: 0.00

Spring Quarter 2007

INSTITUTION CREDIT:

CORE 2431	Latin American Dependency	4.00 A-	14.80	WATS 1213	Science of Contemporary Issues	4.00 A	16.00
REAL 3307	Real Estate Finance	4.00 B+	13.20	REAL 3307	Real Estate Finance	4.00 B+	13.20
STAT 2800	Survey of Operations Mgmt	4.00 A	16.00	STAT 2800	Survey of Operations Mgmt	4.00 A	16.00
				Hrs: 16.00 GPA-Hrs: 16.00 QPts: 60.00 GPA: 3.75			

Autumn Quarter 2005

AHUM 1516	Music: Understanding Music	4.00 B	12.00	BUS 1040	Strategic Advantages of Tech	4.00 A	16.00
BUS 1060	Business Environment	4.00 B+	13.20	ENOC 1111	Critical Reading and Writing	4.00 B+	13.20
UDCC 1000	Campus Connection	1.00 A	4.00				
				Hrs: 17.00 GPA-Hrs: 17.00 QPts: 58.40 GPA: 3.43			

Dean's List

Autumn Quarter 2007

Winter Quarter 2006

ENOC 1122	Argument and Research	4.00 A	16.00	SOCS 1710	Psychology: Mind & Behavior	4.00 B	12.00
SOCS 1810	Sociology: Understd Social Life	4.00 A	16.00	STAT 1300	Statistics I	4.00 A	16.00
				Hrs: 16.00 GPA-Hrs: 16.00 QPts: 60.00 GPA: 3.75			

ABED 9000	Fall Term in London	0.00 P	0.00	ABRE 2988	Media Culture & Society	4.00 B+	13.20
				Hrs: 16.00 GPA-Hrs: 16.00 QPts: 38.80 GPA: 3.23			

Winter Quarter 2008

Dean's List

Spring Quarter 2006

BUS 1080	Leadership and Communication	4.00 A	16.00	ENOC 1133	Reading and Writing about Lit	4.00 A	16.00
SOCI 2560	Death and Dying	5.00 A	20.00	STAT 1400	Statistics II	4.00 A	16.00
				Hrs: 17.00 GPA-Hrs: 17.00 QPts: 68.00 GPA: 4.00			

ACTG 2800	Accounting for Decision Making	4.00 A-	14.80	ECON 1020	Economics: Wealth and Poverty	4.00 A	16.00
REAL 3007	Computer Appl for R/E Analysis	4.00 B+	13.20				
				Hrs: 12.00 GPA-Hrs: 12.00 QPts: 44.00 GPA: 3.66			

Spring Quarter 2008

Autumn Quarter 2006

ACTG 1800	Intro. to Financial Reporting	4.00 A	16.00	MKTC 2800	Introduction to Marketing	4.00 A	16.00
WATS 1211	Science of Contemporary Issues	4.00 A-	14.80	SOCI 2255	Juvenile Delinquency	5.00 B+	16.50
				Hrs: 17.00 GPA-Hrs: 17.00 QPts: 63.30 GPA: 3.72			

ECON 1030	Econ of Business Environment	5.00 A	20.00	FIN 3200	Corporate Financial Problems	4.00 B+	13.20
MCMT 2850	Public Policy and Business	4.00 B+	13.20	REAL 3317	Real Estate Appraisal	4.00 A	16.00
				Hrs: 17.00 GPA-Hrs: 17.00 QPts: 62.40 GPA: 3.67			

Autumn Quarter 2008

Winter Interterm 2006

FIN 3700	Business Behind Media-New York	4.00 A	16.00				
				Hrs: 4.00 GPA-Hrs: 4.00 QPts: 16.00 GPA: 4.00			

CORE 2539	Health, Media and the Self	4.00 B+	13.20	FIN 3110	Financial Institutions	4.00 B	12.00
FIN 3230	Entrepreneurial Finance	4.00 B	12.00	REAL 3377	Real Estate Investment Seminar	4.00 A-	14.80
				Hrs: 16.00 GPA-Hrs: 16.00 QPts: 52.00 GPA: 3.25			

Spring Quarter 2009

Winter Quarter 2007

FIN 2800	Financial Decision Making	4.00 A-	14.80	MCMT 2800	Principles of Management	4.00 A	16.00
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CHEX 1811	Movement Improvisation	4.00 A	16.00	FIN 3300	Investments	4.00 B	12.00
FIN 3901	IS:Study of Curnt Bnd Mrkt Lit	1.00 A	4.00				

\*\*\*\*\* CONTINUED ON NEXT COLUMN \*\*\*\*\*

\*\*\*\*\* CONTINUED ON PAGE 2 \*\*\*\*\*

AN OFFICIAL SIGNATURE IS WHITE WITH A RED BACKGROUND REJECT DOCUMENT IF SIGNATURE BELOW IS NOT CLEAR

The Federal law, the Family Educational Rights and Privacy Act of 1974, forbids the release of this information without written consent of the student.

Dennis Maurice Becker, Registrar



# UNIVERSITY OF DENVER

Denver, Colorado 80208-0405  
Office of the Registrar

Student No: 871840784

Date of Birth: 22-MAY

Date Issued: 18-MAY-2023

Record of: Claire Anna Farr

Page: 2

Level: Undergraduate

SUBJ NO.	COURSE TITLE	CRD CRD	PTS R	
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Institution Information continued:

MZMT 3800	Business Policy and Strategy	4.00 B+	13.20	
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REAL 3367	Development and Feasibility	4.00 A	16.00	
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Ehrs: 17.00 GPA-Hrs: 17.00 QPts: 61.20 GPA: 3.60

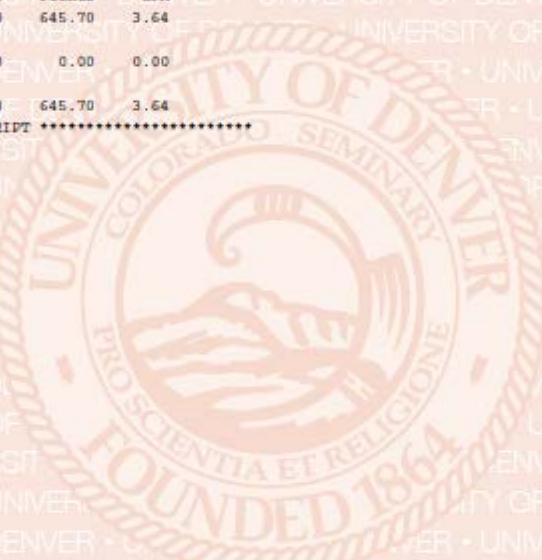
\*\*\*\*\* TRANSCRIPT TOTALS \*\*\*\*\*

	Earned Hrs	GPA Hrs	Points	GPA
TOTAL INSTITUTION	181.00	177.00	645.70	3.64

TOTAL TRANSFER	4.00	0.00	0.00	0.00
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OVERALL	185.00	177.00	645.70	3.64
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\*\*\*\*\* END OF TRANSCRIPT \*\*\*\*\*



**AN OFFICIAL SIGNATURE IS WHITE WITH A RED BACKGROUND REJECT DOCUMENT IF SIGNATURE BELOW IS NOT CLEAR**

The Federal law, the Family Educational Rights and Privacy Act of 1974, forbids the release of this information without written consent of the student.

  
Dennis Maurice Becker, Registrar

## EXPLANATION OF TRANSCRIPT

## GRADING SYSTEMS

GRADING SYSTEM BEGINNING FALL, 1992  
COLLEGE OF LAW GRADING SYSTEM  
BEGINNING FALL, 1990

GRADE	DEFINITION	GRADE POINTS	GRADE	DEFINITION	GRADE POINTS
A	Excellent	4.0	P	Passing	0
A-		3.7	I	Incomplete	0
B+		3.3	W	Withdrawn	0
B	Good	3.0	NC	No Credit	0
B-		2.7	WC	Without Credit	0
C+		2.3	W/WP	Withdrawn	0
C	Satisfactory	2.0		Without Prejudice	0
C-		1.7	IP	In Progress or	0
D+		1.3		Grade not Reported	0
D	Passing	1.0	NR	Grade not Reported	0
D-		0.7	NP	No Pass	0
F	Failing	0			

## NUMERIC GRADING SYSTEM

COLLEGE OF LAW PRIOR TO FALL 1990  
GRADUATE TAX PROGRAM PRIOR TO FALL 2015

GRADE	DEFINITION	GRADE POINTS	GRADE	DEFINITION	GRADE POINTS
85-100	A	85-100	W/WP	Withdrawn	0
77-84	B	77-84		Without Prejudice	0
68-76	C	68-76	NR	Grade not Reported	0
60-67	D	60-67	IP	In Progress or	0
45-59	F	45-59		Grade not Reported	0
P	Passing	0	NC	No Credit	0
F	Failing	0	I	Incomplete	0

## GRADING SYSTEM BEGINNING FALL, 1965

GRADE	DEFINITION	GRADE POINTS	GRADE	DEFINITION	GRADE POINTS
A	Excellent	4.0	W, WP**	Withdrawn	0
B	Good	3.0		Without Prejudice	0
C	Satisfactory	2.0	NC	No Credit	0
D	Passing	1.0	WF*	Withdrawn Failing	0
F	Failing	0.0	I	Incomplete	0
P	Passing	0.0			

\*Discontinued 1984

\*\*Discontinued 1987

## Alternative Grade Mode Selection

In academic years 2019-2020 and 2020-2021, there was a global health emergency. During this time on a limited basis, students were allowed the option to change letter grades to:

P+	Pass Plus	A grade of C- or better
HP	High Pass	Law Grade of 70-100
P	Pass	A grade of D+, D, D- Law Grade of 59-69
NP	No Pass	A grade lower than D- Law grade of less than 59

## REPEATED COURSES

Repeated courses are denoted under the 'R' column. "T" indicates a repeated course is included in earned hours and GPA calculations; "A" indicates a repeated course is included in GPA calculations, but excluded from earned hours; "E" indicates that a repeated course is excluded from earned hours and GPA calculations.

## COURSE NUMBERING

## Prior to September, 1985

1-99	Elementary
100-199	Intermediate
200-299	Advanced
300-399	Advanced and Graduate
400 or over	Graduate

## Beginning September, 1985

0001-0999	Elementary
1000-1999	Intermediate
2000-2999	Advanced
3000-3999	Advanced and Graduate
4000-5999	Graduate

## Beginning Summer, 2002

0001-0999	Pre-Collegiate, remedial, or Continuing Education Unit courses
1000-1999	Undergraduate courses (lower division)
2000-2999	Advanced Undergraduate courses (upper division)
3000-3999	Advanced Undergraduate and Graduate courses (combined)
4000 or over	Graduate Courses

## COURSES TAKEN AT OTHER INSTITUTIONS

Grades for courses taken at other institutions are marked with an asterisk and are not calculated into the grade point average.

## ACADEMIC CALENDAR

With the exception of the College of Law, the academic calendar used is the quarter. The quarter is generally ten weeks exclusive of the final examination period. In Fall 1990, the College of Law adopted a semester calendar. Study Abroad, distance learning, interterm and other special courses vary in length, but are reported in quarter hours (or semester hours for the College of Law).

## LENGTH OF DEGREE PROGRAMS

The number of credit hours required for a degree is dependent on program requirements. A baccalaureate requires a minimum of 180 quarter-hours; a master 45 and a doctorate 90-135 quarter-hours beyond the bachelor's degree. 90 semester hours are required for a Juris Doctor degree.

## ACCREDITATION

The University of Denver is accredited by the North Central Association of Colleges and Schools as a degree-granting institution at the baccalaureate, master's, professional, and doctoral levels.

## TRANSCRIPT AUTHENTICITY

A transcript is official when each page bears the preprinted University seal and includes the signature and title of the issuing authority. The transcript form is red and incorporates a background design of the University's seal.

## RELEASE OF INFORMATION

The message "ISSUED TO STUDENT" will be printed on the transcript when the transcript is provided directly to the student. This transcript cannot be released to any third party without the written consent of the student. These instructions are in accordance with the Family Educational Rights and Privacy Act of 1974.

## RECIPROCAL AGREEMENT PROGRAM

Prior to Fall 2007, graduate credit taken at the Liff School of Theology may be reflected on this transcript under the subject code ILIF. Effective Fall 2007, the University of Denver assumed the administrative operations of the Joint Ph.D. program with the Liff School of Theology. All graduate credit taken at Liff thereafter is reflected on this transcript under the subject code THEO or RLGN. Complete transcripts for students who graduated from the Joint Ph.D. program prior to Fall 2007 are available from the Liff School of Theology.

## SUBJECT CODES

For a detailed explanation of the subject codes on this transcript please visit: <http://www.du.edu/registrar/course/coursecode.htm>



# Oregon Real Estate Board

## Experience Requirement Waiver Request

Date: 06/23/2023

Name Daniel Weisfield

Address: 221 Main Street Suite 2039 Los Altos, CA 94023

Daytime Phone Number: 650-743-0637

Oregon License Number: Pending

### GENERAL INFORMATION AND DOCUMENTATION

1. I am seeking an experience requirement waiver to become a real estate **PRINCIPAL BROKER**. (ORS 696.022 and OAR 863-014-0040)
2. I am currently licensed as a real estate broker in Oregon: Yes \_\_\_ No X  
If yes, please state the dates for which you held an Oregon real estate license: \_\_\_\_\_ to \_\_\_\_\_  
Was your Oregon license obtained through a reciprocal agreement with another state? Yes \_\_\_ No \_\_\_
3. I am currently licensed or have held a real estate license in another state that was issued by the state's licensing authority: Yes X No \_\_\_\_\_. Indicate the following

Type of License	State Issued	Dates Active License Held
Broker License	CA	From: 02/15/2022 To Current
Broker License	MT	From: 05/26/2023 To Current
		From: _____ To _____

4. Per OAR 863-014-0040 and OAR 863-014-0042, I have:

	Yes	No	Date Completed	Additional Required Information	Agency Use Only
Completed the "Broker Administration and Sales Supervision" course for principal real estate brokers. <b>Must be completed PRIOR to waiver request.</b>	X		3/07/2022	Attach original course certificate.	
Submitted the Real Estate License Application for Principal Broker license and \$300 fee. <b>Must be completed PRIOR to waiver request.</b>	X		3/7/2022	Attach copy of confirmation letter from Agency.	
Successfully passed the Oregon Principal Broker exam. <b>Must be completed PRIOR to waiver request.</b>	X		07/14/22 03/14/23	National Score: <u>70</u> State Score: 40	
Graduated from a four-year college or university with a degree in real estate curriculum approved by the Commissioner. (863-014-0042)	X		May 2014	Attach official transcript to request, if any. Yale School of Management Yale Law School	
Graduated with a two-year community college associates degree in real estate curriculum approved by the Commissioner. (863-014-0042)				Attach official transcript, if any. N/A	
Substantial real estate-related experience equivalent to at least 3 years active licensed experience. Include any real estate designations achieved. (OAR 863-014-0042)	X		See supporting evidence provided.	Attach a written details about your additional real estate experience that would assist in the Board's consideration of your waiver request.	

	Yes	No	Date Completed	Additional Required Information	Agency Use Only
Included the number and type of real estate transactions (listings and transactions that were closed) I have completed while holding a real estate license in Oregon or in another state.	X		See supporting evidence included	Attach a document showing the number and types of transactions you have completed while licensed, if any.	

### **REQUIRED DOCUMENTS**

Listed below are the required documents to be included in the request for an experience waiver.

1. Your letter requesting a waiver of the three year active licensed experience. This letter should:
  - o State the reason for the request, including the compelling reason why you cannot wait to complete the three years of active licensed experience.
  - o Indicate the real estate experience you have that would be an acceptable substitute for the three years of required experience.
  - o Explain how you obtained the knowledge and expertise to adequately manage a real estate business, which includes supervising Oregon real estate licensees and handling clients' trust accounts.
2. Required documentation listed above in the General Information and Documentation section #4.

### **HELPFUL DOCUMENTS**

The following information is helpful, but not required, for the Board to thoroughly evaluate your request:

- o Letters of reference pertaining to your real estate experience
- o Letters of reference from current or past supervising principal brokers
- o Supervisory experience
- o Familiarity and experience in other related industries: escrow, title, mortgage, etc.

### **OTHER REQUIREMENTS**

- You will be required to attend the Oregon Real Estate Board meeting when this waiver is discussed. The Board schedule will be communicated in follow-up correspondence upon receipt of your documents.
- Be prepared to answer questions from the Board to support your request.
- Waiver requests must be received at the agency no less than 21 days before the board meets.
- You must email all documents, including this completed and signed "Experience Requirement Waiver Request," to [madeline.c.alvarado@oregon.gov](mailto:madeline.c.alvarado@oregon.gov).

***IMPORTANT NOTE:*** All documents submitted become part of the Board Packet and, therefore, public record. The Agency highly recommends that you remove/redact any confidential information on your documents, such as your social security number, date of birth, and credit card information. Please do not put the packet into any type of folder or binding.

Please direct any questions to Madeline Alvarado at 971-719-3406 or [madeline.c.alvarado@oregon.gov](mailto:madeline.c.alvarado@oregon.gov).

<b>I certify that the above information is true to the best of my knowledge.</b>	
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <b>Signature of Waiver Applicant</b>	<div style="font-size: 1.2em; font-weight: bold; margin-bottom: 5px;">06/23/2023</div> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <b>Date</b>

### **2023 BOARD MEETING DATES**

#### **MEETING DATE**

February 6, 2023  
 April 3, 2023  
 June 6, 2023  
 August 7, 2023  
 October 2, 2023  
 December 4, 2023

#### **WAIVER PACKET DUE DATE**

January 16, 2023  
 March 13, 2023  
 May 16, 2023  
 July 17, 2023  
 September 11, 2023  
 November 13, 2023

**To: The Oregon Real Estate Board**

**From: Daniel Weisfield, Co-Founder, Three Pillar Communities**

**Re: Request for Experience Waiver**

**Date: June 28, 2023**

Dear members of the Oregon Real Estate Board,

The purpose of this letter is to request an experience waiver so that I can obtain licensure as a Principal Broker in Oregon even though I do not have 3 years of active licensed real estate experience as a broker or salesperson in Oregon.

For background, I am the co-founder of Three Pillar Communities, an affordable housing company that specializes in acquiring, improving, and operating manufactured housing communities (AKA “mobile home parks”) in the United States. We are one of the largest and most active owners of mobile home parks in Oregon, with roughly a dozen mobile home parks in Oregon ranging from the Oregon coast (Brookings, Lincoln City) to Salem, Albany, and Keizer, to the Portland area (Milwaukie, Clackamas, Happy Valley) to eastern Oregon (Hermiston). We strive to provide safe, dignified communities that our residents are proud to call home. We typically acquire neglected properties and invest substantial capital to revitalize them, to ensure that these mobile home parks can remain a viable source of affordable housing for decades to come.

I started Three Pillar Communities in 2017, and we now own and operate around 70 mobile home parks in 14 states, serving over 15,000 Residents. We are a vertically integrated company with around 120 employees creating value for our Residents through property management, capital projects, manufactured home sales, and finance and administration. We have completed roughly \$300 million of real estate transactions since 2017 (including acquisitions, dispositions, and refinancings).

The main reason that I am submitting this request to the Board is because we have received multiple requests from mobile home park owners in Oregon who are seeking professional property management services for their parks, in order to upgrade their parks and continue to provide affordable housing. There are very few companies in Oregon that provide property management specializing in mobile home parks, and we would like to be able to provide these services for the benefit of Oregon park residents and park owners. In order to do so, I need to obtain licensure as a principal, but it is impractical for me to work under another Oregon broker for 3 years, because I am already fully occupied running a company with 120 employees. I am therefore hoping that the Board will consider granting an experience waiver so that we can start helping other park owners improve their parks without waiting for 3 years.

I have ample real estate experience that I believe is an appropriate substitute for three years of licensed experience in Oregon. Educationally, I hold a bachelor's degree, a law degree, and an MBA. With regard to other professional licensure, I am a licensed attorney in CA, a licensed real estate broker in both CA and MT, and a licensed manufactured home dealer in OR, CA, WA, ID, and AZ. In terms of transactional experience, I have completed roughly \$300 million of real estate transactions as a principal over the past 6 years. As the leader of Three Pillar Communities' real estate acquisitions department (which consists of five real estate professionals), I personally led the sourcing, underwriting, financing, and closing of more than 40 transactions. My personal responsibilities on these transactions included the following specific tasks: deal sourcing, drafting and executing letters of interest (LOIs) and purchase and sale agreements (PSAs), drafting and executing amendments to PSAs, opening escrow, financial underwriting, cashflow analysis, market analysis, rental comparables analysis, sales comparables analysis, zoning and land use analysis, lease reviews, on-site physical due diligence, environmental due diligence (Phase 1 and Phase 2), debt sourcing, loan underwriting, review of title reports and title objections, reviewing closing statements, closing escrow, developing property-level business plans, hiring and supervising on-site property managers, hiring and supervising contractors to complete capital projects, advertising vacant units, leasing vacant units to new tenants, and refinancing properties once they are stabilized. As the principal investor on these transactions, I provided guidance to the other real estate professionals involved in each transaction, including brokers (when there were other brokers involved), title, escrow, our commercial real estate mortgage lender, our legal counsel, the lender's appraiser, our environmental consultant, and other third-party vendors.

I would like to explain how I obtained the knowledge and expertise to adequately manage a real estate business, which includes supervising Oregon real estate licensees and handling clients' trust accounts. I have six years of experience managing a real estate business, dating back to 2017 when I co-founded Three Pillar Communities. The business was originally just me and my co-founder, and over the past 6 years we have grown the business to more than 120 employees. I manage and supervise all of these employees (including a number of real estate licensees), with the help of the executive team that I have built, including our Chief Operating Officer Corey Wikstrom, our Chief Financial Officer Mike Skoczylas, our VP of Real Estate Acquisitions George Han, our VP of Manufactured Homes Sales Erin Williams, our Director of Human Resources Mindy Haus, and other leaders whom I have hired. We have built extensive systems and processes to ensure that we properly supervise our employees and accurately track all financial transactions and client trust accounts. Some examples of the systems and processes we have built to ensure compliance include the following:

- Supervising employees (including real estate licensees): Employee policy and procedure manual; new hire training; recurring quarterly training and "lunch and learns"; quarterly employee performance reviews; quarterly property performance reviews; multiple levels of supervision for every property and transaction including Regional Managers, Chief Operating Officer, and myself
- Accurately tracking all financial transactions (including client trust accounts): In-house finance team with 12 finance professionals (including bookkeepers, accounts payable, and controller), reporting to our Chief Financial Officer; separate bank accounts for every property and every LLC; digital snapshot of every expenditure receipt (using our Divvy software

platform); appropriate levels of approval for every accounts payable invoice (using our Avid software platform); monthly closings and monthly account reconciliations for every property

I sincerely appreciate the Oregon Real Estate Board's review of my application. If I can provide any additional information to assist you in your decision I am happy to provide it.

Sincerely,

Daniel Weisfield

### **Summary of education and professional experience**

#### **Education**

- J.D., Yale Law School, 2014
- M.B.A., Yale School of Management, 2014
- B.A., magna cum laude, Yale University, 2007

#### **Professional licenses**

- Licensed attorney, California license # 301963
- Licensed real estate principal broker, California license # 02162666
- Licensed real estate broker, Montana license # RRE-BRO-LIC-109375
- Licensed mobile home dealer, California license # DL1070311
- Licensed mobile home dealer, Oregon license # MSS468 (note this license is for Amber Homes LLC, which I own and manage)
- Licensed mobile home dealer, Idaho license # 95752
- Licensed recreational vehicle dealer, California license # 95752

#### **Professional experience (prior to becoming a full-time real estate professional in 2017)**

- Strategy consultant, McKinsey & Company, 2014 to 2017
- U.S. diplomat, United States Department of State, 2007 to 2009

#### **Company website**

- [www.threepillarcommunities.com](http://www.threepillarcommunities.com)

### **Publications**

- “Changing the Rules of the Game to Close California’s Housing Gap”: <https://www.mckinsey.com/mgi/overview/in-the-news/changing-the-rules-of-the-game-to-close-californias-housing-gap>
- “Can mission-driven investors raise rents to market and evict problem tenants?": <https://www.linkedin.com/pulse/can-mission-driven-mobile-home-park-investors-raise-rents-weisfield>
- “Three Pillar Communities: 2022 Year in Review”: <https://www.linkedin.com/pulse/three-pillar-communities-2022-year-review-daniel-weisfield/>

### Three Pillar Communities Mobile Home Park Acquisitions Since 2017

#	Property Name	Property Address	# of Units	Acquisition Date	Acquisition Price
1	Holly Court	3016 SE Holly Ave, Milwaukie, OR	10	11/13/2017	\$700,000
2	Renton Highland Manor	3612 NE 4th St, Renton, WA	49	12/4/2017	\$3,250,000
3	Sunset Village	4915 Swegle Rd NE, Salem, OR	83	12/22/2017	\$5,750,000
4	Foothills Solar Community	2920 Clark Rd, Butte Valley, CA	138	6/1/2018	\$6,000,000
5	Serene Terrace	14322 Admiralty Way, Lynnwood, WA	132	6/29/2018	\$10,000,000
6	Frontier Urban Village	16551 SE 82nd Dr, Clackamas, OR	44	7/25/2018	\$2,725,000
7	Tierra Linda Estates	445 E. Jennie Ave, Hermiston, OR	109	9/11/2018	\$3,800,000
8	Meadowlands Estates	2802 S. Fifth Ave, Union Gap, WA	88	4/1/2019	\$2,800,000
9	Bluebird Mobile Home Court	713 Brent Dr, Moscow, ID	26	4/12/2019	\$300,000
10	Meadowbrook Village Spokane	106 S. Flora Rd, Spokane Valley, WA	32	5/13/2019	\$2,025,000
11	Tulare Royal Palms	560 W. Pleasant Ave, Tulare, CA	96	5/15/2019	\$5,500,000
12	Oak Street Trailer Park	1681 Oak St, Oroville, CA	18	8/1/2019	\$725,000
13	Laurelwood MHC	3710 A Street SE, Auburn, WA	40	8/30/2019	\$4,500,000
14	Puyallup River RV Park	2916 River Road East, Tacoma, WA	39	8/30/2019	\$1,800,000
15	Turf Mobile Manor	15601 N. 19th Ave, Phoenix, AZ	199	9/24/2019	\$16,300,000
16	Hiddenview Estates	3430 Hiddenview Lane NE, Salem, OR	14	10/23/2019	\$1,250,000
17	Alpine Meadows Estates	200 10th Street, Gold Bar, WA	107	12/13/2019	\$7,432,500
18	Brookside	1652 Wiltsey Rd SE, Salem, OR	34	12/27/2019	\$3,500,000
19	Heatherdale	950 Airport Rd SE, Albany, OR	106	7/31/2020	\$3,825,000
20	Emerald Coast Estates	98126 W Benham Ln, Harbor, OR	79	11/13/2020	\$7,395,000
21	Youngstown MHC	911 N McDowell Blvd, Petaluma, CA	103	11/18/2020	\$14,000,000
22	Riverstone Estates Shaded Haven RV & Self Storage	501 Croft Ave W, Gold Bar, WA	59	11/20/2020	\$3,270,000
23	Storage	250 Fairfax Rd, Bakersfield, CA	242	2/12/2021	\$4,350,000
24	Evergreen Estates	95 Monte Elma Rd, Montesano, WA	47	4/14/2021	\$1,150,000
25	Rustic Ridge	35312 N. Newport Hwy, Chattaroy, WA	165	6/7/2021	\$3,250,000
26	Fairplay & Gold Pan MHP	21980 US Hwy 285 Fairplay, CO	101	7/30/2021	\$5,440,000

27	RV Retreat	3618 SE Frontage Rd Johnstown, CO	150	9/24/2021	\$7,239,000
28	Lafayette RV Park	775 E. 3rd St. Lafayette, OR	46	10/15/2021	\$2,565,000
29	Lana Lane	1940 Lana Ave NE Salem, OR	33	11/30/2021	\$1,860,000
30	Greeley RV Park	501 E 27th St Greeley, CO	186	4/11/2022	\$11,671,502
31	Cameron Crossing	198 E. Cameron Bridge R. Bozeman, MT	266	5/13/2021	\$13,000,000
32	Brighton Court	3133 Lake Rd. NY	14	7/17/2017	\$160,000
33	Edgewater MHC	7942 Birch Bay Dr. Birch Bay, WA	47	7/6/2021	\$2,606,722
34	Oakwoods MHC	290 Ada Ct. Tallahassee, FL	75	3/13/2022	\$2,015,849
35	Vasco	355 S. Vasco Rd. Livermore, CA		11/22/2022	\$11,423,826
36	Taft MHC	4800 SE Inlet Ave Lincoln City, OR	50	8/12/2022	\$2,340,000
37	Alosta MHP	826 E Route 66 Glendora, CA	62	8/23/2022	\$9,420,000
38	Brookings RV Park	96707 E Harris Heights RD. Brookings, OR	41	10/3/2022	\$1,792,821
39	Monte Vista MHP	16251 Rainbow Rd. Oakridge, OR	54	10/12/2022	\$1,300,000
40	AAA MHP & Continental MHP	3008 Terry Rd. Cheyenne, WY	144	8/1/2022	\$4,400,000
41	Sandell MHP	4329 W. Park Row Blvd. Corsicana, TX	107	6/13/2022	\$5,200,000
42	Dotsero MHP	4675 US Hwy 6 Gypsum, CO	81	6/29/2022	\$3,250,000
43	Terra Mar Village	10 River Park Blvd. Edgewater, FL	300	10/12/2022	\$9,363,285
44	Shadow Hills RV Park	40655 S. Jefferson ST. Indio, CA	108	7/8/2022	\$6,200,000
45	Blue Sky Estates	450 FM 487 Jarrell, TX	66	6/28/2022	\$5,280,000
46	Zia Shadows	4250 Elks Dr. Las Cruces, NM	154	1/2/2023	\$6,800,000
47	Avalon MHP	3970 Castro Valley Blvd. Castro Valley, CA	47	1/13/2023	\$4,750,000
48	Purple Sage MHP	15881 Purple Sage Rd. Caldwell, ID	48	4/12/2023	\$2,600,000
49	7444 Reese Rd.	7444 Reese Rd. Sacramento, CA		5/14/2022	\$950,300
50	Grand Village MHP	307 Marcus Ln. Tallahassee, FL	101	6/16/2023	\$994,000
51	Kingswood Estates	9 Cranebrook Lane Hastings, NE	221	6/27/2023	\$9,000,000
<b>TOTAL MOBILE HOME PARKS ACQUIRED BY TPC SINCE 2017</b>			<b>4,561</b>		<b>\$247,219,805</b>



# Daniel Weisfield

221 Main Street, Suite 2039, Los Altos, CA 94023 | (650) 743-0637 | daniel@threepillarcommunities.com

## EDUCATION

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**YALE LAW SCHOOL AND YALE SCHOOL OF MANAGEMENT** **New Haven, CT**  
**Juris Doctor (JD) and Master of Business Administration (MBA)** **2014**

- *Activities:* Editor, Yale Journal of International Law; President, Yale JD/MBA Association
- *Honors:* Dean's Scholar; Yale World Fellow; Carnegie New Leader for Ethics in International Affairs

**YALE UNIVERSITY** **New Haven, CT**  
**Bachelor of Arts (BA), Humanities, magna cum laude** **2007**

- *Honors:* Fulbright Scholar (China); Seapine Fellow (Brazil); Les Aspin Fellow (U.S. Mission to the United Nations)

## PROFESSIONAL EXPERIENCE

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**THREE PILLAR COMMUNITIES** **Los Altos, CA**  
**Co-Founder** **2017 – present**

- Co-founded real estate investment firm with \$300,000,000+ in assets, focused on mobile home parks and RV parks
- Grew to 40+ properties in 8 states, 10,000+ residents, 70+ employees, and 300+ individual investors
- Developed new manufactured housing communities on raw land in MT, ID, and TX
- Industry leadership: Led political advocacy in CO, served on ID Manufactured Housing Association board

**MCKINSEY & COMPANY** **San Francisco, CA**  
**Engagement Manager** **2014 – 2017**

- Co-authored "A toolkit to close California's housing gap: 3.5 million homes by 2025" (featured in The New York Times, LA Times, and Wall Street Journal)
- Developed strategy for a global real estate investment manager with \$50+ billion in assets
- Advised a Chinese real estate developer on California market entry strategy
- Launched inaugural McKinsey/Lean In Women in the Workplace study

**BAYIT RISHON PROPERTIES LLC** **New Haven, CT**  
**Owner** **2010 – 2019**

- Acquired, re-zoned, renovated, and operated two multi-family properties as personal investments

**ARCELOR MITTAL** **Chicago, IL**  
**Strategy Intern** **Summer 2012**

- Built Americas CapEx allocation model for world's largest steel company; assessed M&A options in Central America

**U.S. DEPARTMENT OF STATE** **Washington, DC**  
**Desk Officer for the European Union** **2008 – 2009**

- Wrote briefing materials for Barack Obama, Condoleezza Rice, and Hillary Clinton

**Special Assistant to the Assistant Secretary of State** **2007 – 2008**

- Traveled to 26 countries to facilitate U.S. foreign policy

## ADDITIONAL QUALIFICATIONS

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- Board service: Idaho Manufactured Housing Association, Camp Eden Village West
- Professional licenses: Licensed attorney (CA), licensed real estate broker (CA), licensed manufactured home dealer (CA, OR, WA, ID, AZ, NV, CO, MT, TX, FL)
- Languages: Mandarin Chinese, Hebrew, Indonesian, Spanish, Portuguese

## PERSONAL INTERESTS AND COMMUNITY INVOLVEMENT

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- Married to Atara, a practicing architect; father to Shai and Micah
- Support various non-profits through our family's Donor Advised Fund
- Enjoy surfing, spearfishing, wilderness conservation, and building Jewish and interfaith communities



Wells Fargo Center  
1300 SW Fifth Avenue  
Suite 3000  
Portland, OR 97201-5609

+1 503 221 4857 Tel  
+1 541 941 2341 Cell

mark.illsley@cbre.com  
www.cbre.com

**Mark Illsley, CCIM**  
First Vice President

CBRE, Inc.  
Advisory & Transaction Services  
Investment Properties  
OR DRE# 890500186  
CA DRE# 01190146

March 8, 2022

Dear Real Estate Board Members,

I have been an active real estate licensee in Oregon since 2012 owning my own company as principal broker (Oregon Commercial Realty) before rejoining CBRE in 2019. I served as the president of the Oregon/SW Washington chapter of the CCIM Institute (a NAR affiliate) in 2018 and 2019; served as western states Regional VP (OR, WA, ID, MT, AK); and served on the CCIM Institute Board of Directors 2021. CCIM is the premier international professional organization for commercial real estate investment professionals.

I am writing this letter to confirm that I have personal knowledge that Daniel Weisfield (applicant ID #201247863) possesses real estate-related experience equivalent to at least three years of active experience as a real estate licensee. As the co-founder of Three Pillar Communities, Daniel has been working full-time as a real estate investor since 2017.

I have analyzed several real estate investment opportunities with Daniel, including on-market and off-market investment opportunities in Medford, Brookings, Sweet Home, and the Portland metro area.

Additionally, I have personally invested my own capital into investment opportunities which are managed by Daniel and his team at Three Pillar Communities. As such, I have had a front row seat to see how his organization assesses investment opportunities, executes property acquisitions, manages their properties, and presents financial reports to investors.

Best regards,

**CBRE**

Mark Illsley, CCIM  
First Vice President  
OR DRE# 890500186



Dear Real Estate Board Members,

I have been an active real estate licensee in Oregon since 2014. My practice specializes in the brokerage of mobile home parks and RV parks.

I am writing this letter to confirm that I have personal knowledge that Daniel Weisfield (applicant ID #201247863) possesses real estate-related experience equivalent to at least three years of active experience as a real estate licensee. Daniel has been working full time as a real estate investor since 2017, and he is seen as a leader within our asset class. Daniel and the company he co-founded, Three Pillar Communities, has been one of the most active acquirers of mobile home parks in the state of Oregon since 2017. Daniel leads the company's acquisitions, and in that capacity he evaluates real estate investment opportunities, negotiates purchase and sale agreements, conducts due diligence, arranges financing, coordinates closing, and implements his company's business plan.

I have personally brokered one transaction with Daniel, which was his \$3,500,000.00 acquisition of Brookside Mobile Home Park, located at 1652 Wiltsey Rd SE, Salem, OR which closed on December 27, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tyson Cross'.

Tyson Cross

OR #201211250

YALE UNIVERSITY

Date Issued: 07-MAR-2022

Record of: Daniel Richard Weisfield  
 Issued To: Stephanie Colley  
 Parchment DocumentID: 38112635

Page: 1

School : School of Management

Comments:

Joint Degree with Yale Law School  
 Students are required to complete at least  
 39.5 units of coursework at the Yale School of  
 Management

Degree Awarded : Master of Business Admin 19-MAY-2014

SUBJ NO.	COURSE TITLE	UNITS	INSTRUCTOR
Fall 2012			
MGT 401	Managing Groups & Teams	1.00	T. Brescoll, H. Brooks, V. Vroom
MGT 402	Basics of Accounting	2.00	K. Kolev
MGT 403	ProbabilityModeling&Statistics	2.00	C. Esteves-Sorenson, E. Long
MGT 404	Basics of Economics	2.00	J. Levinsohn, M. Chen
MGT 406	Problem Framing	2.00	N. Novemsky, P. Bracken
MGT 407	Careers	1.00	J. Sonnenfeld
MGT 408	Intro to Negotiation	0.50 *	B. Nalebuff, D. Cain
MGT 408	Intro to Negotiation Extension	1.50	D. Cain, B. Nalebuff
MGT 409	Spreadsheet Modeling	1.00	D. Lee
MGT 410	Competitor	2.00	J. Chevalier
MGT 411	Customer	2.00	K. Sudhir
MGT 412	Investor	2.00	N. Barberis
MGT 414	Leadership Fundamentals	1.00 *	T. Kolditz, T. Brescoll, H. Brooks
MGT 423	Sourcing & Managing Funds	2.00	G. Rouwenhorst, J. Thomas
	Term Units	22.00	Cum Units 22.00
Spring 2013			
MGT 413	State & Society	2.00	D. Rae, I. Shapiro
MGT 415	Advanced Leadership	1.00	T. Kolditz
MGT 416	Intntl Exp: Indonesia	0.50 *	M. Mobarak
MGT 420	Employee	2.00	G. Newman, L. Kahn
MGT 421	Innovator	2.00	R. Canales
MGT 422	Operations Engine	2.00	S. Kim, A. Swersey
MGT 425	The Global Macroeconomy	2.00	P. Schott, L. Caliendo
MGT 430	Integrated Leadership Perspectv	2.00	W. Goetzmann
MGT 531	Interpersonal Dynamics	4.00	H. Brooks
	Term Units	17.50	Cum Units 39.50

\*\*\*\*\* END OF TRANSCRIPT \*\*\*\*\*



Shannan Foley, Registrar



YALE UNIVERSITY

Date Issued: 07-MAR-2022

Record of: Daniel Richard Weisfield

Page: 1

Issued To: Stephanie Colley

Parchment DocumentID: 38112596

First Admit: Fall 2010

Last Admit: Fall 2011

Degree Awarded : Juris Doctor 28-MAY-2014

SUBJ NO.	COURSE TITLE	UNITS	GRD	INSTRUCTOR
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Fall 2011				
LAW 10001	Constitutional Law I:Section B	4.00	CR	S. Levinson
LAW 11001	Contracts I: Group 2	4.00	CR	L. Brillmayer
LAW 12001	Procedure I: Section B	4.00	CR	D. Elliott
LAW 13001	Torts I: Section B	4.00	CR	J. Coleman
	Term Units	16.00	Cum Units	16.00

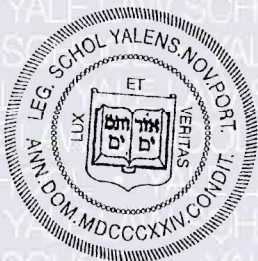
Spring 2012				
G&G 500	Mineral Deposits	2.00	P	B. Skinner
LAW 21071	Quantitative Corporate Finance	3.00	P	I. Ayres
LAW 21171	Banking Law and Regulation	2.00	P	J. Macey
LAW 21274	Business Organizations	4.00	P	R. Romano
LAW 21585	Legal Accounting	2.00	P	R. Baxter
LAW 21664	Lawyer asLeader:GeneralCounsel	2.00	H	M. Solender, B. Heineman
LAW 51100	RdgGrp: Chinese Law	1.00	CR	P. Gewirtz
	Term Units	16.00	Cum Units	32.00

Fall 2012				
LAW 26402	Basics of Accounting	1.50	P	K. Kolev
LAW 26403	ProbabilityModeling&Statistics	1.50	P	C. Esteves-Sorenson, E. Long
LAW 26404	Basics of Economics	1.50	P	J. Levinsohn, M. Chen
LAW 26406	Problem Framing	1.50	H	N. Novemsky, P. Bracken
LAW 26408	Intro to Negotiations	1.50	H	B. Nalebuff, D. Cain
LAW 26410	Competitor	1.50	P	J. Chevalier
LAW 26412	Investor	1.50	H	N. Barberis
LAW 26423	Sourcing & Managing Funds	1.50	LP	G. Rouwenhorst, J. Thomas
	Term Units	12.00	Cum Units	44.00

Spring 2013				
LAW 21209	International Business Trans. Substantial Paper	4.00	P	A. Chua
LAW 40005	Joint Degree Credits from Yale School of Management	10.00	CRG	
	Term Units	14.00	Cum Units	58.00

Fall 2013				
LAW 20061	Crim.Law & Administration	3.00	P	G. Yaffe
LAW 20222	Federal Income Taxation	4.00	P	Y. Listokin
LAW 30019	Journal of International Law	1.00	CR	S. Journal
LAW 30021	Yale Journal on Regulation	1.00	CR	S. Journal
LAW 40001	Supervised Research	3.00	H	A. Chua
	Supervised Analytic Writing			
LAW 50100	RdgGrp: Feminist Legal Theory	1.00	CR	V. Schultz
MGT 986	World Fellows Seminar	1.00	CR	M. Cappello

\*\*\*\*\* CONTINUED ON PAGE 2 \*\*\*\*\*



*Judith A. Calvert*  
**JUDITH CALVERT, REGISTRAR**



YALE UNIVERSITY

Date Issued: 07-MAR-2022

Record of: Daniel Richard Weisfield  
Level: Professional: Law (JD)

Page: 2

SUBJ NO. COURSE TITLE UNITS GRD INSTRUCTOR

Institution Information continued:

Term Units 14.00 Cum Units 72.00

Spring 2014

LAW 21068	Antitrust	4.00	H	G. Priest
LAW 21230	First Amendment	4.00	P	J. Balkin
LAW 30021	Yale Journal on Regulation	1.00	CR	S. Journal
LAW 40001	Supervised Research	4.00	H	A. Chua
LAW 40002	Supervised Research	3.00	CR	J. Macey

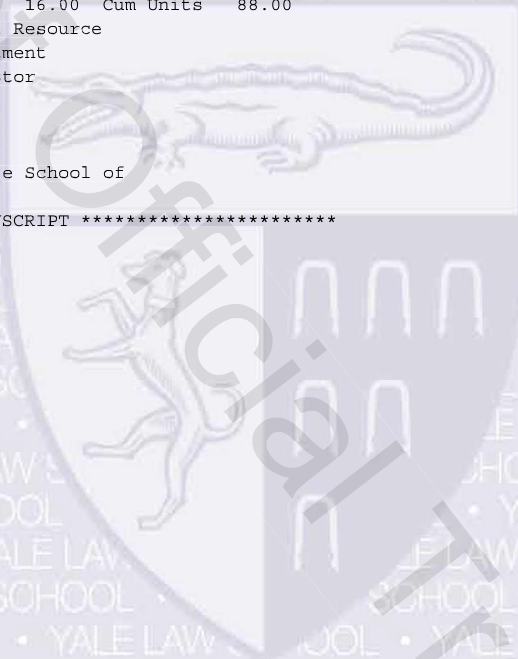
Term Units 16.00 Cum Units 88.00

Sup. Research: Mining Law, Natural Resource  
Conflicts, & Foreign Direct Investment  
Sup. Research: Institutional Investor  
Responsibility.

Comments:

Spring 2012: Joint degree with Yale School of  
Management.

\*\*\*\*\* END OF TRANSCRIPT \*\*\*\*\*



*Judith A. Calvert*  
**JUDITH CALVERT, REGISTRAR**

Official transcript only if registrar's signature, university seal and date are affixed.

**YALE LAW SCHOOL**  
P.O. Box 208215  
New Haven, CT 06520

**EXPLANATION OF GRADING SYSTEM**

*Beginning September 2015 to date*

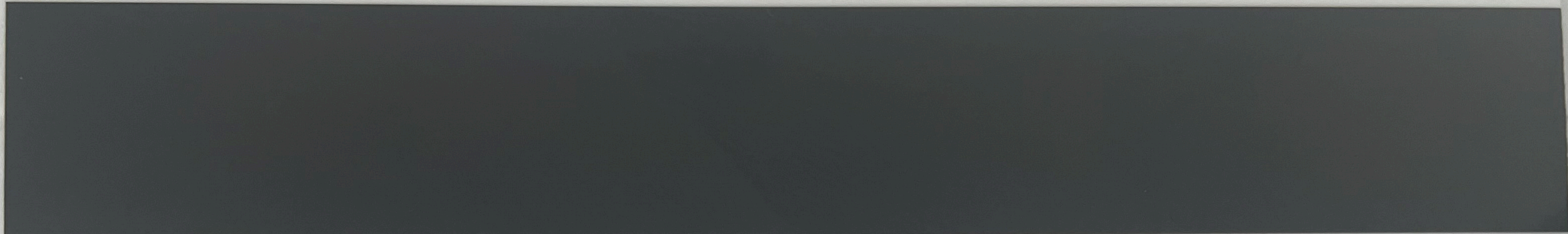
<b><u>HONORS</u></b>	Performance in the course demonstrates superior mastery of the subject.
<b><u>PASS</u></b>	Successful performance in the course.
<b><u>LOW PASS</u></b>	Performance in the course is below the level that on average is required for the award of a degree.
<b><u>CREDIT</u></b>	The course has been completed satisfactorily without further specification of level of performance. All first-term required courses are offered only on a credit-fail basis. Certain advanced courses are offered only on a credit-fail basis.
<b><u>FAILURE</u></b>	No credit is given for the course.
<b><u>CRG</u></b>	Credit for work completed at another school as part of an approved joint-degree program; counts toward the graded unit requirement.
<b><u>RC</u></b>	Requirement completed; indicates J.D. participation in Moot Court or Barrister's Union.
<b><u>T</u></b>	Ungraded transfer credit for work done at another law school.
<b><u>TG</u></b>	Transfer credit for work completed at another law school; counts toward graded unit requirement.
<b><u>EXT</u></b>	In-progress work for which an extension has been approved.
<b><u>INC</u></b>	Late work for which no extension has been approved.
<b><u>NCR</u></b>	No credit given because of late withdrawal from course or other reason noted in term comments.

Our current grading system does not allow the computation of grade point averages. Individual class rank is not computed. There is no required curve for grades in Yale Law School classes.

Classes matriculating September 1968 through September 1986 must have successfully completed 81 semester hours of credit for the J.D. (Juris Doctor) degree. Classes matriculating September 1987 through September 2004 must have successfully completed 82 credits for the J.D. degree. Classes matriculating September 2005 to date must have successfully completed 83 credits for the J.D. degree. A student must have completed 24 semester hours for the LL.M. (Master of Laws) degree and 27 semester hours for the M.S.L. (Master of Studies in Law) degree. The J.S.D. (Doctor of the Science of Law) degree is awarded upon approval of a thesis that is a substantial contribution to legal scholarship.

<i>For Classes Matriculating 1843 through September 1950</i>	<i>For Classes Matriculating September 1951 through September 1955</i>	<i>For Classes Matriculating September 1956 through September 1958</i>	<i>From September 1959 through June 1968</i>
80 through 100 = Excellent 73 through 79 = Good 65 through 72 = Satisfactory 55 through 64 = Lowest passing grade 0 through 54 = Failure	E = Excellent G = Good S = Satisfactory F = Failure	A = Excellent B = Superior C = Satisfactory D = Lowest passing grade F = Failure	A = Excellent B+ B = Degrees of Superior C+ C = Degrees of Satisfactory C- D = Lowest passing grade F = Failure
To graduate, a student must have attained a weighted grade of at least 65.	To graduate, a student must have attained a weighted grade of at least Satisfactory.	To graduate, a student must have attained a weighted grade of at least D.	To graduate a student must have attained a weighted grade of at least D.
<i>From September 1968 through June 2015</i>			
H = Work done in this course is significantly superior to the average level of performance in the School. P = Successful performance of the work in the course. LP = Work done in the course is below the level of performance which on the average is required for the award of a degree.	CR = Grade which indicates that the course has been completed satisfactorily without further specification of level of performance. All first-term required courses are offered only on a credit-fail basis. Certain advanced courses offered only on a credit-fail basis. F = No credit is given for the course.	RC = Requirement completed; indicates J.D. participation in Moot Court or Barrister's Union. EXT = In-progress work for which an extension has been approved. INC = Late work for which no extension has been approved. NCR = No credit given for late withdrawal from course or for reasons noted in term comments.	CRG = Credit for work completed at another school as part of an approved joint-degree program; counts toward the graded unit requirement. T = Ungraded transfer credit for work done at another law school. TG = Transfer credit for work completed at another law school; counts toward graded unit requirement. *Provisional grade.





**PE4U5F9**

- Attorney Regulation ..... 888-800-3400**
- Ethics Hotline ..... 800-238-4427**
- outside California ..... 415-538-2150**
- Lawyer Assistance Program (LAP)..... 877-LAP-4-HELP**
- Attorney Complaint Hotline ..... 800-843-9053**
- Commission on Judicial Performance.. 415-557-1200**



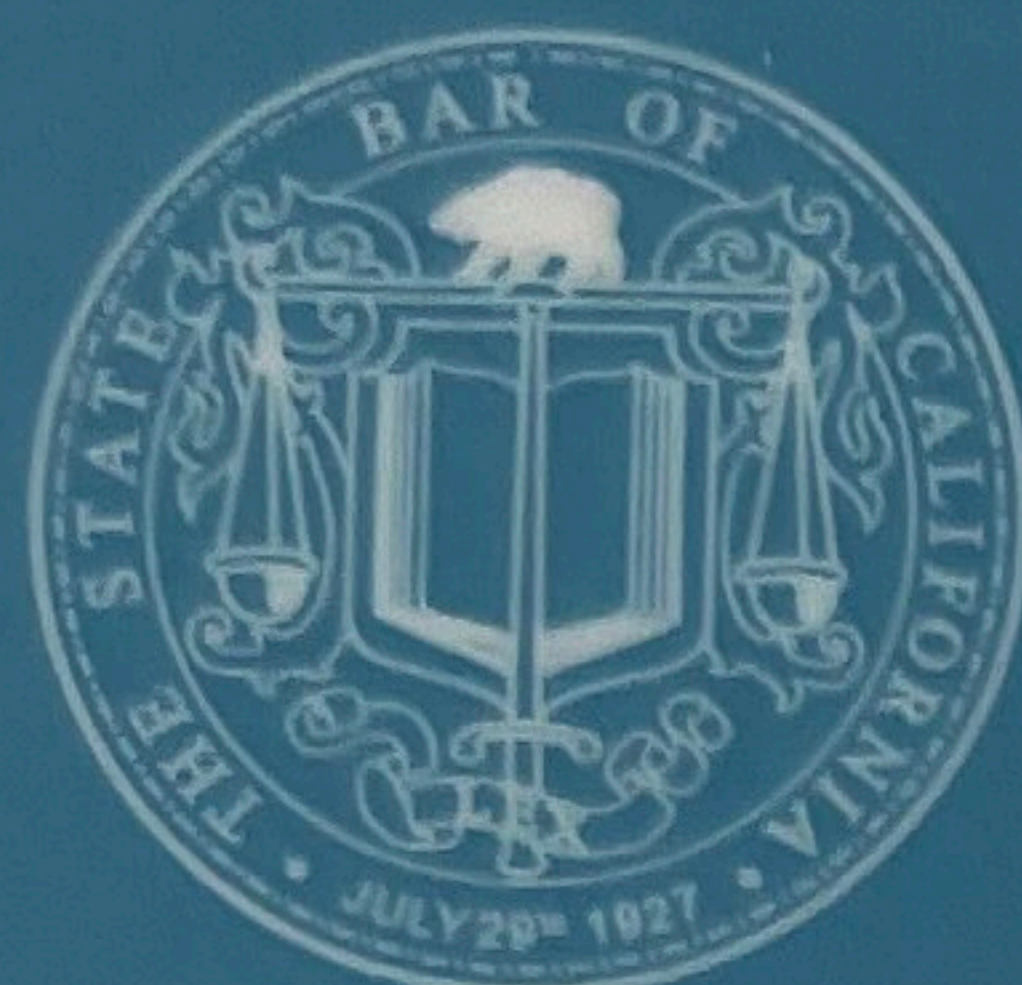
**calbar.ca.gov**

**Attorney's Signature:**

[Signature line]

**This certifies that the person whose name appears on the card has paid the annual fee required by statute.**





# The State Bar of California

**DANIEL R. WEISFIELD**

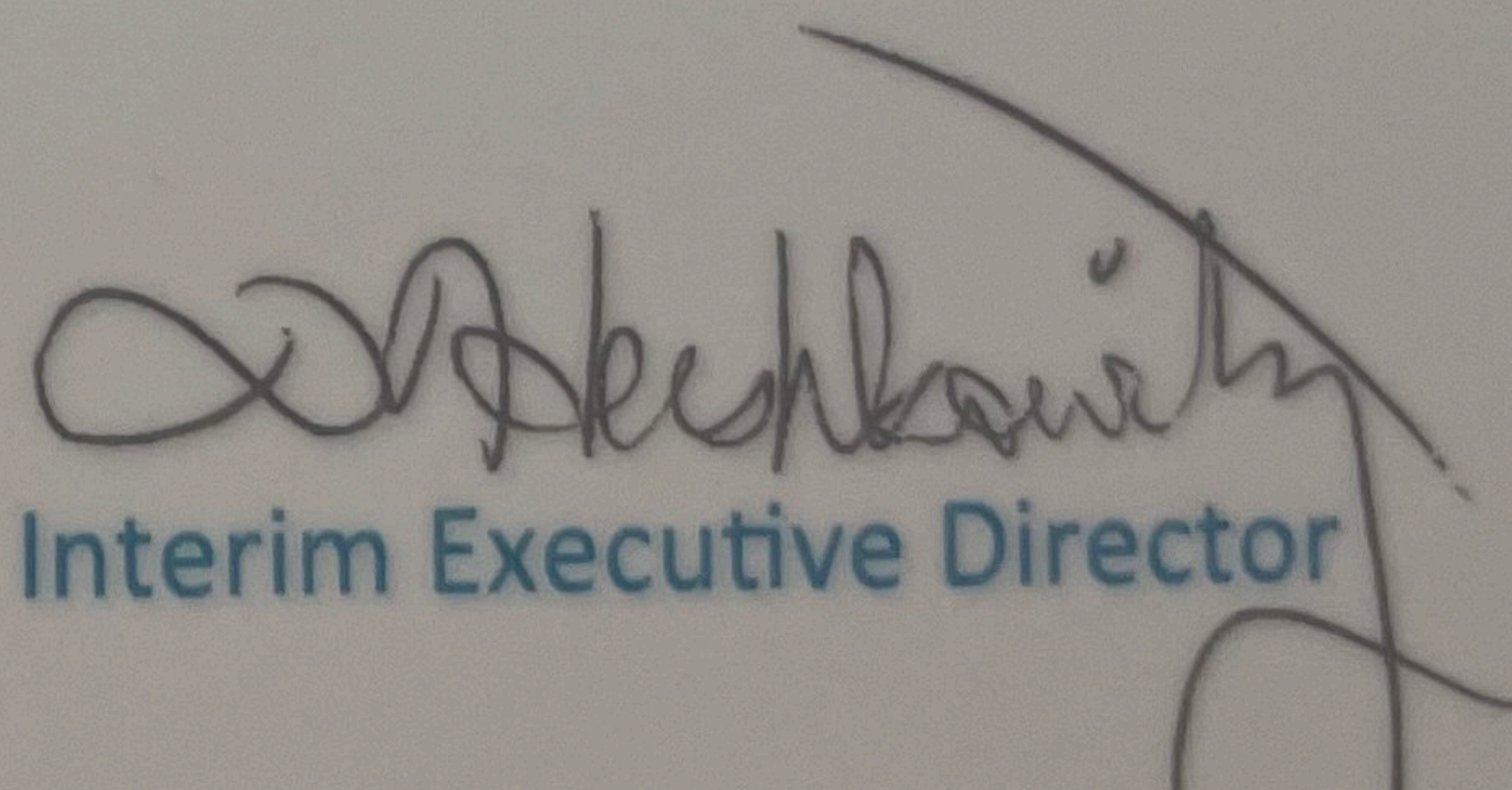
**301963**

**MCLE GROUP 3**

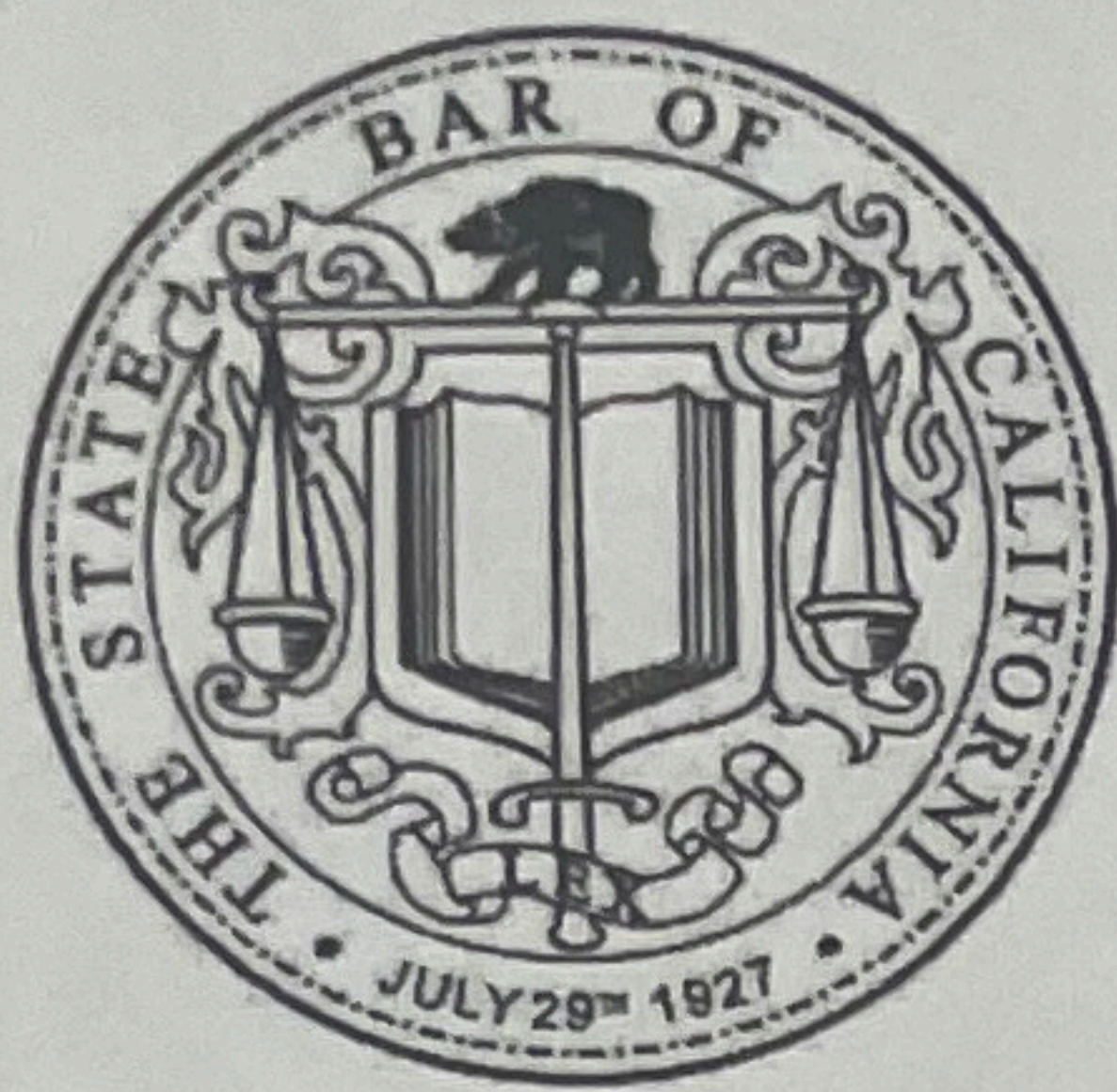
The highest priority of the State Bar of California is public protection.

**ACTIVE**

Only attorneys on active status are eligible to practice law.

  
Interim Executive Director





The State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system.

301963  
DANIEL R. WEISFIELD  
221 MAIN ST UNIT 2039  
LOS ALTOS CA 94023 - 9051

# The State Bar of California

180 Howard Street, San Francisco, CA 94105  
845 S. Figueroa Street, Los Angeles, CA 90017  
888-800-3400

2021 BAR CARD







**State of Montana**  
Business Standards Division  
Board of Realty Regulation

This certificate verifies licensure as:

**BROKER**

**RRE-BRO-LIC-109375**

Status: **Active**  
Expires: **10/31/2023**

**THREE PILLAR PROPERTY MANAGEMENT CORP**  
**DANIEL WEISFIELD**  
**221 MAIN ST UNIT 2039**  
**LOS ALTOS, CA 94023**



Montana Department of  
**LABOR & INDUSTRY**  
RENEW OR VERIFY YOUR LICENSE AT:  
<https://ebiz.mt.gov/pol>

**Renew online at <https://ebiz.mt.gov/pol> by signing in with your username and password.**

The renewal cycle for your board opens 60 days prior to the expiration date on your current license.

Renew your license prior to your expiration date to avoid being charged a late fee(s).

**Remember to maintain your online account information with a password, security question and a valid email address. You can update your account information by accessing the 'Account Management' link when logged in.**

**Points Requirement:**

30 total points - transactions must be within the last 36 months

**TRANSACTIONS: Residential & Vacant Lot, 1 Point** - The following must be provided by the Supervising Broker. Make copies of this form as needed. Please refer to ARM 24.210.611 for additional clarification of qualifications to obtain a broker license.

- **Transactions must have closed within the past thirty-six (36) months**
- **Licensee must have obtained and worked with the buyer or seller or both (counts as two transactions if both)**
- **Co-listings and team transactions are given prorated credit based on the number of team members – must specify the number of team members**
- **A maximum of five (5) residential leases are eligible to be counted as closed transactions**
- **Transactions of the applicant as an employee, transactions in which the applicant is a principal, and mortgage broker activities cannot be used to qualify for a broker license**
- **Form must be complete and be typed or printed and legible**
- **If multiple transactions for the same seller or buyer, please explain and indicate any ownership interest of applicant**

1. BUYER NAME 2. SELLER NAME	# OF TEAM MEMBERS	PROPERTY ADDRESS	1. COMPANY/AGENT FOR BUYER 2. COMPANY/AGENT FOR SELLER	CLOSING DATE
1.			1.	
2.			2.	
1.			1.	
2.			2.	
1.			1.	
2.			2.	
1.			1.	
2.			2.	
1.			1.	
2.			2.	
1.			1.	
2.			2.	
1.			1.	
2.			2.	

**Supervising Broker Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_





**SUPERVISION POINTS:** Points are obtained through supervision of real estate activity for any broker who has supervised real estate activity a minimum of 36 months:

**1. One point for each year of real estate brokerage supervisory experience, maximum of 3 points;**

DATE	LOCATION / JURISDICTION	POINTS (FOR OFFICE USE)
7/1/2017- Present	Los Altos, CA	

**2. One point for each licensed real estate full time equivalent (FTE) supervised within the last 36 months, maximum of 10 points;**

LICENSE # OF SUPERVISED AGENT	DATES SUPERVISED	LOCATION	POINTS (FOR OFFICE USE)
Jack Stewart Cedarleaf III CA 02008936	1/13/22 - Present	Los Altos, CA	
Alfred Louis Walls CA 1990640	08/01/21- Present	Los Altos, CA	
Stuart Lichty FL BK324320	11/25/22-Present	Los Altos, CA	
Hayley Cooper (license exp: TX 747002)	10/10/22-Present	Los Altos, CA	
William Casper WI 68464-94	12/15/22- Present	Los Altos, CA	







# CERTIFICATE of ACHIEVEMENT

This is to certify that

**DANIEL WEISFIELD**

has completed the course

Oregon BASS Pre License Course

March 7, 2022

Credit Hours: 40

*M. MEVIN*





# CONTINUING EDUCATION CERTIFICATE OF ATTENDANCE

Rev. 11/2010

Real Estate Agency  
1177 Center Street NE  
Salem OR 97301  
Phone: 503-378-4170  
www.rea.state.or.us

**DO NOT send this form to the Agency unless requested by the Agency.**

*If received by the Agency, and not requested by the Agency, it will be destroyed and no record will be retained.*

## INSTRUCTIONS

A real estate Certified Continuing Education Provider must provide this completed form, or a substantially similar completed form, to each licensee that completes a course that is eligible for real estate continuing education credit. OAR 863-020-0050(5)

A real estate licensee must retain this completed form for three years after the renewal date for which the continuing education credit applies. OAR 863-020-0015

DANIEL WEISFIELD

Licensee Name

02162666

License No.

@ Your Pace Online

Name of Certified Continuing Education Provider

201212221

Provider Number

Oregon Deluxe BASS Pre License

Course Name

1502

Course Number

Oregon Brokerage Administration and Sales Supervision

The eligible course topic(s) under OAR 863-020-0035, or whether the course is the three-hour Law and Rule Required Course (LARRC), the Advanced Real Estate Practices course, or the Brokerage Administration and Sales Supervision course.

March 7, 2022

Date of Course

AYPORealEstate.com

Course Location

Sheri Wytcherley

Name of Instructor

40

Number of eligible course hours

## CERTIFIED CONTINUING EDUCATION PROVIDER SIGNATURE

*I affirm that the licensee completed the above named course, I am authorized to provide this information on behalf of the Certified Continuing Education Provider and that it is true and accurate, to the best of my knowledge.*

Mike Melvin

Printed Name of Authorized Individual

Date March 7, 2022

Signature of Authorized Individual

Reset Form

Print Form



# CRB

CERTIFIED REAL ESTATE  
BROKERAGE MANAGER

## REAL ESTATE BUSINESS INSTITUTE


An affiliate of the National Association of REALTORS®, has designated

*Daniel Weisfield*

Certified Real Estate Brokerage Manager

having met all education and experience criteria, who adheres to the National Association of REALTORS® Code of Ethics, and is committed to advanced professional development in the real estate profession

Designation Date: 1/23/2023



Ginny Shipe, CAE, AHWD, C-RETS, RENE  
Chief Executive Officer

**rebi**  
Real Estate Business Institute



**PETITION TO QUALIFY AS A  
CONTINUING EDUCATION PROVIDER**

Rev. 3/2022

**INSTRUCTIONS**

To petition the Real Estate Board for approval of qualifications to become an applicant for certification as a continuing education provider, the petitioner must complete this form and submit it by e-mail to [madeline.c.alvarado@rea.oregon.gov](mailto:madeline.c.alvarado@rea.oregon.gov) a least 21 days before the next scheduled Board meeting at which the applicant wishes the Board to act.

**IMPORTANT:**

- If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.
- All information and documents submitted as part of this petition become part of the Board Packet, and therefore, public record.
- Petitioners will need to appear before the Board. This may be done in person or by phone. Once the Agency receives this completed petition, a letter will be sent to the petitioner with the date of the Board meeting the petitioner will need to attend.
- Please do not submit any class or course information as the Oregon Real Estate Agency Board is not able to review or consider this information.

If the Board approves this petition, the Agency will email a letter to the petitioner, confirming the Board's approval. The petitioner may then apply for certification as a continuing education provider under OAR 863-020-0030.

**PETITIONER**

Name Justin Moriarty Phone Number (503) 893-2745

Physical Address 515 NW Saltzman Rd #304 Address Cont. \_\_\_\_\_

City Portland State OR Zip Code 97229 County Washington

E-mail moriarty\_justin@yahoo.com

Mailing Address (if different) \_\_\_\_\_ Address Cont. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ County \_\_\_\_\_

**AUTHORIZED CONTACT PERSON**

Prefix \_\_\_\_\_ First Name Justin Last Name Moriarty

Phone Number (503) 893-2745 E-mail moriarty\_justin@yahoo.com

Indicate who will appear before the board on behalf of the Petitioner: Justin Moriarty

**AGENCY USE ONLY**

Approved by Board YES NO

Review Date \_\_\_\_\_



**PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued**

**AUTHORIZATION AND ATTESTATION**

- I hereby certify that I am authorized to submit this form on behalf of the petitioner and that the information is true and accurate, to the best of my knowledge.
- I certify that petitioner, or authorized individual on petitioner's behalf, has read, understands and is ready to comply with the statutory and administrative rule provisions applicable to certified continuing education providers.
- I attest that petitioner knows and understands the responsibilities of a certified continuing education provider under OAR 863-020-0050.
- I attest that petitioner knows and understands the requirements of an instructor under ORS 696.186 and the information required on a continuing education instructor qualification form under OAR 863-020-0060.

**I UNDERSTAND:**

	<b>Initials</b>	<b>Date Completed</b>	<b>Agency Use Only</b>
I will complete the Continuing Education Provider Application and will pay the \$300 fee upon Board approval.	<i>JM</i>	06/14/2023	
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) Chapter 863, Division 20.	<i>JM</i>	06/14/2023	
Petitioner has demonstrated their experience and expertise in two or more course topics eligible for continuing education credit as listed in OAR 863-020-0035.	<i>JM</i>	06/14/2023	
Petitioner has demonstrated their experience in providing educational courses to real estate licensees.	N/A		

**Justin Moriarty**

Date: **06/14/2023**

Printed Name of Authorized Individual

*Justin Moriarty*  
Signature of Authorized Individual

**Reset**      **Print Form**



## PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

I am respectfully requesting the Board consider my petition for continuing education course provider qualification. I'm a real estate appraiser who has been in the industry for over 10 years. I have been operating my own private practice for 7 years. I have experience working in multiple states. This exposure has given me a unique perspective and experience given the multiple jurisdictions within those states when regulations can change from jurisdiction to jurisdiction. Also, I grew up working in the construction industry from renovation to ground up, which provided a great foundation for my career as an appraiser. Additionally, I have served as chair on a county tax appeal board which has further cultivated my experience with property valuation, tax appeals and property tax laws. From my perspective my appraiser license along with the county tax appeal board and construction background is sufficient expertise to qualify as a continuing education provider. I have selected from the list of eligible course topics for real estate continuing education that I have qualifying experience and expertise in.

Eligible Course Topics under OAR 863-020-0035: (i) Real estate consumer protection. (L) Real estate contracts. (m) Real estate taxation. (n) Real estate property evaluation, appraisal, or valuation. (o) Fair Housing laws or policy. (r) Risk management. (t) Real estate finance. (w) Real estate development. (bb) Water rights. (cc) Environmental protection issues in real estate. (dd) Land use planning, zoning, or other public limitations on use. (ee) Real estate economics. (ff) Real estate law or regulation.

I will gladly provide more details on anyone of these topics during the hearing. Thank you for your time and I look forward to your response.

Thank you,

Justin Moriarty



# Oregon

Tina Kotek, Governor

AGENDA ITEM NO.  
V.A.

## Real Estate Agency

530 Center St. NE, Suite 100

Salem, Oregon, 97301-2505

Phone: (503) 378-4170

Regulations Fax: (503) 373-7153

Admin Fax: (503) 378-2491

[www.oregon.gov/rea](http://www.oregon.gov/rea)

April 19, 2023

Daniel Rodriguez  
21698 SW Oxford Ter  
Beaverton, OR 97007

Re: Joseph M Edwards  
Case No. 2023-205

Dear Daniel Rodriguez:

The Oregon Real Estate Agency (Agency) has forwarded your complaint to Joseph M Edwards and received the enclosed response.

Oregon Administrative Rule (OAR) 863-027-0010 requires that, in order to open an investigation, we must review a complaint and determine that there are reasonable grounds to believe that a violation of Oregon Revised Statutes (ORS) 696.007 to 696.995 may have occurred that constitutes grounds for discipline under ORS 696.301. Reasonable grounds means a reasonable belief in facts or circumstances which, if true, would in law constitute a violation of ORS 696.007 to 696.995 or OAR chapter 863.

In reviewing your complaint and the response received, the Agency found insufficient evidence to substantiate the allegation that Joseph M Edwards violated Oregon real estate license law. Lacking sufficient evidence, the Agency is closing the case at this time.

Thank you for submitting your concerns.

Respectfully,

*Mesheal Heyman*

Mesheal Heyman  
Regulations  
[mesheal.l.heyman@rea.oregon.gov](mailto:mesheal.l.heyman@rea.oregon.gov)  
(971) 719-3544

Enclosure

cc: Joseph M Edwards (w/o enclosure)



# Oregon

Kate Brown, Governor

AGENDA ITEM NO.  
V. .

**Real Estate Agency**  
530 Center St. NE, Suite 100  
Salem, Oregon 97301-2505  
Phone: (503) 378-4170  
[www.oregon.gov/rea](http://www.oregon.gov/rea)

## Law and Rule Required Course 2024-2025

For courses offered January 1, 2024, to December 31, 2025

### OVERVIEW

This document provides the course content for the 3-hour Law and Rule Required Course (LARRC) approved by the Oregon Real Estate Board. All real estate licensees must take and complete LARRC from a certified continuing education provider to meet the requirement to take a 3-hour continuing education course on recent changes in real estate rule and law found in ORS696.174.

This document will be posted on the Oregon Real Estate Agency's website at [www.oregon.gov/rea](http://www.oregon.gov/rea).

### HOW TO OFFER LARRC

A Certified Continuing Education Provider must meet all the [requirements and responsibilities of a LARRC provider](#), including:

- Notifying the Oregon Real Estate Agency by logging in to your eLicense account if you have not done so before.
- Developing your LARRC course using this document.
  - Use the written learning objectives for the required course topics.
  - Write your own learning objectives for the optional topics that you may choose to include in your LARRC course.
- Ensuring that your LARRC course will take each licensee a minimum of 3 hours to complete. A break of no more than 10 minutes per hour of instruction may be allowed.
- Making sure your advertising and certificates of attendance indicate name of the course as the "Law and Rule Required Course 2024-2025." You may also use the abbreviation "LARRC 2024-2025."
- Confirming that you have a completed and signed [Continuing Education Instructor Qualification Form](#) for each instructor teaching the course.
- Maintaining records as required in [OAR 863-020-0055](#).

### COURSE CONTENT

The LARRC course content approved by the Oregon Real Estate Board has required course topics and optional course topics.

## Required topics

The required topics were developed from changes made to Oregon Revised Statute 696 and Oregon Administrative Rule 863, as well as input from Board, the Oregon Real Estate Agency staff, and other stakeholders. Learning objectives have been provided.

## Optional topics

The optional topics were compiled from legislation passed in the 2023 session that the Board determined may have an effect on real estate licensees in Oregon. Additionally, other topics were added that the Board feels may benefit real estate licensees. The topics were developed with input from the Board, the Oregon Real Estate Agency staff, and other stakeholders.

Each continuing education provider is responsible for making sure that learning objectives are developed for each of the optional topics that the provider chooses to include in the LARRC offered by the provider.

## Special Interest LARRC Classes

Certified continuing education providers may offer LARRC classes aimed at a specific type of licensee. Such classes must contain the required course topics but may focus on optional topics approved by the Board that have a particular interest to licensees who manage rental real estate or are responsible for Registered Business Names.

There is no requirement to offer such a course; the decision to offer a special interest LARRC course would be a business decision made by the provider.

A provider who chooses to create such a class must still name it on advertising and the certificates of attendance as "Law and Rule Required Course 2024-2025."

# Law and Rule Required Course (LARRC)

## Required Topics

Effective January 1, 2024, through December 31, 2025

### [Oregon Administrative Rule 863-015-0092](#)

#### Overview:

Oregon Administrative Rule Chapter 863-015-0092 (2), updated the 30-day response period to 10 business days. Effective 1/1/2022, licensees must provide the Oregon Real Estate Agency with the required clients' trust /account reconciliation review documents and information within 10 business days.

#### Learning Objectives:

Upon completion of this course the licensee will be able to:

- Explain that if a clients' trust account(s) is selected for review, the licensee must provide the requested documents within 10 business days.
- Recall that a real estate licensee engaged in property management may be required to pay a civil penalty of up to \$1,000 per day of violation, not exceeding \$10,000, if the licensee fails to produce records for inspection related to the management of rental real estate (see Oregon Revised Statute 696.990(6)(a)-(b)).

### [House Bill 4103](#)

#### Overview:

House Bill 4103, passed in 2022, went into effect on January 1<sup>st</sup>, 2023. Oregon Revised Statute 696.990(4) increases civil penalties from not less than \$100 nor more than \$500 for the first offense of unlicensed professional real estate activity to no less than \$1,000 nor more than \$2,500. Additionally, civil penalties increased for subsequent offenses, for unlicensed activity, from not less than \$500 nor more than \$1,000 to not less than \$2,500 to nor more than \$5,000.

#### Learning Objectives:

Upon completion of this course, the licensee will be able to:

- Explain that civil penalties have increased for unlicensed activities.
- Recall that each 30-day period of unlicensed activity constitutes a single offense when calculating civil penalties, as described in ORS 696.990(9).

### [Oregon Revised Statute 696.805\(7\)](#)

#### Overview:

In 2021, the Oregon legislature enacted HB 2550, known as the "love letter" law. On March 4, 2022, the U.S. District Court for the District of Oregon issued a preliminary injunction enjoining enforcement of the law.

On May 11, 2022, the Court approved a [consent decree](#) which permanently prohibits enforcement of the law. In accord with the terms of the consent decree, the Oregon Real Estate Agency will not enforce HB

2550, codified at ORS 696.805(7).

Learning Objectives:

Upon completion of this course the licensee will be able to:

- Describe that Oregon Revised Statute 696.805(7) is still listed in statute, but is no longer enforceable.

## FEDERAL AND STATE FAIR HOUSING LAWS (IMPLEMENTING HB 2703)

### [Fair Housing Act](#)

Overview:

The purpose of fair housing laws and rules is to prevent discrimination of people on the basis of a protected class during a property transaction. Federal, state and local regulations prohibit brokers, sellers, lenders, and insurers from adopting discriminatory policies against people in protected classes.

The Fair Housing Act prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability. In addition to the federal protected classes, the state of Oregon has included additional protected classes, and many local governments have included even more.

Learning Objectives:

Upon completion of this course the licensee will be able to:

- List the federal protected classes.
- Describe the history of discriminatory practices by regulators and industry professionals related to restricted covenants, redlining, blockbusting, and steering that led to the creation of the Fair Housing Act.
- Define blockbusting.
- Define redlining.
- Define steering.
- Define implicit bias.
- Define disparate impact.
- List Oregon's protected classes (source of income, domestic violence survivors, marital status, sexual orientation, and gender identity, see [Oregon Revised Statute \(ORS\) chapter 659A](#), [Oregon Administrative Rule chapter 839](#), and [ORS 90.445](#)) and compare with the federal protected classes.
- Identify when parties are exempt from the Fair Housing Act ([Federal Fair Housing Act Sec. 803\(b\)](#)).
- Describe the real estate property types covered in the Fair Housing Act ([Federal Fair Housing Act Sec. 803](#)).
- Explain fair housing advertising guidelines ([Federal Fair Housing Act Sec. 804\(c\)](#)).
- Understand under what circumstances reasonable accommodations and reasonable modifications are necessary to allow persons with disabilities to enjoy their housing ([Federal Fair Housing Act Sec. 804\(f\)\(3\)](#)).
- Understand the laws that govern protections from discrimination against disability at the federal level ([Federal Fair Housing Act Sec. 804](#)).
- Identify prohibited actions involving the sale and rental of housing under the Fair Housing Act ([Federal Fair Housing Act Sec. 804 through 806](#)):



- **Real Estate Transaction:**

Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot:**

- Refuse to sell or negotiate in the sale of housing.
- Falsely deny that housing is available for an inspection.
- Make housing unavailable.
- Indicate any preference, limitation, or discrimination within any statement, advertisement, or published notice.
- Discourage the purchase of a dwelling.

- **Property Management:**

Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot:**

- Discourage the rental of a dwelling.
- Refuse to rent or negotiate, in the rental of housing.
- Make housing unavailable.
- Set different terms, conditions or privileges for the rental of a dwelling.
- Provide a person different housing services or facilities.
- Indicate any preference, limitation or discrimination within any statement, advertisement, or published notice.
- Threaten, intimidate or interfere with a person's enjoyment of a dwelling. This includes visitors or associates of the tenant.
- Threaten an employee or agent with firing or other negative action for any legal, non-discriminating, pro-regulatory, effort to help someone rent a unit.
- Limit privileges, services or facilities of a dwelling.
- Fail or delay maintenance or repairs.
- Fail to investigate or address allegations that a tenant or group of tenants is harassing or threatening another tenant.
- Retaliate against a person who has made a complaint, testified, or in any way assisted with proceedings under the Fair Housing Act.

- **Rental Screening Process:**

Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot:**

- Use different qualification criteria or applications.
- Use different rental standard or procedures, such as income standards, application fees, credit analyses, or rental approval procedures or other requirements.

- Recognize prohibited actions relating to mortgage lending under the Fair Housing Act (Example: Refuse to make a mortgage loan or provide other financial assistance for a dwelling.)
- Review fair housing violation cases **for each** of the following categories: Religion, sex, familial status, disability, national origin, race/and or color).

Certified continuing education providers shall use case study examples located on the U.S. Department of Justice's website ([Civil Rights Division, Case Summaries](#)). Examples for each category include:

- **Religion:**

United States vs. Altmayer

- **Sex:**

United States v. Cao (D. Kan.)

- **Familial status:**

United States v. Carmer (D. Or.)

- **Disability:**  
United States v. Christensen (E.D. Wash.)
- **Sex:**  
United States v. Centanni (D. N.J.)
- **Race:**  
United States v. City of Hesperia (C.D. Cal.)
- **Race:**  
United States v. Ballis
- **Familial status:**  
United States & FHCO v. Hadlock (D. Or.)
- **Disability:**  
United States v. Montagne Development, Inc. (D. Or.)
- **National Origin:**  
[SETTLEMENT AGREEMENT](#) BETWEEN THE UNITED STATES, MIDWEST FEDERATION OF AMERICAN SYRIAN-LEBANESE CLUBS, MARRIOTT INTERNATIONAL, INC., AND CITY CENTER DEVELOPMENT LIMITED PARTNERSHIP, D/B/A THE DES MOINES MARRIOTT

- Understand the two categories that fall under sexual harassment, quid pro quo and hostile environment.
- Review [House Bill 3443](#)  
Prohibits landlords from terminating lease or taking other specified actions due to status of tenant as victim of bias crime. Establishes process for victim of bias crime to be released from lease without penalty.
- Recall Oregon Bureau of Labor & Industries (BOLI) is Oregon's governing agency that reviews complaints, regulates, and assesses civil penalties for fair housing violations.
- Understand that BOLI and the Oregon Real Estate Agency share complaint information and report findings regarding fair housing violations.
- Explain how to submit a fair housing complaint:
  - BOLI, Civil Rights Division ([here](#)).
  - U.S. Department of Housing and Urban Development ([here](#)).

Additional Resources:

U.S. Housing and Urban Development

- [Fair Housing Rights and Obligations](#)
- [Info for Real Estate Brokers and Agents](#)
- [Equal Housing Opportunities for Individual for Disabilities Overview](#)
- [Advertising and Marketing](#)
- [Memorandum on Guidance Regarding Advertisements Under § 804\(c\) of the Fair Housing Act](#)
- [Equal Housing Opportunity Graphics for Printing](#)
- [Fair Lending Guide](#)
- [Fair Housing Types of Housing Covered](#)

Oregon Bureau of Labor and Industries (BOLI)

- [Fair Housing Page](#)
- [Housing Discrimination Page](#)

Fair Housing Council of Oregon

- [Fair Housing Council of Oregon Home Page](#)
- [Information for Housing Providers](#)
- [Protected Classes in Oregon by City and County](#)

# Law and Rule Required Course (LARRC)

## Optional Topics

Effective January 1, 2024 through December 31, 2025

In addition to the required course topics listed above, a certified continuing education provider may include the following subjects.

### 2023 OREGON LEGISLATION

#### [Senate Bill 599](#)

Requires landlord to allow dwelling to be used as family childcare home, subject to conditions.

#### [Senate Bill 611](#)

Modifies maximum allowable residential rent increase for affected units, from seven percent plus the September annual 12-month average change in Consumer Price Index (CPI), to the lesser of either 10 percent, or seven percent plus the CPI. Clarifies language limiting rent increases on tenancies, other than week-to-week tenancies, to not more than once in any 12-month period. Clarifies language applying rent increase limit to units from which tenant was evicted. Declares emergency, effective on passage.

#### [Senate Bill 644](#)

Changes the law so that rural ADUs may be developed before the map is published if they comply with the R327 Oregon Residential Specialty Code. After the map is published, an ADU must comply with this code if it is in an area identified as high or extreme wildfire risk.

#### [Senate Bill 702](#)

Requires appraisers to take education courses on state and federal fair housing laws and implicit bias, including racial bias, for appraiser certification or licensure and registration of appraiser assistants.

#### [Senate Bill 1013](#)

Requires county to allow rural parcel owners to site one recreational vehicle (RV) subject to residential rental agreement, provided: parcel is outside urban reserve and includes a single-family dwelling occupied solely as property owner's primary residence; no other dwelling units are sited on the property; the RV is owned or leased by the tenant; and property owner provides essential services to the RV. Defines "recreational vehicle" as having motive power and titled with the Oregon Department of Transportation (ODOT); and "rural area" as area zoned for rural residential use, or unincorporated residential-zoned land within urban growth boundary of a metropolitan service district. Allows county to require parcel owner to register RV siting with the county; enter written residential rental agreement with RV tenant; limit payment amount parcel owner may accept from tenant; and hold RV to county inspection and siting standards. Prohibits state agency from prohibiting placement or occupancy of RV solely on grounds it is an RV if it meets provisions of Act.

#### [Senate Bill 1069](#)

Allows electronic delivery of written notice to landlord or tenant, if allowed under written addendum to rental agreement which specifies electronic mail addresses each party agrees to send and receive electronic mail to and from. Provides language to which addendum must substantially adhere, including that addendum is voluntary. Allows electronic return of security deposit or prepaid rent upon termination of tenancy if tenant so requested after tenancy began.

#### [House Bill 2001](#)

Establishes the Oregon Housing Needs Analysis to calculate needed housing allocations and production targets for each city in Oregon with a population of 10,000 or more. It also allows for the use of housing acceleration agreements or enforcement orders for underperforming cities. Further, it requires cities to calculate and plan for development-ready lands and requires the Oregon Facilities Authority to finance infrastructure and predevelopment costs for moderate-income housing.

#### [House Bill 2680](#)

Requires landlord to refund screening charge within 30 days if the unit is filled prior to screening the applicant, or the landlord has not conducted or ordered any screening of the applicant before the applicant withdraws the application in writing.

#### [House Bill 2889](#)

Makes refinements to the Oregon Housing Needs Analysis (OHNA). It defines the term “development-ready lands” for the purposes of OHNA and allows new methods for cities to use when designating urban reserves.

#### [House Bill 3042](#)

Prohibits landlord or owners of formerly publicly supported housing from terminating a tenancy in the 3 years following withdrawal and prohibits them from providing rent increase notices more than once per calendar year. Allows Oregon Housing and Community Services the ability to assess up to a \$5,000 penalty for noncompliance and subsequently file a lien against the property for failure to pay.

#### [House Bill 3151](#)

Limits improvements that a landlord of a manufactured dwelling park may require of tenants.

#### [House Bill 3395](#)

Allows affordable housing on lands zoned for commercial uses within urban growth boundaries.

#### [House Bill 3164](#)

Makes permanent provisions conditionally allowing water right lease to split use of water between existing water right and in-stream water right within same year. Removes prohibition on leasing water right for split use for period of more than 10 years.

#### [Senate Bill 718](#)

Provides that year in which Governor declares that drought exists, or is likely to exist, within county does not count toward period of time for forfeiture of water right for nonuse for owner] holder of water right within county. Removes reference to repealed federal law.

## ADDITIONAL OPTIONAL TOPICS

- How to conduct business using eLicense, the Agency's online electronic licensing management system, including:
  - Registering an alternative name for the purposes of advertising and the advertising requirements.
  - Adding or **removing** clients trust accounts
  - Changing your legal name
  - Registered Business Name Renewal
  - Transferring in and inactivating a licensee
  - Renewing your license
- Review of recent administrative actions taken against licensees found in the [Oregon Real Estate News Journal](#).
- Review of recent articles found in the [Oregon Real Estate News Journal](#).
- Review of Oregon Administrative Rules chapter 863.
- Review the difference between statutes and rules.
- Review the role of the Oregon Real Estate Agency, including:
  - Education and examination for brokers, principal brokers and property managers.
  - Licensing and regulation of real estate principal brokers, brokers, property managers and escrow and escrow agents.
  - Regulation of condominiums, timeshare and campground registrations, real estate marketing organizations, out-of-state subdivisions, and certain manufactured dwelling subdivisions.
  - Investigation of complaints against real estate licensees and escrow agents, and investigation of cases of unlicensed professional real estate activity.
  - The complaint process and what a licensee must provide when responding to a complaint.
- Issues concerning radon, including information to alert potential buyers of one- and two-family dwellings.

**License Reciprocity/Recognition – Contiguous States to Oregon**

**SUMMARY**

Washington:	Calls it “reciprocity” but also must pass state exam, listed as Broker Reciprocity Exam or Managing Broker Reciprocity Examination on website.
California:	California has no reciprocity with any other state to allow a waiver of any of the requirements to obtain a license.
Idaho:	Idaho has no reciprocal or other license agreements with any jurisdiction but will waive the national portion of the exam for individuals licensed in another state.
Nevada:	Calls it “reciprocity” but also must pass state exam.

***ALL INFORMATION BELOW COPIED FROM EACH JURISDICTION’S WEBSITES***

**WASHINGTON**

**“Get your license: Real estate broker license by reciprocity.**

Anyone who acts on behalf of a real estate firm to perform real estate brokerage services under the supervision of a managing broker. We have 2 levels of licensure: Broker and Managing Broker. You can apply for the same or lesser level as what you currently hold in another state or jurisdiction.

**Requirements**

To qualify you must:

- Be at least 18 years old.
- Have a high school diploma or equivalent.
- Have been actively licensed in another state, in good standing, within the preceding 6 months.
- Request and be ready to upload a License History from one state in which you have a license.
- Fingerprint background check results on file.
- Documents ready to upload for the legal background questions, if needed.”
  
- **Pass the state exam** regarding the [laws and rules regulating real estate licensing](#) for the State of Washington

**CALIFORNIA**

“Each applicant must qualify for the appropriate written examination in California and meet all other requirements. Residency in the state is not a requirement to become licensed. California has no reciprocity with any other state to allow a waiver of any of the requirements to obtain a license.

Out-of-state residents must file a Consent to Service of Process (RE 234) Denotes a PDF document. with the California Department of Real Estate. This form must be completed, signed, notarized, and submitted to the DRE with the original or renewal application.”



## **IDAHO**

“Idaho has no reciprocal or other license agreements with any jurisdiction. However, Idaho waives the national portion of the licensing exam, prelicense education, and broker experience requirements (if applicable) if you are licensed on active status in another state. You may obtain the same type of license in Idaho (salesperson or broker) as you hold in your primary state of licensure, unless your primary state is a ‘single licensure’ state (everyone holds a broker license). If you are licensed in a ‘single licensure’ state, you must hold a Principal or Designated Broker license to qualify for an Idaho broker license.”

## **NEVADA**

“An applicant for a Nevada Salesperson license that holds a current real estate license from one of the states below may meet the qualifications for the Nevada Salesperson license. The following (1-6) is required:

1. Application Form 549.
2. Certified license history.
3. Pass Nevada state exam.
4. Fingerprints.
5. Non-resident.

STATES AND LICENSE TYPES APPROVED FOR A RECIPROCAL NEVADA REAL ESTATE SALESPERSON APPLICANT:

### **I.SALESPERSON and BROKER LICENSES**

Applicants that hold a current real estate Salesperson license or higher in the states listed below qualify for the reciprocal Nevada Salesperson license.

Arizona, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Oklahoma, South Carolina, Texas, Utah, Washington, West Virginia

### **II.BROKER, BROKER-SALESPERSON, and ASSOCIATE BROKER**

Applicants that hold a current real estate Broker, Broker-Associate, or a Broker-Salesperson license in the states listed below qualify for the reciprocal Nevada Salesperson license.

California, Connecticut, District of Columbia, Florida, Maine, Maryland, Michigan, New Jersey, New Mexico, New York, North Dakota, Ohio, New Mexico, Minnesota, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Virginia, Wyoming.”

ADMINISTRATIVE ACTIONS

Reported 05/20/2023  
through 07/20/2023

**REVOCATIONS**

None.

**SUSPENSIONS**

None.

**REPRIMANDS**

Gilburne, Rhonda. Property Manager 201219210, Stipulated Final Order dated June 16, 2023, issuing a reprimand and \$1,000 civil penalty.

Mae, Holly. Property Manager 201243661, Stipulated Final Order dated July 13, 2023, issuing a reprimand.

**CIVIL PENALTIES**

Expired — Late Renewal civil penalties are computed using each 30-day period as a single offense. The civil penalty for the first 30-day period can range from \$100-\$500, with each subsequent 30-day period ranging from \$500-\$1,000. ORS 696.990

Evergreen Land Title Co, Escrow 850800132, Stipulated Order dated June 16, 2023, issuing a \$3,000 civil penalty.

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Escrow Agent License of )  
EVERGREEN LAND TITLE CO ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Evergreen Land Title Co do hereby agree and stipulate to the following:

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Evergreen Land Title Co was licensed as an escrow agent in Oregon.

1.2 On February 9, 2023, the Agency opened a case against Evergreen Land Title Co (ELTC) for possible missing written instructions for finder’s fees paid at closing by ELTC to Mobius Development Group LLC (MDG), owned by Laura Jaap (Jaap).

1.3 On July 21, 2017, Miltina Scaife (Scaife), of Pro Realty, wrote an offer for MDG and or assignees to purchase a property in Eugene, OR, from Shannon Cao (Cao). The offer was signed by Jaap and Cao on July 21, 2017.

1.4 On August 2, 2017, an addendum was signed by Jaap and Cao assigning the sales agreement over to a new buyer, Bright Star Partners LLC (BSP LLC).

1.5 On October 14, 2022, the Agency obtained the closing disbursement worksheet and on October 18, 2022, obtained the signed final closing statements and certified final closing statements, from Dana Hinshaw (Hinshaw), President of ELTC. The closing statements and closing disbursement worksheet all show two finder’s fees paid to MDG.

///



1 I, Evergreen Land Title Co, have read and reviewed this Stipulated Final Order and its  
2 Findings of Fact, Statements of Law and Conclusions of Law. I understand that the Findings  
3 of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full  
4 and complete agreement and stipulation between the Agency and Evergreen Land Title Co. I  
5 further understand that if Evergreen Land Title Co does not agree with this stipulation  
6 Evergreen Land Title Co has the right to request a Hearing on this matter and to be  
7 represented by legal counsel at such a Hearing. I also understand that any Hearing would be  
8 conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance  
9 with the Rules of Practice and Procedure adopted by the Attorney General of the State of  
10 Oregon. By signing this Stipulated Final Order Evergreen Land Title Co freely and voluntarily  
11 waive Evergreen Land Title Co rights to a Hearing, to representation by legal counsel at such a  
12 Hearing, and to judicial review of this matter.

13 Evergreen Land Title Co hereby agrees and stipulates to the above Findings of Fact  
14 and Conclusions of Law and understand that the Order which follows hereafter, which I have  
15 also read and understand, may be completed and signed by the Real Estate Commissioner or  
16 may be rejected by the Real Estate Commissioner. I further understand that, in accordance  
17 with the provisions of ORS 696.445(3), notice of this Order shall be published in the Oregon  
18 Real Estate News Journal.

19 In addition to all of the above, Evergreen Land Title Co agrees that once the  
20 Commissioner executes this Stipulated Final Order, Evergreen Land Title Co will accept  
21 service of the Stipulated Final Order by email, and hereby waive the right to challenge the  
22 validity of service.

23 IT IS HEREBY ORDERED that, pursuant to ORS 696.585 and based upon the  
24 violation(s) set forth above, Evergreen Land Title Co pay a civil penalty in the sum of  
25 \$3000.00, said penalty to be paid to the General Fund of the State Treasury by paying the  
26 same to the Agency.

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IT IS SO STIPULATED:

IT IS SO ORDERED:



DocuSigned by:  
By Evergreen Land Title Co  
122CD6AE54484BF...  
Dana Hinshaw  
President  
Evergreen Land Title Co

DocuSigned by:  
Steve Strobe  
E2C2D0097AD8471...  
Steven Strobe  
Real Estate Commissioner

Date 6/12/2023 | 3:27 PM PDT

Date 6/16/2023 | 1:11 PM PDT

DATE of service: 6/16/2023



REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of  
RHONDA GILBURNE

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Rhonda Gilburne (Gilburne) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

1.1 Gilburne was licensed as a property manager with Propel Properties.

1.2 On August 1, 2022, the Agency sent a renewal notification to Gilburne stating her license would expire at the end of August. On August 25, 2022, the Agency sent another notification to Gilburne regarding the upcoming license expiration.

1.3 On September 1, 2022, Gilburne’s license expired. That same day, the Agency sent an email to Gilburne stating the license had expired and included a warning not to conduct professional real estate activity.

1.4 On January 15, 2023, Gilburne submitted a renewal application. In response to one of the questions, Gilburne indicated she had conducted professional real estate activity during the time her license was expired. The Agency opened an investigation.

1.5 On March 6, 2023, Agency Investigator, Dylan Ray (Ray), emailed Gilburne requesting clarification of the real estate activity conducted while her license was expired and also asked if she was acting under a delegation of authority during this time.

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1           1.6    On March 7, 2023, Gilburne provided a template for a delegation of authority for  
2 employees of Portland Homes and Commercial Properties (PHCP). The delegation of authority  
3 was not signed and dated by either the property manager or the employee.

4           1.7    On March 10, 2023, Gilburne emailed Ray and stated that she signed 50 leases  
5 while her license was expired.

6           1.8    Gilburne's license expired on September 1, 2022, and was not renewed until  
7 January 15, 2023. During the time Gilburne's license was expired, September 1, 2022, to  
8 January 15, 2023, 136 days, Gilburne continued conducting professional real estate activity as  
9 if actively licensed.

10 **(1) Conclusion of Law:** By conducting professional real estate activity over the course of  
11 136 days after Gilburne's license expired and before renewing it, Gilburne violated ORS  
12 696.020(2) and is subject to discipline or civil penalty pursuant to ORS 696.990(4) and (9).

13 **(2) Conclusion of Law:** By approving and accepting tenant rental and lease agreements  
14 without a signed and dated delegation of authority by both the property manager and  
15 employee, Gilburne violated OAR 863-025-0015(5)(c) (1/1/2023 Edition).

16           1.9    A review of the Gilburne's emails shows her signature line identifies her  
17 registered business name as PHCP and provides a link for <https://www.portlandhomesllc.com/>  
18 a website advertising for PHCP. Agency records show Gilburne's license is registered with  
19 Propel Properties.

20 **(3) Conclusion of Law:** By conducting professional real estate activity under a business  
21 name that was not registered with the Agency, Gilburne violated ORS 696.026(9) (2021  
22 Edition).

23           1.10   The signature line in Gilburne's emails indicates her name as "Rusty" and not her  
24 licensed name of Rhonda. In an interview with Ray Gilburne explained that her nickname is  
25 Rusty. Ray notified Gilburne that in order to do business with an alternative name, it must be  
26 registered with the Agency.

27 **(4) Conclusion of Law:** By conducting professional real estate activity using an alternative  
28 name not registered with the Agency Gilburne violated OAR 863-025-0015(5)(c) (1/1/2022,  
29 1/1/2023 Edition).

30 ///

1 1.11 All of the above demonstrates conduct below the standard of care for the practice  
2 of professional real estate activity in Oregon and incompetence or untrustworthiness in  
3 performing acts for which Gilburne is required to hold a license.

4 **(5) Conclusion of Law:** Based on the foregoing, Gilburne is subject to discipline under  
5 ORS 696.301(12) and (15) (2021 Editions)

6 2.

7 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

8 2.2 The Agency reserves the right to investigate and pursue additional complaints  
9 that may be received in the future regarding this licensee.

10 2.3 In establishing the violations alleged above, the Agency may rely on one or more  
11 of the definitions contained in ORS 696.010.

12 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a  
13 real estate license, whether by operation of law, order of the Real Estate Commissioner or  
14 decision of a court of law, or the inactive status of the license, or voluntary surrender of the  
15 license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1)  
16 proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to  
17 the licensee; (3) Take action against a licensee, including assessment of a civil penalty against  
18 the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order  
19 suspending or revoking a license.

20 3.

21 STIPULATION AND WAIVER

22 I, Rhonda Gilburne, have read and reviewed this Stipulated Final Order and its Findings  
23 of Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact,  
24 Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full and  
25 complete agreement and stipulation between the Agency and me. I further understand that if I  
26 do not agree with this stipulation, I have the right to request a Hearing on this matter and to be  
27 represented by legal counsel at such a Hearing. I also understand that any Hearing would be  
28 conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance  
29 with the Rules of Practice and Procedure adopted by the Attorney General of the State of  
30 Oregon. By signing this Stipulated Final Order, I freely and voluntarily waive my rights to a

1 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this  
2 matter.

3 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and  
4 understand that the Order which follows hereafter, which I have also read and understand,  
5 may be completed and signed by the Real Estate Commissioner or may be rejected by the  
6 Real Estate Commissioner. I further understand that, in accordance with the provisions of  
7 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News  
8 Journal.

9 In addition to all of the above, I agree that once the Commissioner executes this  
10 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby  
11 waive the right to challenge the validity of service.

14 ORDER

15 IT IS HEREBY ORDERED that Rhonda Gilburne’s property manager license be, and  
16 hereby is reprimanded.

17 IT IS FURTHER ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the  
18 violations set forth above, Gilburne pay a civil penalty in the sum of \$1,000.00, said penalty to  
19 be paid to the General Fund of the State Treasury by paying the same to the Agency. The civil  
20 penalty is computed in accordance with ORS 696.990(4) and (9).

22 IT IS SO STIPULATED:

IT IS SO ORDERED:

24 DocuSigned by:

25 *Rhonda Gilburne*

26 563064A5865C402...

RHONDA GILBURNE

28 Date 6/13/2023 | 10:47 AM PDT

DocuSigned by:

25 *Steve Strode*

26 E2C2D0097AD8471...

STEVEN STRODE

Real Estate Commissioner

28 Date 6/16/2023 | 8:26 AM PDT

30 Date of Service: 6/16/2023



REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
HOLLY MAE ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Holly Mae (Mae) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Mae was licensed as a property manager with Arranmore Properties, LLC (Arranmore).

1.2 On February 15, 2023, Mae was notified that her clients' trust account ending in 5436 (CTA #5436), which holds owner funds, had been selected for reconciliation review. Mae provided documents for December 2022. An investigation was opened due to the outstanding issues found in the review.

1.3 On May 30, 2023, Agency Investigator Aaron Grimes (Grimes) asked Mae what funds were maintained in CTA #5436. Mae stated there were approximately 20 owners' funds, over 39 "doors."

1.4 Grimes asked Mae about the literature the Agency provided to her regarding how to reconcile her accounts. Mae stated she "may have reviewed" the video and documents but she was still having trouble understanding her accounting duties.

1.5 Mae said she hasn't been doing monthly reconciliations and said she wants to find a class to take to learn how to keep her accounting according to Agency specifications.

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1           1.6     During the reconciliation review Mae provided owners' ledgers that were not  
2 complete as they were not for the entire month of December 2022, even though the bank  
3 statement was for the entire month of December.

4 **(1) Conclusion of Law:** By failing to reconcile CTA #5436 within 30 calendar days of the  
5 date of the bank statement, Mae violated ORS 696.301(3) and its implementing rule OAR 863-  
6 025-0028(2) (01/01/2021, 01/01/2022, 01/01/2023 Editions).

7           1.7     The December 2022 bank statement (Bank Statement) provided to the Agency  
8 during the reconciliation review shows a direct withdrawal on 12/7/2022, for \$22,425.75. This  
9 disbursement was not recorded on the check register for that amount on that date nor were the  
10 individual transactions that represent the aggregate disbursement recorded on the owners'  
11 ledgers.

12 **(2) Conclusion of Law:** By failing to produce owners' ledgers, Mae violated ORS  
13 696.301(3) and its implementing rule OAR 863-025-0055(1) (01/01/2022 Edition).

14           1.8     The Bank Statement had a negative beginning balance.

15           1.9     Grimes asked Mae why the Bank Statement beginning balance was negative.  
16 Mae said there was a \$1,300.00 check that was not deposited after it came to her, but she  
17 posted it to her ledgers.

18           1.10    Mae stated the undeposited check was only part of the explanation, however she  
19 did not provide further explanation as to why the beginning balance was negative.

20 **(3) Conclusion of Law:** By disbursing funds from CTA #5436 without sufficient funds on  
21 the owners' ledgers, Mae violated ORS 696.301(3) and its implementing rule OAR 863-025-  
22 0027(3) (01/01/2022 Edition).

23           1.11    All of the above demonstrates incompetence or untrustworthiness in performing  
24 acts for which the real estate licensee is required to hold a license and conduct that is below  
25 the standard of care for the practice of professional real estate activity in Oregon.

26 **(2) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under  
27 ORS 696.301(12) and (15) (2021 Edition).

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1 2.

2 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

3 2.2 The Agency reserves the right to investigate and pursue additional complaints  
4 that may be received in the future regarding this licensee.

5 2.3 In establishing the violations alleged above, the Agency may rely on one or more  
6 of the definitions contained in ORS 696.010.

7 3.

8 STIPULATION AND WAIVER

9 I, Holly Mae, have read and reviewed this Stipulated Final Order and its Findings of  
10 Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact,  
11 Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full and  
12 complete agreement and stipulation between the Agency and me. I further understand that if I  
13 do not agree with this stipulation, I have the right to request a Hearing on this matter and to be  
14 represented by legal counsel at such a Hearing. I also understand that any Hearing would be  
15 conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance  
16 with the Rules of Practice and Procedure adopted by the Attorney General of the State of  
17 Oregon. By signing this Stipulated Final Order, I freely and voluntarily waive my rights to a  
18 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this  
19 matter.

20 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and  
21 understand that the Order which follows hereafter, which I have also read and understand,  
22 may be completed and signed by the Real Estate Commissioner or may be rejected by the  
23 Real Estate Commissioner. I further understand that, in accordance with the provisions of  
24 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News  
25 Journal.

26 In addition to all of the above, I agree that once the Commissioner executes this  
27 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby  
28 waive the right to challenge the validity of service.

29 ///

30 ///



ORDER

IT IS HEREBY ORDERED that Holly Mae’s license be, and hereby is reprimanded.

IT IS FURTHER ORDERED that Mae submit a certificate to the Agency showing completion of the 27-hour Property Manager Advanced Practices Course, that was reported to have been completed on June 27, 2022. This certificate must be submitted to the Agency no later than July 31, 2023.

IT IS FURTHER ORDERED that Mae correct her records and provide the Agency with the June 2023 reconciliation by July 31, 2023. Records should be submitted via email to Hani Ghamrawi. Failing to submit records by July 31, 2023, would be a violation of ORS 696.301(13) (2021 Edition).

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:

*Holly Mae*

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HOLLY MAE

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*Steve Strode*

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STEVEN STRODE

Real Estate Commissioner

Date 7/13/2023 | 8:43 AM PDT

Date of Service: 7/13/2023



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**REAL ESTATE BOARD  
REGULATION DIVISION REPORT  
August 7<sup>th</sup>, 2023**

Regulation Division Manager: Elli Kataura

Compliance Specialist 3s (Compliance Coordinator): Meghan Lewis, Hani Ghamrawi

Financial Investigators (Investigator-Auditor): Lindsey Nunes, Aaron Grimes, Cidia Nañez, John Moore, Frank Leonard, Dylan Ray

Administrative Specialist 2 (Case Resolution Coordinator): Amanda Moser

**Division Overview**

The Agency receives complaints and determines if an investigation is appropriate. Open cases are assigned to investigators to gather facts (from interviews and documents), prepare a detailed written report and submit for Administrative Review. The Compliance Coordinators conducting the Administrative Review work evaluate whether the evidence supports a violation of Agency statutes or administrative rules. When a case finds sufficient cause to sanction a license, the case is elevated to the Commissioner for review. When the Commissioner supports a sanction, the Compliance Coordinators conduct a settlement conference to resolve cases without a contested case hearing. If the respondent requests a hearing, the Investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

**Personnel**

We are fully staffed in the Regulation Division.

**Workload and Activity Indicators**

<b><u>Average # in this status at the time</u></b>	<b><u>2019</u></b>	<b><u>2020</u></b>	<b><u>2021</u></b>	<b><u>2022</u></b>	<b><u>Current 7/19/23</u></b>
Complaint	27	19	33	13	16
Investigation	48	91	46	28	41
<i>(# of Investigators)</i>	7	7	7	6*	6*
Admin Review	59	7	14	2	2
Settlement Process	44	10	9	2	4

\* We have one investigator that has been on extended leave for the majority of 2022-2023.

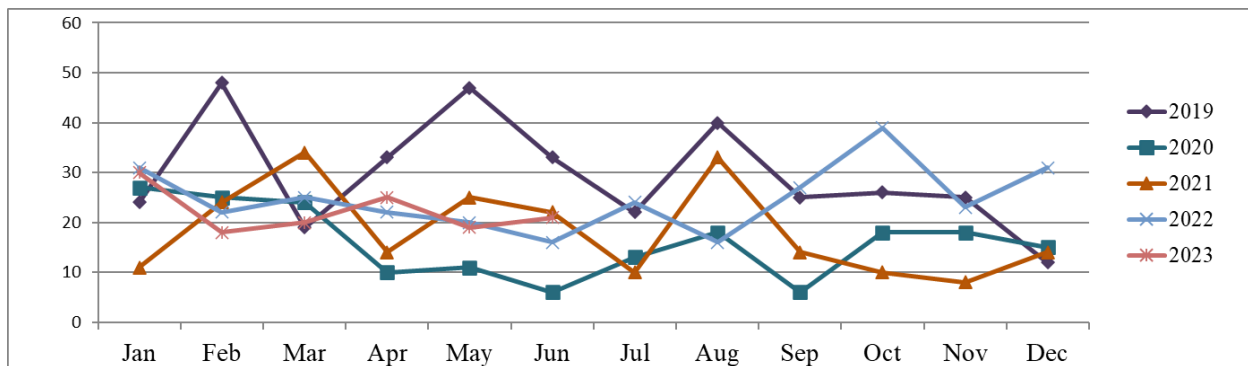
**Report to the Real Estate Board  
Land Development Division  
August 7<sup>th</sup>, 2023**

Division Manager: Michael Hanifin

Section Overview:

The Land Development Division reviews and approves filings related to condominiums, timeshares, subdivisions, manufactured home subdivisions, and membership campgrounds. The section reviews and approves the foundational documents creating these types of properties, as well as later amendments to those documents, to verify compliance with statutory requirements. We also issue the Disclosure Statement (sometimes referred to as a Public Report) required for sales of these interests to Oregonians. The Disclosure Statement summarizes key information about the condominium for the consumer, somewhat like the owner’s manual for a car.

Workload and Activity Indicators



We’ve had 133 filings through end of June this year, which is equivalent to filing volume last year through the same time frame.

**Rulemaking:**

No rulemaking in process at this time.

**2023 Legislative Session Update:**

No bills passed in the 2023 Regular Session that affected ORS Chapter 696.

Several bills passed this session that touched Chapter 100. The most significant of those bills was HB 3395. This was an omnibus bill that incorporated seven other bills and covers a broad range of housing-related topics. For the agency, there were two items of note. First, there was an extension of time for associations to comply with HB 2534 (thru end of December 2024) and elimination of the requirement of agency approval of those amendments. Second, there was a reiteration of the limitation on local government inserting themselves in the condominium approval process. This essentially restores the status quo, which had begun to erode over the last couple years as local jurisdictions by ones and twos began to create approval requirements.

**HB 3395** – Relating to housing.

**Summary:** Allows affordable housing on lands zoned for commercial uses within urban growth boundaries. Allows local governments to extend decision-making period for application to develop residential structures within urban growth boundary or to reconsider land use decision for development of residential structures. Makes permanent requirements that local governments allow siting of certain emergency shelters, conditioned upon latest estimates of percentage of individuals experiencing homelessness. Awards attorney fees for certain appeals of emergency shelter application. Requires Department of Consumer and Business Services to update Oregon Structural Specialty Code to allow additional single-exit residential occupancies. Exempts certain affordable housing from Oregon Planned Community Act. Restricts local governments' ability to regulate condominium form of ownership. Requires cities or counties to accept funding letters to affordable housing developers as sufficient assurances needed to approve subdivision plat. Requires local governments to allow certain single room occupancies in residential zones. Amends definition of "needed housing" to include single room occupancies. Requires more cities to allow duplexes on certain lands zoned to allow single-family dwellings. Updates deadlines for compliance by affected cities and appropriates moneys from General Fund to Department of Land Conservation and Development to provide grants for support. Provides process and form by which associations may amend declarations and bylaws of planned community or condominium to remove unlawfully discriminatory provisions. Extends until December 31, 2024, deadline by which associations must review declarations and bylaws. Allows Public Utility Commission to allow public utility to sell or convey real property for affordable housing. Requires Department of Human Services to provide financial support to nonprofits to provide affordable housing for low-income college students. Sunsets January 2, 2026. Requires Housing and Community Services Department to provide grants for urban community housing supporting agricultural employees. Sunsets January 2, 2028. Requires Oregon Department of Administrative Services to provide grants for regional housing coordination and to local governments to support development of needed housing. Sunsets January 2, 2034. Requires Housing and Community Services Department to make grant to Network for Oregon Affordable Housing to provide low-interest loans to purchasers of homes with limited equity. Sunsets January 2, 2026. Requires department to report on use of loan fund to interim committee of Legislative Assembly by September 15, 2025, and September 15, 2027. Requires Housing and Community Services Department to provide grants for housing. Sunsets January 2, 2026. Amends allowable purposes of Emergency Housing Account to include account moneys to be used for grants to assist companion animals of individuals experiencing or at risk of homelessness. Declares emergency, effective on passage.

A copy of HB 3395 is attached to this report.

**Enrolled**  
**House Bill 3395**

Sponsored by Representatives RAYFIELD, DEXTER, GOMBERG, Senator JAMA; Representatives ANDERSEN, NELSON, Senators ANDERSON, PATTERSON

CHAPTER .....

AN ACT

Relating to housing; creating new provisions; amending ORS 92.090, 94.550, 100.015, 100.022, 100.105, 100.110, 100.115, 197.303, 197.758, 197.830, 215.427, 227.178 and 458.650 and sections 3 and 4, chapter 639, Oregon Laws 2019, section 3, chapter 18, Oregon Laws 2021, sections 4 and 6, chapter 67, Oregon Laws 2021, and section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001); repealing section 4, chapter 18, Oregon Laws 2021; and declaring an emergency.

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

**RESIDENTIAL USE OF COMMERCIAL LANDS**

**SECTION 1.** Section 2 of this 2023 Act is added to and made a part of ORS 197.286 to 197.314.

**SECTION 2.** (1) Notwithstanding an acknowledged comprehensive plan or land use regulations, within an urban growth boundary a local government shall allow, on lands zoned to allow only commercial uses and not industrial uses, the siting and development of:

(a) Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income as defined in ORS 456.270; or

(b) Mixed use structures with ground floor commercial units and residential units subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making the properties affordable to moderate income households, as defined in ORS 456.270.

(2) The local government may only apply those approval standards, conditions and procedures under ORS 197.307, that would be applicable to the residential zone of the local government that is most comparable in density to the allowed commercial uses.

(3) Development under this section does not:

(a) Trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

(b) Apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

**(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:**

**(i) Natural disasters and hazards; or**

**(ii) Natural resources, including air, water, land or natural areas, but not including open spaces.**

**(c) Apply on lands that are vacant or that were added to the urban growth boundary within the last 15 years.**

## **RESIDENTIAL APPROVAL PROCEDURES**

**SECTION 3.** ORS 215.427 is amended to read:

215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section and ORS 197.311 upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits additional information, as described in subsection (2) of this section, within 180 days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The period set in subsection (1) of this section or the 100-day period set in ORS 197.311 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

(6) The period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the county; and

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section and the 100-day period set in ORS 197.311 do not apply to:

(a) A decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610[.]; or

**(b) A decision of a county involving an application for the development of residential structures within an urban growth boundary, where the county has tentatively approved the application and extends these periods by no more than seven days in order to assure the sufficiency of its final order.**

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the county or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 197.311 or 215.429 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in subsections (1) and (5) of this section and ORS 197.311 may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

**SECTION 4.** ORS 227.178 is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section or ORS 197.311 upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.



(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The 120-day period set in subsection (1) of this section or the 100-day period set in ORS 197.311 may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

(6) The 120-day period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

(b) Unless the parties have agreed to mediation as described in subsection (11) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section and the 100-day period set in ORS 197.311 do not apply to:

(a) A decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610[.]; or

**(b) A decision of a city involving an application for the development of residential structures within an urban growth boundary, where the city has tentatively approved the application and extends these periods by no more than seven days in order to assure the sufficiency of its final order.**

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the city or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

(A) Submit a written request for payment, either by mail or in person, to the city or its designee; or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 197.311 or 227.179 as a

condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The periods set forth in subsections (1) and (5) of this section and ORS 197.311 may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

**SECTION 5.** ORS 197.830 is amended to read:

197.830. (1) Review of land use decisions or limited land use decisions under ORS 197.830 to 197.845 shall be commenced by filing a notice of intent to appeal with the Land Use Board of Appeals.

(2) Except as provided in ORS 197.620, a person may petition the board for review of a land use decision or limited land use decision if the person:

(a) Filed a notice of intent to appeal the decision as provided in subsection (1) of this section; and

(b) Appeared before the local government, special district or state agency orally or in writing.

(3) If a local government makes a land use decision without providing a hearing, except as provided under ORS 215.416 (11) or 227.175 (10), or the local government makes a land use decision that is different from the proposal described in the notice of hearing to such a degree that the notice of the proposed action did not reasonably describe the local government's final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

(a) Within 21 days of actual notice where notice is required; or

(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required.

(4) If a local government makes a land use decision without a hearing pursuant to ORS 215.416 (11) or 227.175 (10):

(a) A person who was not provided notice of the decision as required under ORS 215.416 (11)(c) or 227.175 (10)(c) may appeal the decision to the board under this section within 21 days of receiving actual notice of the decision.

(b) A person who is not entitled to notice under ORS 215.416 (11)(c) or 227.175 (10)(c) but who is adversely affected or aggrieved by the decision may appeal the decision to the board under this section within 21 days after the expiration of the period for filing a local appeal of the decision established by the local government under ORS 215.416 (11)(a) or 227.175 (10)(a).

(c) A person who receives notice of a decision made without a hearing under ORS 215.416 (11) or 227.175 (10) may appeal the decision to the board under this section within 21 days of receiving actual notice of the nature of the decision, if the notice of the decision did not reasonably describe the nature of the decision.

(d) Except as provided in paragraph (c) of this subsection, a person who receives notice of a decision made without a hearing under ORS 215.416 (11) or 227.175 (10) may not appeal the decision to the board under this section.

(5) If a local government makes a limited land use decision which is different from the proposal described in the notice to such a degree that the notice of the proposed action did not reasonably describe the local government's final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

(a) Within 21 days of actual notice where notice is required; or

(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required.

(6) The appeal periods described in subsections (3), (4) and (5) of this section:

(a) May not exceed three years after the date of the decision, except as provided in paragraph (b) of this subsection.

(b) May not exceed 10 years after the date of the decision if notice of a hearing or an administrative decision made pursuant to ORS 197.195 or 197.797 is required but has not been provided.

(7)(a) Within 21 days after a notice of intent to appeal has been filed with the board under subsection (1) of this section, any person described in paragraph (b) of this subsection may intervene in and be made a party to the review proceeding by filing a motion to intervene and by paying a filing fee of \$100.

(b) Persons who may intervene in and be made a party to the review proceedings, as set forth in subsection (1) of this section, are:

(A) The applicant who initiated the action before the local government, special district or state agency; or

(B) Persons who appeared before the local government, special district or state agency, orally or in writing.

(c) Failure to comply with the deadline or to pay the filing fee set forth in paragraph (a) of this subsection shall result in denial of a motion to intervene.

(8) If a state agency whose order, rule, ruling, policy or other action is at issue is not a party to the proceeding, it may file a brief with the board as if it were a party. The brief shall be due on the same date the respondent's brief is due and shall be accompanied by a filing fee of \$100.

(9) A notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final. A notice of intent to appeal plan and land use regulation amendments processed pursuant to ORS 197.610 to 197.625 shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615. Failure to include a statement identifying when, how and to whom notice was provided under ORS 197.615 does not render the notice defective. Copies of the notice of intent to appeal shall be served upon the local government, special district or state agency and the applicant of record, if any, in the local government, special district or state agency proceeding. The notice shall be served and filed in the form and manner prescribed by rule of the board and shall be accompanied by a filing fee of \$300. If a petition for review is not filed with the board as required in subsections (10) and (11) of this section, the board shall award the filing fee to the local government, special district or state agency.

(10)(a) Within 21 days after service of the notice of intent to appeal, the local government, special district or state agency shall transmit to the board the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceeding the record may be shortened. The board may require or permit subsequent corrections to the record; however, the board shall issue an order on a motion objecting to the record within 60 days of receiving the motion. If the board denies a petitioner's objection to the record, the board may establish a new deadline for the petition for review to be filed that may not be less than 14 days from the later of the original deadline for the brief or the date of denial of the petitioner's record objection.

(b) Within 10 days after service of a notice of intent to appeal, the board shall provide notice to the petitioner and the respondent of their option to enter into mediation pursuant to ORS 197.860. Any person moving to intervene shall be provided such notice within seven days after a motion to intervene is filed. The notice required by this paragraph shall be accompanied by a statement that mediation information or assistance may be obtained from the Department of Land Conservation and Development.

(11) A petition for review of the land use decision or limited land use decision and supporting brief shall be filed with the board as required by the board under subsection (13) of this section.

(12) The petition shall include a copy of the decision sought to be reviewed and shall state:

(a) The facts that establish that the petitioner has standing.

(b) The date of the decision.

(c) The issues the petitioner seeks to have reviewed.

(13)(a) The board shall adopt rules establishing deadlines for filing petitions and briefs and for oral argument.

(b) **The local government or state agency may withdraw its decision for purposes of reconsideration** at any time:

(A) Subsequent to the filing of a notice of intent; and

(B) Prior to:

(i) The date set for filing the record[,]; or[,]

(ii) On appeal of a decision under ORS 197.610 to 197.625 **or relating to the development of a residential structure**, [prior to] the filing of the respondent's brief[, the local government or state agency may withdraw its decision for purposes of reconsideration].

(c) If a local government or state agency withdraws an order for purposes of reconsideration, it shall, within such time as the board may allow, affirm, modify or reverse its decision. If the petitioner is dissatisfied with the local government or agency action after withdrawal for purposes of reconsideration, the petitioner may refile the notice of intent and the review shall proceed upon the revised order. An amended notice of intent is not required if the local government or state agency, on reconsideration, affirms the order or modifies the order with only minor changes.

(14) The board shall issue a final order within 77 days after the date of transmittal of the record. If the order is not issued within 77 days the applicant may apply in Marion County or the circuit court of the county where the application was filed for a writ of mandamus to compel the board to issue a final order.

(15) Upon entry of its final order, the board:

(a) May, in its discretion, award costs to the prevailing party including the cost of preparation of the record if the prevailing party is the local government, special district or state agency whose decision is under review.

(b) Shall award reasonable attorney fees and expenses to the prevailing party against any other party who the board finds presented a position or filed any motion without probable cause to believe the position or motion was well-founded in law or on factually supported information.

(c) Shall award costs and attorney fees to a party as provided in ORS 197.843.

(16) Orders issued under this section may be enforced in appropriate judicial proceedings.

(17)(a) The board shall provide for the publication of its orders that are of general public interest in the form it deems best adapted for public convenience. The publications shall constitute the official reports of the board.

(b) Any moneys collected or received from sales by the board shall be paid into the Board Publications Account established by ORS 197.832.

(18) Except for any sums collected for publication of board opinions, all fees collected by the board under this section that are not awarded as costs shall be paid over to the State Treasurer to be credited to the General Fund.

(19) The board shall track and report on its website:

(a) The number of reviews commenced, as described in subsection (1) of this section, the number of reviews commenced for which a petition is filed under subsection (2) of this section and, in relation to each of those numbers, the rate at which the reviews result in a decision of the board to uphold, reverse or remand the land use decision or limited land use decision. The board shall track and report reviews under this paragraph in categories established by the board.

(b) A list of petitioners, the number of reviews commenced and the rate at which the petitioner's reviews have resulted in decisions of the board to uphold, reverse or remand the land use decision or limited land use decision.

(c) A list of respondents, the number of reviews involving each respondent and the rate at which reviews involving the respondent have resulted in decisions of the board to uphold, reverse or remand the land use decision or limited land use decision. Additionally, when a respondent is the local government that made the land use decision or limited land use decision, the board shall track whether the local government appears before the board.

(d) A list of reviews, and a brief summary of the circumstances in each review, under which the board exercises its discretion to require a losing party to pay the attorney fees of the prevailing party.

## EMERGENCY SHELTER SITING

**SECTION 6. Section 4, chapter 18, Oregon Laws 2021, as amended by section 3, chapter 47, Oregon Laws 2022, is repealed.**

**SECTION 7.** Section 3, chapter 18, Oregon Laws 2021, is amended to read:

**Sec. 3.** (1) A local government shall approve an application for the development or use of land for an emergency shelter, as defined in [section 2 of this 2021 Act] **ORS 197.782**, on any property, notwithstanding **this chapter or** ORS chapter 195, [197,] 197A, 215 or 227 or any statewide [plan] **land use planning goal**, rule of the Land Conservation and Development Commission or local land use regulation, zoning ordinance, regional framework plan, functional plan or comprehensive plan, if the emergency shelter:

(a) Includes sleeping and restroom facilities for clients;

(b) Will comply with applicable building codes;

(c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;

(d) Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;

(e) Has adequate transportation access to commercial and medical services; and

(f) Will not pose any unreasonable risk to public health or safety.

(2) An emergency shelter allowed under this section must be operated by:

(a) A local government as defined in ORS 174.116;

(b) An organization with at least two years' experience operating an emergency shelter using best practices that is:

(A) A local housing authority as defined in ORS 456.375;

(B) A religious corporation as defined in ORS 65.001; or

(C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code [on or before January 1, 2018] **for at least three years before the date of the application for a shelter**; or

(c) A nonprofit corporation partnering with any other entity described in this subsection.

(3) An emergency shelter approved under this section:

(a) May provide on-site for its clients and at no cost to the clients:

(A) Showering or bathing;

(B) Storage for personal property;

(C) Laundry facilities;

(D) Service of food prepared on-site or off-site;

(E) Recreation areas for children and pets;

(F) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or

(G) Any other services incidental to shelter.

(b) May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.

(4) An emergency shelter approved under this section may also provide additional services not described in subsection (3) of this section to individuals who are transitioning from unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

(5)(a) The approval **or denial** of an emergency shelter under this section **may be made without a hearing. Whether or not a hearing is held, the approval or denial** is not a land use decision and is subject to review only under ORS 34.010 to 34.100.

(b) **A reviewing court shall award attorney fees to:**

(A) A local government, and any intervening applicant, that prevails on the appeal of a local government's approval; and

(B) An applicant that prevails on an appeal of a local government's denial.

(6) An application for an emergency shelter is not subject to approval under this section if, at the time of filing, the most recently completed point-in-time count, as reported to the United States Department of Housing and Urban Development under 24 C.F.R. part 578, indicated that the total sheltered and unsheltered homeless population was less than 0.18 percent of the state population, based on the latest estimate from the Portland State University Population Research Center.

## SINGLE EXIT MULTIFAMILY DWELLINGS

**SECTION 8.** On or before October 1, 2025, the Department of Consumer and Business Services shall review and consider updates to the State of Oregon Structural Specialty Code through the Building Codes Structures Board established under ORS 455.132, to allow a residential occupancy to be served by a single exit, consistent with the following policies of this state:

(1) The reduction, to the extent practicable, of costs and barriers to the construction of midsize multifamily dwellings, including those offering family-size housing with sprinklers on smaller lots, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) Encouraging a variety of less expensive housing types that allow single-exit residential buildings under certain circumstances consistent with other adopted building codes.

(3) In adopting or considering updates to the building code under this section, the department shall consider regional variation in firefighting capacity and equipment and may make amendments to the code contingent upon a certification by a local fire official that the municipality has sufficient firefighting capacity and equipment.

## PLANNED COMMUNITY ACT EXEMPTIONS

**SECTION 9.** ORS 94.550 is amended to read:

94.550. As used in ORS 94.550 to 94.783:

(1) "Assessment" means any charge imposed or levied by a homeowners association on or against an owner or lot pursuant to the provisions of the declaration or the bylaws of the planned community or provisions of ORS 94.550 to 94.783.

(2) "Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance, mechanic's lien or otherwise, securing or evidencing the payment of money and affecting more than one lot in a planned community, or an agreement affecting more than one lot by which the developer holds such planned community under an option, contract to sell or trust agreement.

(3) "Class I planned community" means a planned community that:

(a) Contains at least 13 lots or in which the declarant has reserved the right to increase the total number of lots beyond 12; and

(b) Has an estimated annual assessment, including an amount required for reserves under ORS 94.595, exceeding \$10,000 for all lots or \$100 per lot based on:

(A) For a planned community created on or after January 1, 2002, the initial estimated annual assessment, including a constructive assessment based on a subsidy of the association through a contribution of funds, goods or services by the declarant; or

(B) For a planned community created before January 1, 2002, a reasonable estimate of the cost of fulfilling existing obligations imposed by the declaration, bylaws or other governing document as of January 1, 2002.

(4) "Class II planned community" means a planned community that:

(a) Is not a Class I planned community;

- (b) Contains at least five lots; and
- (c) Has an estimated annual assessment exceeding \$1,000 for all lots based on:
  - (A) For a planned community created on or after January 1, 2002, the initial estimated annual assessment, including a constructive assessment based on a subsidy of the association through a contribution of funds, goods or services by the declarant; or
  - (B) For a planned community created before January 1, 2002, a reasonable estimate of the cost of fulfilling existing obligations imposed by the declaration, bylaws or other governing document as of January 1, 2002.
- (5) "Class III planned community" means a planned community that is not a Class I or II planned community.
- (6) "Common expenses" means expenditures made by or financial liabilities incurred by the homeowners association and includes any allocations to the reserve account under ORS 94.595.
- (7) "Common property" means any real property or interest in real property within a planned community which is owned, held or leased by the homeowners association or owned as tenants in common by the lot owners, or designated in the declaration or the plat for transfer to the association.
- (8) "Condominium" means property submitted to the provisions of ORS chapter 100.
- (9) "Declarant" means any person who creates a planned community under ORS 94.550 to 94.783.
- (10) "Declarant control" means any special declarant right relating to administrative control of a homeowners association, including but not limited to:
  - (a) The right of the declarant or person designated by the declarant to appoint or remove an officer or a member of the board of directors;
  - (b) Any weighted vote or special voting right granted to a declarant or to units owned by the declarant so that the declarant will hold a majority of the voting rights in the association by virtue of such weighted vote or special voting right; and
  - (c) The right of the declarant to exercise powers and responsibilities otherwise assigned by the declaration or bylaws or by the provisions of ORS 94.550 to 94.783 to the association, officers of the association or board of directors of the association.
- (11) "Declaration" means the instrument described in ORS 94.580 which establishes a planned community, and any amendments to the instrument.
- (12) "Electric vehicle charging station" or "charging station" means a facility designed to deliver electrical current for the purpose of charging one or more electric motor vehicles.
- (13) "Electronic meeting" means a meeting that is conducted through telephone, teleconference, video conference, web conference or any other live electronic means where at least one participant is not physically present.
- (14) "Governing document" means articles of incorporation, bylaws, a declaration or a rule, regulation or resolution that was properly adopted by the homeowners association or any other instrument or plat relating to common ownership or common maintenance of a portion of a planned community that is binding upon lots within the planned community.
- (15) "Governing entity" means an incorporated or unincorporated association, committee, person or any other entity that has authority under a governing document to maintain commonly maintained property, to impose assessments on lots or to act on matters of common concern on behalf of lot owners within the planned community.
- (16) "Homeowners association" or "association" means the organization of owners of lots in a planned community, created under ORS 94.625, required by a governing document or formed under ORS 94.574.
- (17) "Majority" or "majority of votes" or "majority of owners" means more than 50 percent of the votes in the planned community.
- (18) "Mortgagee" means any person who is:
  - (a) A mortgagee under a mortgage;
  - (b) A beneficiary under a trust deed; or
  - (c) The vendor under a land sale contract.

(19) "Owner" means the owner of any lot in a planned community, unless otherwise specified, but does not include a person holding only a security interest in a lot.

(20) "Percent of owners" or "percentage of owners" means the owners representing the specified voting rights as determined under ORS 94.658.

(21)(a) "Planned community" means any subdivision under ORS 92.010 to 92.192 that results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property, in which the owners collectively are responsible for the maintenance, operation, insurance or other expenses relating to any property within the planned community, including common property, if any, or for the exterior maintenance of any property that is individually owned.

(b) "Planned community" does not mean:

(A) A condominium under ORS chapter 100;

(B) A subdivision that is exclusively commercial or industrial; [or]

(C) A timeshare plan under ORS 94.803 to 94.945[.]; or

**(D) A development established on or after January 1, 2024, in which each residential unit is either:**

**(i) Subject to an affordability restriction, including an affordable housing covenant, as defined in ORS 456.270; or**

**(ii) Owned by a public benefit or religious nonprofit corporation.**

(22) "Purchaser" means any person other than a declarant who, by means of a voluntary transfer, acquires a legal or equitable interest in a lot, other than as security for an obligation.

(23) "Purchaser for resale" means any person who purchases from the declarant more than two lots for the purpose of resale whether or not the purchaser for resale makes improvements to the lots before reselling them.

(24) "Recorded declaration" means an instrument recorded with the recording officer of the county in which the planned community is located that contains covenants, conditions and restrictions that are binding upon lots in the planned community or that impose servitudes on the real property.

(25) "Special declarant rights" means any rights, in addition to the rights of the declarant as a lot owner, reserved for the benefit of the declarant under the declaration or ORS 94.550 to 94.783, including but not limited to:

(a) Constructing or completing construction of improvements in the planned community which are described in the declaration;

(b) Expanding the planned community or withdrawing property from the planned community under ORS 94.580 (3) and (4);

(c) Converting lots into common property;

(d) Making the planned community subject to a master association under ORS 94.695; or

(e) Exercising any right of declarant control reserved under ORS 94.600.

(26) "Successor declarant" means the transferee of any special declarant right.

(27) "Turn over" means the act of turning over administrative responsibility pursuant to ORS 94.609 and 94.616.

(28) "Unit" means a building or portion of a building located upon a lot in a planned community and designated for separate occupancy or ownership, but does not include any building or portion of a building located on common property.

(29) "Votes" means the votes allocated to lots in the declaration under ORS 94.580 (2).

## REGULATION OF CONDOMINIUMS

**SECTION 10.** ORS 100.015 is amended to read:

100.015. The Real Estate Commissioner **has the exclusive right to regulate the submission of property to the provisions of this chapter and** may adopt such rules as are necessary for the administration of this chapter.



**SECTION 11.** ORS 100.022 is amended to read:

100.022. [(1)] **Except as provided under ORS 100.015 or explicitly required or allowed under this chapter,** a zoning, subdivision, building code or other [*real property law,*] **regulation by a public body, agency rule or local ordinance or regulation may not [*prohibit*]:**

(1) **Have the effect of prohibiting or restricting** the condominium form of ownership; or

(2) Impose any **restriction or requirement** upon a structure, **property** or development **that is submitted or** proposed to be submitted to the condominium form of ownership under this chapter that it would not impose upon a structure or development under a different form of ownership[.], **including:**

(a) **Any charge, tax or fee;**

(b) **A review or approval process by any person of a declaration, bylaw, plat, articles of incorporation, regulation, resolution or any other document relating to the condominium or the submission of the property or development to the condominium form of ownership;**

(c) **Any additional permitting requirements or conditions of approval of the property or development; or**

(d) **Any other requirements.**

[(2) *Except as set forth in this section, no provision of this chapter invalidates or modifies any provision of any zoning, subdivision, building code or other real property use law, ordinance or regulation.*]

[(3) *Subsection (1) of This section does not prohibit any governmental approval required under this chapter.*]

**SECTION 12.** ORS 100.110 is amended to read:

100.110. (1)(a) Before a declaration, supplemental declaration or an amendment thereto may be recorded, it must be approved as provided in this section by the county assessor of the county in which the property is located and the Real Estate Commissioner.

(b) Before a declaration, supplemental declaration or, if required under subsection (3) of this section, an amendment thereto may be recorded, it must be approved by the tax collector of the county in which the property is located.

(c) A declaration, supplemental declaration or amendment thereto may not be approved unless the requirements of subsections (2) to (7) of this section are met. Approval must be evidenced by execution of the declaration or amendment or by a written approval attached thereto.

(d) If the requirements of subsections (2) to (7) of this section are met, the commissioner, county assessor and tax collector, if applicable,[:]

[(A)] shall approve the declaration, supplemental declaration or amendment[; and]

[(B) *May not impose additional requirements not specified in subsections (2) to (7) of this section*].

(2) The county assessor of the county in which the property is located shall approve a declaration, supplemental declaration or amendment thereto if:

(a) The name complies with ORS 100.105 (5) and (6); and

(b) The plat complies with the requirements of ORS 100.115 or the plat amendment complies with ORS 100.116.

(3) The tax collector of the county in which the property is located shall approve the declaration or supplemental declaration, or an amendment that adds property to the condominium, changes the boundary of a unit or creates an additional unit from all or parts of other units or from all or parts of other units and common elements for which a plat amendment is required under ORS 100.116, if:

(a) All ad valorem taxes, special assessments, fees, or other charges required by law to be placed upon the tax roll for the affected units that have or will become a lien upon the property during the tax year have been paid;

(b) Advance payment of ad valorem taxes, special assessments, fees or other charges for the affected units that are not on the tax roll and for which payment is required under paragraph (a) of this subsection has been made to the tax collector utilizing the procedures contained in ORS 92.095 and 311.370; and

(c) The additional taxes, penalty, and any interest attributable thereto, required because of disqualification of the affected units from any special assessment have been paid.

(4) Subject to subsection (6) of this section, the commissioner shall approve the declaration or amendment thereto if:

(a) The declaration or the amendment thereto complies with the requirements of ORS 100.105 and 100.135 and other provisions of this chapter;

(b) The bylaws adopted under ORS 100.410 comply with the requirements of ORS 100.410 and 100.415 and other provisions of this chapter;

(c) The plat complies with the requirements of ORS 100.115 or the plat amendment complies with ORS 100.116 and other provisions of this chapter;

(d) The declaration is for a conversion condominium and the declarant has submitted:

(A) An affidavit that the notice of conversion was given in accordance with ORS 100.305 and that the notice period has expired;

(B) An affidavit that the notice of conversion was given in accordance with ORS 100.305 and copies of the written consent of any tenants as provided in ORS 100.305 (6) or a signed statement that no tenants were entitled to notice under ORS 100.305; or

(C) Any applicable combination of the requirements of subparagraphs (A) and (B) of this paragraph;

(e) A copy of the plat executed by the declarant and prepared in conformance with ORS 100.115 or plat amendment prepared in conformance with ORS 100.116 is submitted;

(f) A certification of plat execution, on a form prescribed and furnished by the commissioner, is:

(A) Executed by the declarant, the professional land surveyor who signed the surveyor's certificate on the plat, the attorney for the declarant, a representative of the title insurance company that issued the information required under ORS 100.640 (1)(e) or 100.668 (2)(d) or another person authorized by the declarant in writing to execute the certification; and

(B) Submitted stating that the copy is a true copy of the plat signed by the declarant; and

(g) A copy of a reserve study has been submitted, if a disclosure statement was issued under ORS 100.655 and the reserve study was not included pursuant to ORS 100.640 (1)(g).

(5) The commissioner shall approve a supplemental declaration if:

(a) The supplemental declaration complies with the requirements of ORS 100.120 and other provisions of this chapter;

(b) The supplemental plat complies with the requirements of ORS 100.115;

(c) The supplemental declaration is for a conversion condominium and the declarant has complied with the requirements of subsection (4)(d) of this section; and

(d) A copy of the supplemental plat and a certification of plat execution described in subsection (4)(e) and (f) of this section have been submitted.

(6) Approval by the commissioner is not required for an amendment to a declaration transferring the right of use of a limited common element pursuant to ORS 100.515 (5).

(7) Before the commissioner approves the declaration, supplemental declaration or amendment thereto under this section:

(a) The declarant or other person requesting approval shall pay to the commissioner a fee determined by the commissioner under ORS 100.670; and

(b) For an amendment or supplemental declaration, the Condominium Information Report and the Annual Report described in ORS 100.260 must be designated current by the Real Estate Agency as provided in ORS 100.255 and the fee required under ORS 100.670 must be paid.

(8) If the declaration, supplemental declaration or amendment thereto approved by the commissioner under subsection (4) or (5) of this section is not recorded in accordance with ORS 100.115 within one year from the date of approval by the commissioner, the approval automatically expires and the declaration, supplemental declaration or amendment thereto must be resubmitted for approval in accordance with this section. The commissioner's approval must set forth the date on which the approval expires.

**SECTION 13.** ORS 100.115 is amended to read:

100.115. (1) A plat of the land described in the declaration or a supplemental plat described in a supplemental declaration, complying with ORS 92.050, 92.060 (1) and (2), 92.080 and 92.120, shall be recorded simultaneously with the declaration or supplemental declaration. The plat or supplemental plat shall be titled in accordance with subsection (3) of this section and shall:

(a) Show the location of:

(A) All buildings and public roads. The location shall be referenced to a point on the boundary of the property; and

(B) For a condominium containing units described in ORS 100.020 (3)(b)(C) or (D), the moorage space or floating structure. The location shall be referenced to a point on the boundary of the up-land property regardless of a change in the location resulting from a fluctuation in the water level or flow.

(b) Show the designation, location, dimensions and area in square feet of each unit including:

(A) For units in a building described in ORS 100.020 (3)(b)(A), the horizontal and vertical boundaries of each unit and the common elements to which each unit has access. The vertical boundaries shall be referenced to a known benchmark elevation or other reference point as approved by the city or county surveyor;

(B) For a space described in ORS 100.020 (3)(b)(B), the horizontal boundaries of each unit and the common elements to which each unit has access. If the space is located within a structure, the vertical boundaries also shall be shown and referenced to a known benchmark elevation or other reference point as approved by the city or county surveyor;

(C) For a moorage space described in ORS 100.020 (3)(b)(C), the horizontal boundaries of each unit and the common elements to which each unit has access; and

(D) For a floating structure described in ORS 100.020 (3)(b)(D), the horizontal and vertical boundaries of each unit and the common elements to which each unit has access. The vertical boundaries shall be referenced to an assumed elevation of an identified point on the floating structure even though the assumed elevation may change with the fluctuation of the water level where the floating structure is moored.

(c) Identify and show, to the extent feasible, the location and dimensions of all limited common elements described in the declaration. The plat may not include any statement indicating to which unit the use of any noncontiguous limited common element is reserved.

(d) Include a statement, including signature and official seal, of a registered architect, registered professional land surveyor or registered professional engineer certifying that the plat fully and accurately depicts the boundaries of the units of the building and that construction of the units and buildings as depicted on the plat has been completed, except that the professional land surveyor who prepared the plat need not affix a seal to the statement.

(e) Include a surveyor's certificate, complying with ORS 92.070, that includes information in the declaration in accordance with ORS 100.105 (1)(a) and a metes and bounds description or other description approved by the city or county surveyor.

(f) Include a statement by the declarant that the property and improvements described and depicted on the plat are subject to the provisions of ORS 100.005 to 100.627.

*[(g) Include such signatures of approval as may be required by local ordinance or regulation.]*

*[(h)] (g)* Include any other information or data not inconsistent with the declaration that the declarant desires to include.

*[(i)] (h)* If the condominium is a flexible condominium, show the location and dimensions of all variable property identified in the declaration and label the variable property as "WITHDRAWABLE VARIABLE PROPERTY" or "NONWITHDRAWABLE VARIABLE PROPERTY," with a letter different from those designating a unit, building or other tract of variable property. If there is more than one tract, each tract shall be labeled in the same manner.

(2) The supplemental plat required under ORS 100.150 (1) shall be recorded simultaneously with the supplemental declaration. The supplemental plat shall be titled in accordance with subsection (3) of this section and shall:

(a) Comply with ORS 92.050, 92.060 (1), (2) and (4), 92.080, 92.120 and subsection (3) of this section.

(b) If any property is withdrawn:

(A) Show the resulting perimeter boundaries of the condominium after the withdrawal; and

(B) Show the information required under subsection [(1)(i)] (1)(h) of this section as it relates to any remaining variable property.

(c) If any property is reclassified, show the information required under subsection (1)(a) to (d) of this section.

(d) Include a “Declarant’s Statement” that the property described on the supplemental plat is reclassified or withdrawn from the condominium and that the condominium exists as described and depicted on the plat.

(e) Include a surveyor’s certificate complying with ORS 92.070.

(3) The title of each supplemental plat described in ORS 100.120 shall include the complete name of the condominium, followed by the additional language specified in this subsection and the appropriate reference to the stage being annexed or tract of variable property being reclassified. Each supplemental plat for a condominium recorded on or after January 1, 2002, shall be numbered sequentially and shall:

(a) If property is annexed under ORS 100.125, include the words “Supplemental Plat No. \_\_\_\_\_: Annexation of Stage \_\_\_\_\_”; or

(b) If property is reclassified under ORS 100.150, include the words “Supplemental Plat No. \_\_\_\_\_: Reclassification of Variable Property, Tract \_\_\_\_\_.”

(4) Upon request of the county surveyor or assessor, the person offering a plat or supplemental plat for recording shall also file an exact copy, certified by the surveyor who made the plat to be an exact copy of the plat, with the county assessor and the county surveyor. The exact copy shall be made on suitable drafting material having the characteristics of strength, stability and transparency required by the county surveyor.

(5) Before a plat or a supplemental plat may be recorded, it must be approved by the city or county surveyor as provided in ORS 92.100. Before approving the plat as required by this section, the city or county surveyor shall:

(a) Check the boundaries of the plat and units and take measurements and make computations necessary to determine that the plat complies with this section.

(b) Determine that the name complies with ORS 100.105 (5) and (6).

(c) Determine that the following are consistent:

(A) The designation and area in square feet of each unit shown on the plat and the unit designations and areas contained in the declaration in accordance with ORS 100.105 (1)(d);

(B) Limited common elements identified on the plat and the information contained in the declaration in accordance with ORS 100.105 (1)(h);

(C) The description of the property in the surveyor’s certificate included on the plat and the description contained in the declaration in accordance with ORS 100.105 (1)(a); and

(D) For a flexible condominium, the variable property depicted on the plat and the identification of the property contained in the declaration in accordance with ORS 100.105 (7)(c).

(6) The person offering the plat or supplemental plat for approval shall:

(a) Submit a copy of the proposed declaration and bylaws or applicable supplemental declaration at the time the plat is submitted; and

(b) Submit the original or a copy of the executed declaration and bylaws or the applicable supplemental declaration approved by the commissioner if required by law prior to approval.

(7) For performing the services described in subsection (5)(a) to (c) of this section, the city surveyor or county surveyor shall collect from the person offering the plat for approval a fee of \$150 plus \$25 per building. The governing body of a city or county may establish a higher fee by resolution or order.

**SECTION 14.** ORS 100.105 is amended to read:

100.105. (1) A declaration must contain:

(a) A description of the property, including property on which a unit or a limited common element is located, whether held in fee simple, leasehold, easement or other interest or combination thereof, that is being submitted to the condominium form of ownership and that conforms to the description in the surveyor's certificate provided under ORS 100.115 (1).

(b) Subject to subsection (11) of this section, a statement of the interest in the property being submitted to the condominium form of ownership, whether fee simple, leasehold, easement or other interest or combination thereof.

(c) Subject to subsections (5) and (6) of this section, the name by which the property is known and a general description of each unit and the building or buildings, including the number of stories and basements of each building, the total number of units and the principal materials of which they are constructed.

(d) The unit designation, a statement that the location of each unit is shown on the plat, a description of the boundaries and area in square feet of each unit and any other data necessary for proper identification. The area of a unit must be the same as shown for that unit on the plat described in ORS 100.115 (1).

(e) A notice in substantially the following form in at least 12-point type in all capitals or bold-face:

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NOTICE

THE SQUARE FOOTAGE AREAS STATED IN THIS DECLARATION AND THE PLAT ARE BASED ON THE BOUNDARIES OF THE UNITS AS DESCRIBED IN THIS DECLARATION AND MAY VARY FROM THE AREA OF UNITS CALCULATED FOR OTHER PURPOSES.

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(f) A description of the general common elements.

(g) An allocation to each unit of an undivided interest in the common elements in accordance with ORS 100.515 and the method used to establish the allocation.

(h) The designation of any limited common elements including:

(A) A general statement of the nature of the limited common element;

(B) A statement of the unit to which the use of each limited common element is reserved, provided the statement is not a reference to an assignment of use specified on the plat; and

(C) The allocation of use of any limited common element appertaining to more than one unit.

(i) The method of determining liability for common expenses and right to common profits in accordance with ORS 100.530.

(j) The voting rights allocated to each unit in accordance with ORS 100.525 or, in the case of condominium units committed as property in a timeshare plan defined in ORS 94.803, the voting rights allocated in the timeshare instrument.

(k) A statement of the general nature of use, residential or otherwise, for which the building or buildings and each of the units is intended.

(L) A statement that the designated agent to receive service of process in cases provided in ORS 100.550 (1) is named in the Condominium Information Report which will be filed with the Real Estate Agency in accordance with ORS 100.250 (1)(a).

(m) The method of amending the declaration and the percentage of voting rights required to approve an amendment of the declaration in accordance with ORS 100.135.

(n) A statement as to whether or not the association of unit owners pursuant to ORS 100.405 (5) and (8) has authority to grant leases, easements, rights of way, licenses and other similar interests affecting the general and limited common elements of the condominium and consent to vacation of roadways within and adjacent to the condominium.

(o) If the condominium contains a floating structure described in ORS 100.020 (3), a statement regarding the authority of the board of directors of the association, subject to ORS 100.410, to temporarily relocate the floating structure without a majority vote of affected unit owners.

(p) Any restrictions on alienation of units. Any such restrictions created by documents other than the declaration may be incorporated by reference in the declaration to the official records of the county in which the property is located.

(q) Any other details regarding the property that the person executing the declaration considers desirable. However, if a provision required to be in the bylaws under ORS 100.415 is included in the declaration, the voting requirements for amending the bylaws also govern the amendment of the provision in the declaration.

(2) In the event the declarant proposes to annex additional property to the condominium under ORS 100.125, the declaration also must contain a general description of the plan of development, including:

(a) The maximum number of units to be included in the condominium.

(b) The date after which any right to annex additional property will terminate.

(c) A general description of the nature and proposed use of any additional common elements which declarant proposes to annex to the condominium, if such common elements might substantially increase the proportionate amount of the common expenses payable by existing unit owners.

(d) A statement that the method used to establish the allocation of undivided interest in the common elements, the method used to determine liability for common expenses and right to common profits and the method used to allocate voting rights for each unit annexed is as stated in the declaration in accordance with subsection (1)(g), (i) and (j) of this section.

(e) Such other information as the Real Estate Commissioner requires in order to carry out the purposes of this chapter.

(3) Unless expressly prohibited by the declaration and subject to the requirements of ORS 100.135 (2) and subsections (9) and (10) of this section:

(a) Not later than two years following the termination date specified in subsection (2)(b) of this section, the termination date may be extended for a period not exceeding five years.

(b) Before the termination date specified in the declaration or supplemental declaration under subsection (7)(d) of this section, the termination date may be extended for a period not exceeding five years.

(c) The general description under subsection (2)(c) of this section and the information included in the declaration or supplemental declaration in accordance with subsection (7)(c), (g) and (h) of this section may be changed by an amendment to the declaration or supplemental declaration and plat or supplemental plat.

(4) The information included in the declaration or supplemental declaration in accordance with subsection (2)(a) and (d) of this section and subsection (7)(a), (b), (e), (f) and (k) of this section may not be changed unless all owners agree to the change and an amendment to the declaration or supplemental declaration and, if applicable, the plat or supplemental plat are recorded in accordance with this chapter.

(5) The name of the property shall include the word "condominium" or "condominiums" or the words "a condominium."

(6) A condominium may not bear a name which is the same as or deceptively similar to the name of any other, **different** condominium located in the same county.

(7) If the condominium is a flexible condominium containing variable property, the declaration shall also contain a general description of the plan of development, including:

(a) A statement that the rights provided for under ORS 100.150 (1) are being reserved.

(b) A statement:

(A) Of any limitations on rights reserved under ORS 100.150 (1), including whether the consent of any unit owner is required, and if so, a statement of the method by which the consent is ascertained; or

(B) That there are no limitations on rights reserved under ORS 100.150 (1).

(c) A statement of the total number of tracts of variable property within the condominium, including:

(A) A designation of each tract as withdrawable variable property or nonwithdrawable variable property;

(B) Identification of each variable tract by a label in accordance with ORS 100.115 [(1)(i)] **(1)(h)**;

(C) A statement of the method of labeling each tract depicted on the plat in accordance with ORS 100.115 [(1)(i)] **(1)(h)**; and

(D) A statement of the total number of tracts of each type of variable property.

(d) The termination date, which is the date after which any right reserved under ORS 100.150 (1) will terminate, and a statement of the circumstances, if any, that will terminate any right on or before the date specified. Subject to ORS 100.120, the termination date from the date of recording of the conveyance of the first unit in the condominium to a person other than the declarant may not exceed:

(A) Twenty years, only if a condominium consists, or may consist if the condominium is a flexible condominium, exclusively of units to be used for nonresidential purposes; or

(B) Seven years.

(e) The maximum number of units that may be created.

(f) A statement that the method used to establish the allocations of undivided interest in the common elements, the method used to determine liability for common expenses and right to common profits and the method used to allocate voting rights as additional units are created is the same as stated in the declaration in accordance with subsection (1)(g), (i) and (j) of this section.

(g) A general description of all existing improvements and the nature and proposed use of any improvements that may be made on variable property if the improvements might substantially increase the proportionate amount of the common expenses payable by existing unit owners.

(h) A statement of whether or not the declarant reserves the right to create limited common elements within any variable property, and if so, a general description of the types that may be created.

(i) A statement that the plat shows the location and dimensions of all withdrawable variable property that is labeled "WITHDRAWABLE VARIABLE PROPERTY."

(j) A statement that if by the termination date all or a portion of the withdrawable variable property has not been withdrawn or reclassified, the withdrawable variable property is automatically withdrawn from the condominium as of the termination date.

(k) A statement of the rights of the association under ORS 100.155 (2).

(L) A statement of whether or not all or any portion of the variable property may not be withdrawn from the condominium and, if so, with respect to the nonwithdrawable variable property:

(A) A statement that the plat shows the location and dimensions of all nonwithdrawable variable property that is labeled "NONWITHDRAWABLE VARIABLE PROPERTY."

(B) A description of all improvements that may be made and a statement of the intended use of each improvement.

(C) A statement that, if by the termination date all or a portion of the variable property designated as "nonwithdrawable variable property" has not been reclassified, the property is automatically reclassified as of the termination date as a general common element of the condominium and any interest in the property held for security purposes is automatically extinguished by the classification.

(D) A statement of the rights of the association under ORS 100.155 (3).

(m) A statement by the local governing body or appropriate department thereof that the withdrawal of any variable property designated as "withdrawable variable property" in the declaration in accordance with paragraph (L) of this subsection, will not violate any applicable planning or zoning regulation or ordinance. The statement may be attached as an exhibit to the declaration.

(8) The plan of development for any variable property included in the declaration or any supplemental declaration of any stage in accordance with subsection (7) of this section is subject to any

plan of development included in the declaration in accordance with subsection (2) of this section, except that the time limitation specified in subsection (7)(d) of this section governs any right reserved under ORS 100.150 (1) with respect to any variable property.

(9) The information included in the declaration in accordance with subsection (7)(j), (k) and (m) of this section may not be deleted by amendment.

(10)(a) Approval by the unit owners is not required for a declarant to redesignate withdrawable variable property as “nonwithdrawable variable property” under ORS 100.150 (1) by supplemental declaration and supplemental plat, for any reason, including if the redesignation is required by the local governing body to comply with any planning or zoning regulation or ordinance.

(b) If as a result of a redesignation under paragraph (a) of this subsection, the information required to be included in the supplemental declaration under subsection (7)(L)(B) of this section is inconsistent with the information included in the declaration or supplemental declaration in accordance with subsection (7)(g) of this section, an amendment to the declaration or supplemental declaration and plat or supplemental plat approved by at least 75 percent of owners is required.

(11) The statement of an interest in property other than fee simple submitted to the condominium form of ownership and any easements, rights or appurtenances belonging to property submitted to the condominium form of ownership, whether leasehold or fee simple, must include:

(a) A reference to the recording index numbers and date of recording of the instrument creating the interest; or

(b) A reference to the law, administrative rule, ordinance or regulation that creates the interest if the interest is created under law, administrative rule, ordinance or regulation and not recorded in the office of the recording officer of the county in which the property is located.

## **SUBDIVIDING FOR DEVELOPMENT OF AFFORDABLE HOUSING**

### **SECTION 15.** ORS 92.090 is amended to read:

92.090. (1) Subdivision plat names shall be subject to the approval of the county surveyor or, in the case where there is no county surveyor, the county assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

(2) No tentative plan for a proposed subdivision and no tentative plan for a proposed partition shall be approved unless:

(a) The streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern.

(b) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.

(c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated.

(3) No plat of a proposed subdivision or partition shall be approved unless:

(a) Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public or private utilities.



(b) Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the city or county.

(c) The subdivision or partition plat complies with any applicable zoning ordinances and regulations and any ordinance or regulation adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the subdivision or partition plat is situated.

(d) The subdivision or partition plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.

(e) The subdivision or partition plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or partition.

(f) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or partition have been recorded and referenced on the subdivision or partition plat.

(4) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:

(a) A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed subdivision plat; *and the amount of any such bond, irrevocable letter of credit, contract or other assurance by the subdivider shall be* **in an amount** determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city or county; or

(c) *[In lieu of paragraphs (a) and (b) of this subsection,]* A statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and indorsed by the city or county, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in any public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

(5) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county has received and accepted:

(a) A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, irrevocable letter of credit, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; *and the amount of such bond, irrevocable letter of credit, contract or other assurance shall be* **in an amount** determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary; or

(c) *[In lieu of paragraphs (a) and (b) of this subsection,]* A statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, where

the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755 (1)(b). A copy of any such statement, signed by the subdivider and indorsed by the city or county shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in the public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

**(6) A city or county shall accept as other assurance, as used in subsections (4)(b) and (5)(b) of this section, one or more award letters from public funding sources made to a subdivider who is subdividing the property to develop affordable housing, that is or will be subject to an affordability restriction as defined in ORS 456.250 or an affordable housing covenant as defined in ORS 456.270, if the awards total an amount greater than the project cost.**

[6] (7) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company shall be approved by a city or county unless the city or county has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

## **SINGLE ROOM OCCUPANCIES**

**SECTION 16. Section 17 of this 2023 Act and ORS 197.758 are added to and made a part of ORS 197.286 to 197.314.**

**SECTION 17. (1) As used in this section “single room occupancy” means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.**

**(2) Within an urban growth boundary, each local government shall allow the development of a single room occupancy:**

**(a) With up to six units on each lot or parcel zoned to allow for the development of a detached single-family dwelling; and**

**(b) With the number of units consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units.**

**SECTION 18. ORS 197.303, as amended by section 27, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:**

197.303. (1) As used in ORS 197.296 and this section, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

**(a) Attached and detached single-family housing, middle housing types as described in ORS 197.758 and multiple family housing for both owner and renter occupancy;**

- (b) Government assisted housing;
  - (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
  - (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions;
  - (e) Agriculture workforce housing;
  - (f) Housing for individuals with a variety of disabilities related to mobility or communications that require accessibility features;
  - (g) Housing for older persons, as defined in ORS 659A.421; *[and]*
  - (h) Housing for college or university students, if relevant to the region[.]; **and**
  - (i) Single room occupancies as defined in section 17 of this 2023 Act.**
- (2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), Metro shall adopt findings and perform an analysis that estimates each of the following factors:
- (a) Projected needed housing units over the next 20 years;
  - (b) Current housing underproduction;
  - (c) Housing units needed for people experiencing homelessness; and
  - (d) Housing units projected to be converted into vacation homes or second homes during the next 20 years.
- (3) At the time Metro performs the analysis under subsection (2) of this section, Metro shall allocate a housing need for each city within Metro.
- (4) In making an allocation under subsection (3) of this section, Metro shall consider:
- (a) The forecasted population growth under ORS 195.033 or 195.036;
  - (b) The forecasted regional job growth;
  - (c) An equitable statewide distribution of housing for income levels described in section 2 (4), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** *[of this 2023 Act]*.
  - (d) The estimates made under subsection (2) of this section; and
  - (e) The purpose of the Oregon Housing Needs Analysis under section 1 (1), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** *[of this 2023 Act]*.
- (5) Metro shall make the estimate described in subsection (2) of this section using a shorter time period than since the last review under ORS 197.296 (2)(a)(B) if Metro finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.
- (6) Metro shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. Metro must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.
- (7) Subsection (1)(a) and (d) of this section does not apply to a city with a population of less than 2,500.
- (8) Metro may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

**SECTION 18a. If House Bill 2889 becomes law, section 18 of this 2023 Act (amending ORS 197.303) is repealed and ORS 197.303, as amended by section 27, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), and section 14, chapter \_\_, Oregon Laws 2023 (Enrolled House Bill 2889), is amended to read:**

197.303. (1) As used in ORS 197.296 and this section, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

(a) Attached and detached single-family housing, middle housing types as described in ORS 197.758 and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; [and]

(e) Agriculture workforce housing[.]; **and**

**(f) Single room occupancies as defined in section 17 of this 2023 Act.**

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), Metro shall adopt findings and perform an analysis that estimates each of the following factors:

(a) Projected needed housing units over the next 20 years;

(b) Current housing underproduction;

(c) Housing units needed for people experiencing homelessness; and

(d) Housing units projected to be converted into vacation homes or second homes during the next 20 years.

(3) Metro shall make the estimate described in subsection (2) of this section using a shorter time period than since the last review under ORS 197.296 (2)(a)(B) if Metro finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) Metro shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. Metro must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

(5) Subsection (1)(a) and (d) of this section does not apply to a city with a population of less than 2,500.

(6) Metro may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

**SECTION 19.** Section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), is amended to read:

**Sec. 23.** (1) As used in ORS 197.286 to 197.314, and except as provided in subsection (2) of this section:

(a) “Needed housing” means housing by affordability level, as described in section 2 (4), **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [of this 2023 Act], type, characteristics and location that is necessary to accommodate the city’s allocated housing need over the 20-year planning period in effect when the city’s housing capacity is determined.

(b) “Needed housing” includes the following housing types:

(A) Detached single-family housing, middle housing types as described in ORS 197.758 and multifamily housing that is owned or rented;

(B) Government assisted housing;

(C) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(D) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions;

(E) Housing for agricultural workers;

(F) Housing for individuals with a variety of disabilities, related to mobility or communications that require accessibility features;

(G) Housing for older persons, as defined in ORS 659A.421; [and]

(H) Housing for college or university students, if relevant to the region[.]; **and**

**(I) Single room occupancies as defined in section 17 of this 2023 Act.**

(2) Subsection (1)(b)(A) and (D) of this section does not apply to:

(a) A city with a population of less than 2,500.

- (b) A county with a population of less than 15,000.
- (3) At the time that a city is required to inventory its buildable lands under ORS 197.297 (1) or section 21 or 22, **chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001)** [of this 2023 Act], the city shall determine its needed housing under this section.
- (4) In determining needed housing the city must demonstrate that the projected housing types, characteristics and locations are:
  - (a) Attainable for the allocated housing need by income, including consideration of publicly supported housing;
  - (b) Appropriately responsive to current and projected market trends; and
  - (c) Responsive to the factors in ORS 197.290 (2)(b) to (d).

## SITING DUPLEXES

**SECTION 20.** ORS 197.758 is amended to read:

197.758. (1) As used in this section:

- (a) “Cottage clusters” means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.
- (b) “Middle housing” means:
  - (A) Duplexes;
  - (B) Triplexes;
  - (C) Quadplexes;
  - (D) Cottage clusters; and
  - (E) Townhouses.
- (c) “Townhouses” means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.
- (2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:
  - (a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and
  - (b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.
- (3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of [more than 10,000] **2,500 or greater** and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.
- (4) This section does not apply to:
  - (a) Cities with a population of 1,000 or fewer;
  - (b) Lands not within an urban growth boundary;
  - (c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;
  - (d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or
  - (e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land’s potential for planned urban development.
- (5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.
- (6) This section does not prohibit local governments from permitting:

- (a) Single-family dwellings in areas zoned to allow for single-family dwellings; or
- (b) Middle housing in areas not required under this section.

**(7) A local government that amends its comprehensive plan or land use regulations relating to allowing additional middle housing is not required to consider whether the amendments significantly affect an existing or planned transportation facility.**

**SECTION 21.** Section 3, chapter 639, Oregon Laws 2019, is amended to read:

**Sec. 3.** (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement [section 2 of this 2019 Act] **ORS 197.758** no later than:

(a) June 30, 2021, for each city subject to [section 2 (3) of this 2019 Act; or] **ORS 197.758 (3) (2021 Edition);**

(b) June 30, 2022, for each local government subject to [section 2 (2) of this 2019 Act.] **ORS 197.758 (2); or**

**(c) June 30, 2025, for each city subject to ORS 197.758 (3), as amended by section 20 of this 2023 Act.**

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

[*(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.*]

**SECTION 22.** Section 4, chapter 639, Oregon Laws 2019, is amended to read:

**Sec. 4.** (1) [Notwithstanding section 3 (1) or (3) of this 2019 Act,] The Department of Land Conservation and Development may grant to a local government that is subject to [section 2 of this 2019 Act] **ORS 197.758** an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3, **chapter 639, Oregon Laws 2019** [of this 2019 Act].

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are [either] significantly deficient [or are expected to be significantly deficient before December 31, 2023,] and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1), **chapter 639, Oregon Laws 2019**, [of this 2019 Act] or the model ordinance developed under section 3 (2), **chapter 639, Oregon Laws 2019** [of this 2019 Act].

(4) A request for an extension by a local government must be filed with the department no later than:

(a) December 31, 2020, for a city subject to [section 2 (3) of this 2019 Act.] **ORS 197.758 (3) (2021 Edition).**

(b) June 30, 2021, for a local government subject to [section 2 (2) of this 2019 Act.] **ORS 197.758 (2)**.

(c) **June 30, 2024, for each city subject to ORS 197.758 (3), as amended by section 20 of this 2023 Act.**

(5) The department shall grant or deny a request for an extension under this section:

(a) Within 90 days of receipt of a complete request from a city subject to [section 2 (3) of this 2019 Act.] **ORS 197.758 (3)**.

(b) Within 120 days of receipt of a complete request from a local government subject to [section 2 (2) of this 2019 Act.] **ORS 197.758 (2)**.

(6) The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:

(a) Defining the affected areas;

(b) Calculating deficiencies of water, sewer, storm drainage or transportation services;

(c) Service deficiency levels required to qualify for the extension;

(d) The components and timing of a remediation plan necessary to qualify for an extension;

(e) Standards for evaluating applications; and

(f) Establishing deadlines and components for the approval of a plan of action.

**SECTION 23. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$1,250,000, to provide grants to local governments to assist them in amending their comprehensive plans as required under section 3 (1)(c), chapter 639, Oregon Laws 2019.**

#### **REMOVING RECORDED DISCRIMINATORY PROVISIONS**

**SECTION 24. Section 25 of this 2023 Act is added to and made a part of ORS chapter 93.**

**SECTION 25. (1) Notwithstanding ORS 94.590, 94.625, 100.110, 100.135, 100.411 or 100.413 or any requirement of the declaration or bylaws, an amendment to the declaration or bylaws of a planned community or condominium is effective and may be made and recorded in the county clerk's office of a county in which any portion of the property is situated without the vote of the owners or the board members and without the prior approval of the Real Estate Commissioner, county assessor or any other person if:**

(a) The amendment is made to conform the declarations or bylaws to the requirements of ORS 93.270 (2); and

(b) The amendment is signed by the president and secretary of the homeowners association.

(2) The first page or cover sheet of an instrument amending the declaration or bylaws must comply with the recording requirements of ORS chapter 205 and must be in substantially the following form:

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#### **AMENDMENT OF [DECLARATION/BYLAWS] TO COMPLY WITH ORS 93.270 (2).**

Pursuant to this section, the undersigned states:

1. The undersigned are the president and secretary for the [homeowners/condominium owners] association \_\_\_\_\_ (name) in \_\_\_\_\_ County.

2. This document amends the [declaration/bylaws] of the association.

3. The [declaration was/bylaws were] first recorded under instrument number (or book and page number) \_\_\_\_\_ recorded on \_\_\_\_\_.

4. The [declaration was/bylaws were] most recently amended or restated, if ever, under instrument number (or book and page number) \_\_\_\_\_ recorded on \_\_\_\_\_.

5. The undersigned have determined that the current [declarations/bylaws] of the [planned community/condominium], as last amended or revised, may fail to comply with ORS 93.270. The following amendments to the [declaration/bylaws] remove provisions that are not allowed and are unenforceable under ORS 93.270 (2). No other changes to the document are being made except as may be necessary to correct scriveners' errors or to conform format and style.

6. Under this section, a vote of the association is not required.

7. The description of the real property in \_\_\_\_\_ County affected by this document is:

\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Name: \_\_\_\_\_  
President, \_\_\_\_\_ (association name)  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone No.: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Name: \_\_\_\_\_  
Secretary, \_\_\_\_\_ (association name)  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone No.: \_\_\_\_\_

STATE OF OREGON     )  
  ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

(3) If an instrument recorded under this section affects a condominium, the condominium association shall file a copy of the recorded instrument with the Real Estate Commissioner.

**SECTION 26.** Section 4, chapter 67, Oregon Laws 2021, as amended by section 5b, chapter 367, Oregon Laws 2021, is amended to read:

**Sec. 4.** (1) On or before December 31, [2022] **2024**, each homeowners association **of a planned community first established before September 1, 2021**, shall review [each governing document currently binding on the planned community, or the lots or the lot owners within] **the declaration and bylaws of the planned community** and shall:



(a) Amend [*or restate*] each document as necessary to remove all restrictions against the use of the community or the lots not allowed under ORS 93.270 (2) **as provided under section 25 of this 2023 Act**; or

(b) Execute and record a [*declaration*] **certification** that the homeowners association has reviewed the [*governing documents binding on*] **declaration and bylaws** of the planned community and that the documents do not contain any restriction, rule or regulation against the use of the community or the lots by a person or group of persons because of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits.

(2) [*Notwithstanding ORS 94.590 or 94.625 or any requirement of the declaration or bylaws, an amendment to or a restatement of the declaration or bylaws under subsection (1)(a) of this section is effective and*] **A certification under subsection (1)(b) of this section:**

(a) May be recorded without the vote of the owners or the board members [*if the amendment or restatement includes a certification signed by the president and secretary of the homeowners association that the amended or restated declaration or bylaws does not change that document except as required under this section and as may be necessary to correct scrivener's errors or to conform format and style.*]; **and**

(b) **Must be in substantially the following form:**

---

**CERTIFICATION OF COMPLIANCE WITH ORS 93.270 (2).**

Pursuant to section 4, chapter 67, Oregon Laws 2021, the undersigned states:

1. The undersigned are the president and secretary for the homeowners association \_\_\_\_\_ (name) in \_\_\_\_\_ County.

2. The declaration was first recorded under instrument number (or book and page number) \_\_\_\_\_ recorded on \_\_\_\_\_. The declaration was most recently amended or restated, if ever, under instrument number \_\_\_\_\_ recorded on \_\_\_\_\_.

3. The bylaws were first recorded, if ever, under instrument number (or book and page number) \_\_\_\_\_ recorded on \_\_\_\_\_. The bylaws were most recently amended or restated, if ever, under instrument number \_\_\_\_\_ recorded on \_\_\_\_\_.

4. The undersigned have determined that the current declarations and bylaws of the planned community, as last amended or revised, conform with ORS 93.270 (2) and that there are no provisions that would restrict the use of the community or the lots or units of the community because of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits. Any such provision that may inadvertently remain is void and unenforceable.

5. Under this section, a vote of the association is not required.

6. The description of the real property in \_\_\_\_\_ County affected by this document is:

\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Name: \_\_\_\_\_

President, \_\_\_\_\_ (association name)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Name: \_\_\_\_\_  
Secretary, \_\_\_\_\_ (association name)

STATE OF OREGON     )  
                                  ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_ by \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

**SECTION 27.** Section 6, chapter 67, Oregon Laws 2021, as amended by section 5c, chapter 367, Oregon Laws 2021, is amended to read:

**Sec. 6.** (1) On or before December 31, [2022] **2024**, each association of a condominium **first established before September 1, 2021**, that includes units used for residential purposes shall review [each governing document currently binding on the condominium or the units or unit owners within] **the declaration and bylaws of the condominium and shall:**

(a) Amend [or restate] each document as necessary to remove all restrictions against the use of the condominium or the units not allowed under ORS 93.270 (2) **as provided under section 25 of this 2023 Act;** or

(b) Execute and record a [declaration] **certification** that the association has reviewed the [governing documents binding on] **declaration and bylaws of the condominium** and that the documents do not contain any restriction, rule or regulation against the use of the condominium or the units by a person or group of persons because of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits.

(2) [Notwithstanding ORS 100.110, 100.135, 100.413 or any requirement of the declaration or bylaws, an amendment to or a restatement of the declaration or bylaws under this section, upon submission and approval of the Real Estate Commissioner under ORS 100.123, 100.125, 100.668 and 100.675, is effective and] **A certification under subsection (1)(b) of this section:**

(a) May be recorded without the vote of the owners or the board members [if the amended or restated declaration or bylaws includes a certification signed by the president and secretary of the association that the amended or restated declaration or bylaws does not change that document except as required under this section and as may be necessary to correct scrivener's errors or to conform format and style.]; **and**

(b) **Must be in substantially the following form:**

**CERTIFICATION OF COMPLIANCE WITH ORS 93.270 (2).**

Pursuant to section 6, chapter 67, Oregon Laws 2021, the undersigned states:

1. The undersigned are the president and secretary for the condominium owners association \_\_\_\_\_ (name) in \_\_\_\_\_ County.

2. The declaration was first recorded under instrument number (or book and page number) \_\_\_\_\_ recorded on \_\_\_\_\_. The declaration was most recently amended or restated, if ever, under instrument number \_\_\_\_\_ recorded on \_\_\_\_\_.

3. The bylaws were first recorded, if ever, under instrument number (or book and page number) \_\_\_\_\_ recorded on \_\_\_\_\_. The bylaws were most recently amended or restated, if ever, under instrument number \_\_\_\_\_ recorded on \_\_\_\_\_.

4. The undersigned have determined that the current declarations and bylaws of the condominium, as last amended or revised, conform with ORS 93.270 (2) and that there are no provisions that would restrict the use of the community or the lots or units of the community because of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, disability or the number of individuals, including family members, persons of close affinity or unrelated persons, who are simultaneously occupying a dwelling unit within occupancy limits. Any such provision that may inadvertently remain is void and unenforceable.

5. Under this section, a vote of the association is not required.

6. The description of the real property in \_\_\_\_\_ County affected by this document is:

\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Name: \_\_\_\_\_  
President, \_\_\_\_\_ (association name)  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Name: \_\_\_\_\_  
Secretary, \_\_\_\_\_ (association name)

STATE OF OREGON     )  
  ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

**SECTION 28.** (1) The amendments to sections 4 and 6, chapter 67, Oregon Laws 2021, by sections 26 and 27 of this 2023 Act are intended to extend the deadline for compliance with those sections and to clarify the process by which associations may comply with those sections.

(2) Sections 4 and 6, chapter 67, Oregon Laws 2021, as amended by sections 26 and 27 of this 2023 Act, do not apply to a planned community or condominium that:

(a) Was established on or after September 1, 2021; or

(b) Complied with the requirements of section 4 or 6, chapter 67, Oregon Laws 2021, that were in effect before the effective date of this 2023 Act, notwithstanding the former deadline for compliance of December 31, 2022.

**AFFORDABLE HOUSING ON PUBLIC UTILITY LANDS**

**SECTION 29.** (1) As used in this section, “affordable housing” means affordable housing as defined in ORS 197.308 or publicly supported housing as defined in ORS 456.250.

(2)(a) To facilitate the development of affordable housing in this state, the Public Utility Commission may allow a public utility to sell, or to convey at below market price or as a gift, the public utility's interest in real property for the purpose of the real property being used for the development of affordable housing.

(b) The instrument that conveys, or contracts to convey, the public utility's interest in the real property must include an affordable housing covenant as provided in ORS 456.270 to 456.295.

(3) A public utility may not recover costs from customers for selling, or conveying at below market price or as a gift, the public utility's interest in real property under this section.

#### HOUSING SUPPORT FOR LOW-INCOME COLLEGE STUDENTS

**SECTION 30.** The Department of Human Services shall provide financial support to nonprofit organizations providing affordable housing support to low-income college students across this state in accordance with the department's self-sufficiency programs.

**SECTION 31.** Section 30 of this 2023 Act is repealed on January 2, 2026.

**SECTION 32.** In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Human Services, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$4,000,000 to provide financial support to nonprofit organizations under section 30 of this 2023 Act.

**SECTION 32a.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (3), chapter \_\_, Oregon Laws 2023 (Enrolled House Bill 5026), for the biennium beginning July 1, 2023, for self-sufficiency programs, is increased by \$244,963 to administer financial support to nonprofit organizations pursuant to the provisions of section 30 of this 2023 Act.

#### COMMUNITY HOUSING SUPPORTING AGRICULTURAL EMPLOYEES

**SECTION 33.** Section 34 of this 2023 Act is added to and made a part of ORS 456.548 to 456.725.

**SECTION 34.** (1) As used in this section, "community housing supporting agricultural employees" means a housing development that:

- (a) Is within an urban growth boundary;
- (b) Is within 20 miles of significant agricultural employment as identified by the Housing and Community Services Department;
- (c) Is promoted for residential use by agricultural employees and developed with amenities suitable for agricultural employees and their families;
- (d) Consists of a multifamily dwelling or a cluster of buildings, including manufactured, prefabricated or modular housing, housing produced through a three-dimensional printing process or other housing developed using innovative construction types; and
- (e)(A) Is subject to an affordable housing covenant requiring that the units are maintained for a period of no less than 60 years as affordable to rent for low income households, as described in ORS 456.270 to 456.295;
- (B) Is operated as a consumer housing cooperative; or
- (C) Is operated under a model approved by the department designed to preserve affordability or control of the property by its residents.

(2) The Housing and Community Services Department shall provide one or more grants to qualified housing sponsors for the purposes of developing community housing supporting agricultural employees.

(3) In awarding grants under this section, the department shall prioritize applications:

(a) From a developer that is a nonprofit housing corporation that serves agricultural workers;

(b) From a developer that is a nonprofit that promotes housing for agricultural employees or other needs of agricultural employees, or from a developer that has entered into a partnership with a nonprofit housing corporation that serves agricultural workers for the purposes of developing the community housing;

(c) Where other funding for the housing development has been dedicated or can be leveraged by the grant;

(d) Where the housing development will be located close to significant agricultural employment; or

(e) Where the housing development will include or will be near specific characteristics or amenities designed to support or attract agricultural employees and their families.

(4) Grants awarded under this section may be used for any project costs for the development or predevelopment of the community housing supporting agricultural employees.

(5) A qualified housing sponsor receiving grants under this section shall agree to provide information to the department to report to an appropriate interim committee of the Legislative Assembly, in the manner provided in ORS 192.245, on the use of the grant on or before September 15, 2027.

**SECTION 35.** Section 34 of this 2023 Act is repealed on January 2, 2028.

**SECTION 36.** In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$10,000,000, to award and administer grants under section 34 of this 2023 Act.

#### LOCAL GOVERNMENT HOUSING SUPPORT

**SECTION 37.** (1) The Oregon Department of Administrative Services, in consultation with the Department of Land Conservation and Development and the Housing and Community Services Department, shall provide grants to councils of governments, as defined in ORS 294.900, and economic development districts to support housing and community development capacity within cities and counties in this state and within the nine federally recognized Indian tribes in this state.

(2) Councils of governments and economic development districts receiving grants under this section shall partner and consult with local governments, developers, financiers, the Department of Land Conservation and Development, the Housing and Community Services Department, other relevant state agencies and other interested public and private partners to enable local governments throughout the region to encourage community development and the development of infrastructure and needed housing, as defined in section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), by:

(a) Bridging any information gaps;

(b) Identifying and securing needed resources, including infrastructure and community facilities;

(c) Connecting producers of needed housing with consumers of needed housing; and

(d) Working with representatives of historically underrepresented groups to overcome community-specific barriers to obtaining housing.

**SECTION 38.** Section 37 of this 2023 Act is repealed on January 2, 2034.

**SECTION 39.** In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Department of Administrative Services, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$5,000,000, to provide grants under section 37 of this 2023 Act.

#### AFFORDABLE HOMEOWNERSHIP REVOLVING LOAN FUND

**SECTION 40.** (1) The Housing and Community Services Department shall make a grant to the Network for Oregon Affordable Housing (NOAH) to establish a revolving loan fund that will allow a first-time home buyer who is purchasing a home, including a share of a cooperative or a condominium unit, in which the purchaser's equity will be limited, to establish equity at a faster rate while making monthly payments similar to those described in subsection (3)(a)(A) of this subsection. The department may not make a grant under this section until NOAH has demonstrated that it has dedicated to a loan fund described in this section no less than \$7,500,000 of additional private moneys.

(2) Loans made from the loan fund must be used for the purchase of a dwelling that is subject to an affordability restriction, such as a restriction as described in ORS 456.270 to 456.295, that:

(a) Has the effect of limiting the purchaser's ability to gain equity from the appreciation of the dwelling's value; and

(b) Requires that the purchaser be a low income household as defined in ORS 456.270.

(3) Loans made from the loan fund must:

(a) Be made only to applicants that have met with an approved or certified housing counseling agency, as described in 24 C.F.R. 214 subpart B, and have a first-time home buyer program offered by the agency;

(b) Have a term of 20 years or less; and

(c) Have a fixed interest rate that is not more than the greater of:

(A) The rate that would allow monthly amortized principal and interest payments under the term of the loan to be the amount that would result from a 30-year fixed-rate amortized mortgage at the national current average rate as published by a reputable financial source; or

(B) 0.5 percent.

**SECTION 41.** Section 40 of this 2023 Act is repealed on January 2, 2026.

**SECTION 42.** In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$7,500,000, to make a grant under section 40 of this 2023 Act.

**SECTION 43.** On or before September 15, 2025, and on or before September 15, 2027, the Housing and Community Services Department shall provide a report to an appropriate interim committee of the Legislative Assembly, in the manner provided in ORS 192.245, on the use of the loan funds described in section 40 of this 2023 Act, as reported to the department by the Network for Oregon Affordable Housing (NOAH).

#### AFFORDABLE HOUSING LOAN GUARANTEE FUND

**SECTION 44.** Section 45 of this 2023 Act is added to and made a part of ORS chapter 458.

**SECTION 45.** (1) The Housing and Community Services Department shall provide grants to one or more nonprofit corporations to develop a fund.

(2) The moneys in the fund may be used only to guarantee the repayment of loans to finance the construction of housing subject to an affordable housing covenant for low or moderate income households, as described in ORS 456.270 to 456.295 and as further defined by the Housing and Community Services Department by rule.

(3) The term of a loan guaranteed under this section may not exceed five years.

(4) The department and the state are not guarantors of any loan guaranteed by a nonprofit corporation under this section.

(5) To be eligible for a grant under this section, a nonprofit corporation must:

(a) Be exempt from income taxes under section 501(c)(3) or (4) of the Internal Revenue Code; and

(b) Demonstrate to the satisfaction of the department that the corporation is a community development financial institution that operates statewide to support investment in the construction of affordable housing.

**SECTION 46.** Section 45 of this 2023 Act is repealed on January 2, 2026.

**SECTION 47.** In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$20,000,000 to provide grants under section 45 of this 2023 Act.

#### HOUSING AND COMMUNITY SERVICES DEPARTMENT ADMINISTRATION

**SECTION 47a.** Notwithstanding any other provision of law, the General Fund appropriation made to the Housing and Community Services Department by section 1, chapter \_\_, Oregon Laws 2023 (Enrolled Senate Bill 5511), for the biennium beginning July 1, 2023, is increased by \$529,802, for purposes of administering sections 34, 37, 40, 43 and 45 of this 2023 Act.

#### EMERGENCY HOUSING ASSISTANCE FOR COMPANION ANIMALS

**SECTION 48.** ORS 458.650 is amended to read:

458.650. (1) The Housing and Community Services Department shall administer the Emergency Housing Account to assist homeless individuals and individuals who are at risk of becoming homeless, through means including the emergency housing assistance program and the state homeless assistance program. Notwithstanding subsection (3)(a) of this section, the state homeless assistance program shall serve individuals experiencing homelessness, especially unsheltered homelessness, without respect to income.

(2) The Oregon Housing Stability Council shall develop a policy for the use of program funds with the advice of:

- (a) Persons who have experienced housing instability;
- (b) Tribes;
- (c) The Community Action Partnership of Oregon;
- (d) Continuums of care, as defined in 24 C.F.R. part 578;
- (e) Local governments;
- (f) Nonprofit organizations;
- (g) Homeless services providers;
- (h) Culturally specific organizations;
- (i) Housing providers;
- (j) Veterans' services organizations; and
- (k) Other entities identified by the department by rule.

(3) The policy under subsection (2) of this section shall direct that program funds shall be used:

(a) To provide to low and very low income individuals, including but not limited to individuals more than 65 years of age, persons with disabilities, agricultural workers and Native Americans:

(A) Emergency shelters and attendant services;

(B) Transitional housing services designed to assist individuals to make the transition from homelessness to permanent housing and economic independence;

(C) Supportive housing services to enable individuals to continue living in their own homes or to provide in-home services for such individuals for whom suitable programs do not exist in their geographic area;

(D) Programs that provide emergency payment of home payments, rents or utilities; [or]

**(E) Support for individuals with companion animals, as defined in ORS 401.977, that includes:**

- (i) Food for both companion animals and their owners;**

- (ii) Crates or kennels on-site or off-site that are easily accessible to the companion animal owners;
  - (iii) Basic veterinary services, including behavioral services; and
  - (iv) Rules of conduct and responsibility regarding companion animals and their owners;
- or

[(E)] (F) Some or all of the needs described in subparagraphs (A) to [(D)] (E) of this paragraph.

(b) To align with federal strategies and resources that are available to prevent and end homelessness, including the requirement of providing culturally responsive services and using evidence-based and emerging practices effective in ending homelessness, including practices unique to rural communities.

(4)(a) The council shall require as a condition of awarding a grant that the organization demonstrate to the satisfaction of the council that the organization:

(A) Has the capacity to deliver any service proposed by the organization;

(B) Is a culturally responsive organization or is engaged in a process to become a culturally responsive organization;

(C) Engages with culturally specific organizations; and

(D) Supports local homelessness system planning efforts.

(b) Any funds granted under this section may not be used to replace existing funds. Funds granted under this section may be used to supplement existing funds. An organization may use funds to support existing programs or to establish new programs.

(5) The department may expend funds from the account for:

(a) The administration of the account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the department in support of directing a statewide policy on homelessness that ensures use of evidence-based and emerging practices, service equity in funding and local planning processes.

(b) The development of technical assistance and training resources for organizations developing and operating emergency shelters as defined in ORS 197.782 and transitional housing accommodations as described in ORS 197.746.

(6) The department shall utilize outcome-oriented contracting processes and evidence-based and emerging practices for account program funds, including evidence-based and emerging practices for serving rural communities.

(7) Twenty-five percent of moneys deposited in the account pursuant to ORS 294.187 are dedicated to the emergency housing assistance program for assistance to veterans who are homeless or at risk of becoming homeless.

## UNIT CAPTIONS

**SECTION 49.** The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

## OPERATIVE AND EFFECTIVE DATES

**SECTION 50.** Sections 2, 17, 29 and 30 of this 2023 Act and the amendments to ORS 92.090, 94.550, 100.015, 100.022, 100.105, 100.110, 100.115, 197.303, 197.830, 215.427 and 227.178 and section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), by sections 3 to 5, 9 to 15, 18 and 19 of this 2023 Act become operative on January 1, 2024.

**SECTION 50a.** If House Bill 2889 becomes law, section 50 of this 2023 Act is amended to read:

**Sec. 50.** Sections 2, 17, 29 and 30 of this 2023 Act and the amendments to ORS 92.090, 94.550, 100.015, 100.022, 100.105, 100.110, 100.115, 197.303, 197.830, 215.427 and 227.178 and section 23, chapter 13, Oregon Laws 2023 (Enrolled House Bill 2001), by sections 3 to 5, 9 to 15, [18] 18a and 19 of this 2023 Act become operative on January 1, 2024.



**SECTION 51.** This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

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**Passed by House June 14, 2023**

**Received by Governor:**

**Repassed by House June 25, 2023**

.....M,....., 2023

**Approved:**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....M,....., 2023

.....  
Dan Rayfield, Speaker of House

.....  
Tina Kotek, Governor

**Passed by Senate June 24, 2023**

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

.....M,....., 2023

.....  
Rob Wagner, President of Senate

.....  
Secretary of State

**REAL ESTATE BOARD  
ADMINISTRATIVE SERVICES DIVISION REPORT  
August 7, 2023**

Administrative Services Manager: Mesheal Tracy

Accountant: Caty Karayel

Systems Administrator: Tiffani Miller

Program Analyst: Rus Putintsev

IT Helpdesk: Denise Lewis

Section Overview

The Administrative Services Division acts as business support for the Agency overall. This division manages accounting, purchasing and contracting, inventory control, facilities, payroll, human resources, special projects, information technology (IT), performance, and communications.

Budget Update

The 2021-2023 biennium ended on June 30, 2023, but accounting close will be on August 12. The estimated ending cash balance is **\$6.9 million**. Estimated revenue for the biennium is **\$10.5 million** and estimated expenses is **\$9.1 million**.

Revenue/Economic Outlook

The Agency had a monthly surplus of **\$58,759** for the biennium.

At the end of June, we had **25,081 licensees**, a 1.5% decline from the record number of licensees in June 2022.

Division Accomplishments

We completed the website migration to the new website template required by the State of Oregon by the deadline.

The division is taking the lead on Agency implementation of phase 2 of OregonBuys, the statewide eProcurement system.

**Real Estate Agency - AY23**  
**2021-2023 Budget - Biennium to Date Through June 30th 2023**

<b>Budget Codes</b>		<u>21-2023 LAB</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	<b>Total Personal Services</b>	<b>7,514,785</b>	<b>7,365,895</b>	<b>148,890</b>
<b>4100 &amp; 4125</b>	In-State Travel & Out-of-State Travel	103,008	39,718	63,290
<b>4150</b>	Employee Training	38,585	48,426	(9,841)
<b>4175</b>	Office Expenses	56,611	72,168	(15,557)
<b>4200</b>	Telecom/Tech Services & Support	67,400	70,691	(3,291)
<b>4225</b>	State Government Services	336,730	385,854	(49,124)
<b>4250</b>	Data Processing	113,997	100,318	13,679
<b>4275</b>	Publicity & Publications	38,297	6,414	31,883
<b>4300 &amp; 4315</b>	Professional Services & IT Professional Services	348,043	196,755	151,288
<b>4325</b>	Attorney General Legal Fees	330,963	344,452	(13,489)
<b>4375</b>	Employee Recruitment	8,081	250	7,831
<b>4400</b>	Dues & Subscriptions	9,987	6,418	3,569
<b>4425</b>	Facilities Rent & Taxes	265,559	251,289	14,270
<b>4475</b>	Facilities Maintenance	4,713	8,453	(3,740)
<b>4575</b>	Agency Program Related S&S	942,499	757,442	185,057
<b>4650</b>	Other Services & Supplies	4,097	186,142	(182,045)
<b>4700</b>	Expendable Property \$250-\$5000	30,401	6,711	23,690
<b>4715</b>	IT Expendable Property	149,523	36,915	112,608
	<b>Total Services &amp; Supplies</b>	<b>2,848,494</b>	<b>2,518,417</b>	<b>330,077</b>
	<b>Totals</b>	<b>10,363,279</b>	<b>9,884,312</b>	<b>478,967</b>

**REAL ESTATE BOARD  
EDUCATION & LICENSING DIVISION REPORT  
August 7, 2023**

Education & Licensing Manager: Madeline Alvarado  
Compliance Specialist: Tami Schemmel, Nenah Darville, Katie Nash  
Administrative Specialist: Elizabeth Hardwick, Kaely Salem, Rick Marsland, Marcella Weiss

**Division Overview**

The Education and Licensing Division acts as the first point of contact for the public. This division manages reception, licensing services, compliance reviews, client trust account reviews and education.

**Personnel**

The Division has hired Marcella Weiss as the new Receptionist.

**Education Update**

Pre-licensing education providers renewed during the month of June. One school did not renew their certification.

**Licensing Update**

For the month of June, complaint processing averaged 8 days.

**Upcoming**

The Agency would like to inform the Board that we'll be offering an updated OREA class which will include the compliance division. We'll begin offering this course following the October Board meeting (in-person).

**RBN Renewal**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b><u>Eligible to Renew</u></b>	414	321	352	348	316	292						
<b><u>Failed to Renew</u></b>	13	13	14	27	13	17						
<b><u>% Renewed</u></b>	97%	96%	96%	92%	96%	94%						

## Licensing Statistics

### *Total Licensee Counts by Month:*

<b>Individuals (Persons)</b>	<b>May-23</b>	<b>Jun-23</b>
<b>Broker – Total</b>	<b>17,872</b>	<b>17,832</b>
Active	16,079	16,064
Inactive	1,793	1,768
<b>Principal Broker - Total</b>	<b>6,258</b>	<b>6,250</b>
Active	5,864	5,857
Inactive	394	393
<b>ALL BROKERS Total</b>	<b>24,130</b>	<b>24,082</b>
Active	21,943	21,921
Inactive	2,187	2,161
<b>Property Manager - Total</b>	<b>991</b>	<b>980</b>
Active	875	860
Inactive	116	120
<b>MCC Salesperson</b>	<b>19</b>	<b>19</b>
<b>MCC Broker</b>	<b>0</b>	<b>0</b>
<b>TOTAL INDIVIDUALS</b>	<b>25,140</b>	<b>25,081</b>
Active	22,837	22,800
Inactive	2,303	2,281
<b>Facilities (Companies)</b>		
REMO	5	5
Registered Business Name (RBN)	3,763	3,739
Registered Branch Office (RBO)	799	793
Escrow Organization	86	83
Escrow Branch	172	171
Condominium Filing (CO)	420	433
Unit Owners Association	815	816
Pre-License Education Provider (PEP)	26	25
CEP	293	294
MCC Operator	25	25
<b>TOTAL FACILITIES</b>	<b>6,404</b>	<b>6,384</b>
<b>TOTAL INDIVIDUALS &amp; FACILITIES</b>	<b>31,544</b>	<b>31,465</b>

### *New Licenses by Month:*

<b>Individuals (Persons)</b>	<b>May-23</b>	<b>June-23</b>
Broker	120	126
Principal Broker	8	10
<b>TOTAL BROKERS</b>	<b>128</b>	<b>136</b>
Property Manager	6	6
MCC Salesperson	0	0
MCC Broker	0	0
<b>TOTAL INDIVIDUALS</b>	<b>134</b>	<b>142</b>
<b>Facilities (Companies)</b>		
Continuing Education Provider (CEP)	2	1
REMO	0	0
Registered Business Name	37	16
Registered Branch Office	3	2
Escrow Organization	0	2
Escrow Branch	0	0
Condominium Filing	0	0
Unit Owners Association	5	17
Pre-License Ed Provider	0	0
MCC Operator	0	0
<b>TOTAL FACILITIES</b>	<b>45</b>	<b>37</b>
<b>TOTAL INDIVIDUALS &amp; FACILITIES</b>	<b>181</b>	<b>180</b>

**Exam Statistics**

*June 2023*

*ALL LICENSING EXAMS*      Total

Broker	437
Property Manager	28
Principal Broker	63
Reactivation	3

**Pass Rates**

<i><u>First Time Pass Rate</u></i> <i><u>Percentage</u></i>	<i><u>2019</u></i>	<i><u>2020</u></i>	<i><u>2021</u></i>	<i><u>2022</u></i>	<i><u>2023</u></i>
Broker State	57	50	47	44	43
Broker National	70	68	67	66	68
Principal Broker State	51	53	57	54	42
Principal Broker National	69	63	55	65	44
Property Manager	64	58	66	65	75

**Oregon Real Estate Agency Education & Licensing Division**  
**Licensee Application & Renewal 2023 Data**

<b>New Applications</b>													
	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>Brokers</b>	262	211	275	209	253	247							1457
<b>Principal Brokers</b>	37	24	37	16	24	30							168
<b>Property Managers</b>	26	26	35	24	30	20							161
<b>Total</b>	325	261	347	249	307	297							1786

<b>Renewal Activity</b>														
<b>Brokers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	482	509	544	527	581	559							3202
	Inactive	42	28	30	29	28	39							196
<b>Late</b>	Active	74	48	50	52	67	43							334
	Inactive	12	8	13	12	12	9							66
<b>Lapse</b>		111	104	120	121	117	133							706
	<b>Total</b>	721	697	757	741	805	783							4504

<b>Principal Brokers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	206	175	212	230	194	235							1252
	Inactive	20	12	7	10	10	8							67
<b>Late</b>	Active	13	6	9	10	7	13							58
	Inactive	2	3	1	3	1	2							12
<b>Lapse</b>		21	27	27	29	28	29							161
	<b>Total</b>	262	223	256	282	240	287							1550

**Oregon Real Estate Agency Education & Licensing Division**  
**Licensee Application & Renewal 2023 Data**

<b>Property Managers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	35	29	35	26	38	29							<b>192</b>
	Inactive	3	1	1	3	2	0							<b>10</b>
<b>Late</b>	Active	3	2	0	2	1	0							<b>8</b>
	Inactive	2	1	0	0	0	1							<b>4</b>
<b>Lapse</b>		5	5	11	9	7	7							<b>44</b>
<b>Total</b>		<b>48</b>	<b>38</b>	<b>47</b>	<b>40</b>	<b>48</b>	<b>37</b>							<b>258</b>

<b>Grand Total (Brokers, Principal Brokers, Property Managers)</b>														
		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>Total Eligible to Renew</b>		<b>1031</b>	<b>958</b>	<b>1060</b>	<b>1063</b>	<b>1093</b>	<b>1107</b>							<b>6312</b>
<b>On Time</b>	Active	723	713	791	783	813	823							<b>4646</b>
	Inactive	65	41	38	42	40	47							<b>273</b>
<b>Late</b>	Active	90	56	59	64	75	56							<b>400</b>
	Inactive	16	12	14	15	13	12							<b>82</b>
<b>Total Renewed</b>		<b>894</b>	<b>822</b>	<b>902</b>	<b>904</b>	<b>941</b>	<b>938</b>							<b>5401</b>
<b>Lapse</b>		<b>137</b>	<b>136</b>	<b>158</b>	<b>159</b>	<b>152</b>	<b>169</b>							<b>911</b>

<b>% On Time</b>		<b>76.4%</b>	<b>78.7%</b>	<b>78.2%</b>	<b>77.6%</b>	<b>78.0%</b>	<b>78.6%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>77.9%</b>
<b>% Late</b>		<b>10.3%</b>	<b>7.1%</b>	<b>6.9%</b>	<b>7.4%</b>	<b>8.1%</b>	<b>6.1%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>7.6%</b>
<b>% Failed to Renew (Lapsed)</b>		<b>13.3%</b>	<b>14.2%</b>	<b>14.9%</b>	<b>15.0%</b>	<b>13.9%</b>	<b>15.3%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>14.4%</b>
<b>Total</b>		<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>



**Oregon Real Estate Agency Education & Licensing Division**  
**Licensee Application & Renewal 2022 Data**

<b>New Applications</b>													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>Brokers</b>	398	336	412	318	291	292	226	268	294	227	205	187	3454
<b>Principal Brokers</b>	47	32	42	25	22	23	33	28	28	25	32	18	355
<b>Property Managers</b>	20	35	30	33	23	21	23	22	29	25	32	15	308
<b>Total</b>	465	403	484	376	336	336	282	318	351	277	269	220	4117

<b>Renewal Activity</b>														
<b>Brokers</b>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>On Time</b>	Active	491	517	535	527	608	569	559	569	571	571	500	533	6550
	Inactive	49	40	36	36	49	32	36	34	31	43	32	44	462
<b>Late</b>	Active	44	42	60	50	66	52	52	64	54	59	67	49	659
	Inactive	13	10	6	13	12	10	7	9	11	7	10	13	121
<b>Lapse</b>		128	104	123	107	120	117	131	90	141	94	127	109	1391
<b>Total</b>		725	713	760	733	855	780	785	766	808	774	736	748	9183

<b>Principal Brokers</b>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>On Time</b>	Active	221	238	230	232	247	254	201	232	264	223	202	210	2754
	Inactive	9	8	7	8	12	11	13	10	7	7	13	9	114
<b>Late</b>	Active	11	10	13	13	14	9	8	11	8	7	12	6	122
	Inactive	2	1	4	1	2	1	1	2	2	2	5	2	25
<b>Lapse</b>		24	19	21	18	21	26	18	25	26	39	19	29	285
<b>Total</b>		267	276	275	272	296	301	241	280	307	278	251	256	3300

**Oregon Real Estate Agency Education & Licensing Division**

**License Application & Renewal 2022 Data**

<b>Property Managers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	28	26	25	16	35	30	34	29	32	28	21	29	<b>333</b>
	Inactive	2	3	1	0	2	0	2	0	2	0	2	5	<b>19</b>
<b>Late</b>	Active	3	3	1	3	3	3	3	2	0	1	2	3	<b>27</b>
	Inactive	1	0	0	1	1	0	1	0	0	0	0	0	<b>4</b>
<b>Lapse</b>		11	8	6	11	6	7	8	9	11	9	9	6	<b>101</b>
	<b>Total</b>	<b>45</b>	<b>40</b>	<b>33</b>	<b>31</b>	<b>47</b>	<b>40</b>	<b>48</b>	<b>40</b>	<b>45</b>	<b>38</b>	<b>34</b>	<b>43</b>	<b>484</b>

<b>Grand Total (Brokers, Principal Brokers, Property Managers)</b>														
		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>Total Eligible to Renew</b>		<b>1037</b>	<b>1029</b>	<b>1068</b>	<b>1036</b>	<b>1198</b>	<b>1121</b>	<b>1074</b>	<b>1086</b>	<b>1160</b>	<b>1090</b>	<b>1021</b>	<b>1047</b>	<b>12967</b>
<b>On Time</b>	Active	740	781	790	775	890	853	794	830	867	822	723	772	<b>9637</b>
	Inactive	60	51	44	44	63	43	51	44	40	50	47	58	<b>595</b>
<b>Late</b>	Active	58	55	74	66	83	64	63	77	62	67	81	58	<b>808</b>
	Inactive	16	11	10	15	15	11	9	11	13	9	15	15	<b>150</b>
<b>Total Renewed</b>		<b>874</b>	<b>898</b>	<b>918</b>	<b>900</b>	<b>1051</b>	<b>971</b>	<b>917</b>	<b>962</b>	<b>982</b>	<b>948</b>	<b>866</b>	<b>903</b>	<b>11190</b>
<b>Lapse</b>		<b>163</b>	<b>131</b>	<b>150</b>	<b>136</b>	<b>147</b>	<b>150</b>	<b>157</b>	<b>124</b>	<b>178</b>	<b>142</b>	<b>155</b>	<b>144</b>	<b>1777</b>

<b>% On Time</b>		<b>77.1%</b>	<b>80.9%</b>	<b>78.1%</b>	<b>79.1%</b>	<b>79.5%</b>	<b>79.9%</b>	<b>78.7%</b>	<b>80.5%</b>	<b>78.2%</b>	<b>80.0%</b>	<b>75.4%</b>	<b>79.3%</b>	<b>78.9%</b>
<b>% Late</b>		<b>7.1%</b>	<b>6.4%</b>	<b>7.9%</b>	<b>7.8%</b>	<b>8.2%</b>	<b>6.7%</b>	<b>6.7%</b>	<b>8.1%</b>	<b>6.5%</b>	<b>7.0%</b>	<b>9.4%</b>	<b>7.0%</b>	<b>7.4%</b>
<b>% Failed to Renew (Lapsed)</b>		<b>15.7%</b>	<b>12.7%</b>	<b>14.0%</b>	<b>13.1%</b>	<b>12.3%</b>	<b>13.4%</b>	<b>14.6%</b>	<b>11.4%</b>	<b>15.3%</b>	<b>13.0%</b>	<b>15.2%</b>	<b>13.8%</b>	<b>13.7%</b>
<b>Total</b>		<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

<b><u>Oregon Real Estate Agency Education &amp; Licensing Division Phone Counts</u></b>													
<b>(Minutes: seconds)</b>	<b>Jan – 23</b>	<b>Feb – 23</b>	<b>Mar – 23</b>	<b>Apr – 23</b>	<b>May-23</b>	<b>Jun-23</b>	<b>Jul-23</b>	<b>Aug-23</b>	<b>Sep-23</b>	<b>Oct-23</b>	<b>Nov--23</b>	<b>Dec-23</b>	<b>2023 Average</b>
Call Count	1642	1368	1603	1428	1438	1286							1461
Average Wait Time	:33	:32	:35	:28	:28	:35							:32
Maximum Wait Time	0:11:07	0:11:14	0:10:58	0:09:13	0:10:11	0:16:20							0:11:31

<b><u>Oregon Real Estate Agency Education &amp; Licensing Division Phone Counts</u></b>													
<b>(Minutes: seconds)</b>	<b>Jan – 22</b>	<b>Feb – 22</b>	<b>Mar – 22</b>	<b>Apr – 22</b>	<b>May-22</b>	<b>Jun-22</b>	<b>Jul-22</b>	<b>Aug-22</b>	<b>Sep-22</b>	<b>Oct-22</b>	<b>Nov--22</b>	<b>Dec-22</b>	<b>2022 Average</b>
Call Count	1730	1520	1776	1510	1437	1444	1303	1510	1555	1444	1469	1295	1499
Average Wait Time	:33	:23	:45	:33	:35	:36	:42	:58	:50	:36	:29	:43	:39
Maximum Wait Time	0:20:37	0:12:03	0:26:17	0:13:25	0:10:53	0:11:15	0:11:13	0:31:05	0:32:16	0:13:58	0:10:52	0:11:53	0:17:09

<b><u>Oregon Real Estate Agency Education &amp; Licensing Division Phone Counts</u></b>													
<b>(Minutes: seconds)</b>	<b>Jan – 21</b>	<b>Feb – 21</b>	<b>Mar – 21</b>	<b>Apr – 21</b>	<b>May-21</b>	<b>Jun-21</b>	<b>Jul-21</b>	<b>Aug-21</b>	<b>Sep-21</b>	<b>Oct-21</b>	<b>Nov--21</b>	<b>Dec-21</b>	<b>2021 Average</b>
Call Count	1981	1801	1918	1822	1452	1886	1653	1616	1510	1477	1407	1426	1662
Average Wait Time	:51	:36	:29	:29	:24	:18	:26	:15	:19	:17	:22	:36	:27
Maximum Wait Time	0:19:17	0:10:52	0:09:59	0:10:43	0:08:58	0:06:37	0:28:56	0:06:49	0:07:45	0:04:46	0:13:37	0:19:12	0:12:18

<b>(Minutes: seconds)</b>	<b>Jan – 20</b>	<b>Feb – 20</b>	<b>Mar – 20</b>	<b>Apr – 20</b>	<b>May-20</b>	<b>Jun-20</b>	<b>Jul-20</b>	<b>Aug-20</b>	<b>Sep-20</b>	<b>Oct-20</b>	<b>Nov--20</b>	<b>Dec-20</b>	<b>2020 Average</b>
Call Count	2117	1834	1830	1474	1468	1775	1875	1678	1749	1646	1593	1785	1735.3
Average Wait Time	:25	:21	:19	:23	:25	:35	:29	:26	:21	:20	:24	:29	:24.75
Maximum Wait Time	0:11:05	0:09:30	0:14:56	0:10:15	0:18:12	0:13:00	0:21:34	0:14:15	0:11:09	0:17:30	0:09:58	0:12:06	0:13:38

**REAL ESTATE BOARD  
COMPLIANCE DIVISION REPORT  
August 7, 2023**

Compliance Division Manager: Liz Hayes  
Compliance Specialist 2: Jen Wetherbee  
Compliance Specialist 1: Roger McComas, Vacant, Vacant

**Division Overview**

The Compliance Division ensures that licensees meet their fiduciary and administrative responsibilities by reviewing financial and administrative records. This division aims to conduct clients' trust account and compliance reviews and develop other compliance-related programs. This work includes providing technical assistance and sharing knowledge on the interpretation and application of laws and rules administered by the Agency (excluding legal advice) to licensees, the public, and other governmental agencies.

**Personnel:**

The Division is in the process of recruiting two additional Compliance Specialist 1 positions.

**Workload and Activity Indicators**

As of 7/05/2023	2015	2016	2017	2018	2019	2020	2021	2022	2023
<b>ELOA</b>	2	2	4	44	79	81	13	55	53
<b>No Violation</b>	356	192	172	375	216	87	10	98	49
<b>Open Investigation</b>	5	3	8	10	29	7	2	13	6
<b>Resolved</b>								72	86
<b>Total Closed</b>	363	197	184	429	324	175	25	238	194

<b>(# of Staff)</b>	4	4	4	5	6	6	1	1-2	2
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2023	January	February	March	April	May	June
<b>ELOA</b>	4	9	11	10	14	5
<b>No Violation</b>	8	9	7	10	7	8
<b>Open Investigation</b>	0	1	2	0	3	0
<b>Resolved</b>	12	5	16	23	13	17
<b>Total Closed</b>	24	24	36	43	37	30

<b>(# of Staff)</b>	2	2	2	2	2	2
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