

Requested by Representative MEEK

**PROPOSED AMENDMENTS TO
HOUSE BILL 4003**

- 1 On page 1 of the printed bill, line 2, delete “315.271,”.
- 2 In line 3, delete “and 458.690” and insert “, 458.690, 696.174 and 696.810”.
- 3 In line 19, after “grants” insert “, loans”.
- 4 In line 20, after “ganizations” insert “that, in working with households
5 with income at or below area median income, attempt”.
- 6 In line 21, after “literacy” insert “and post-purchase counseling.” and de-
7 lete the rest of the line and line 22.
- 8 On page 2, delete line 1.
- 9 In line 2, after “assistance” insert “, loans”.
- 10 In line 6, delete “culturally specific”.
- 11 In line 7, delete “with great” and insert “populations with”.
- 12 In line 10, delete “and” and insert “or”.
- 13 Delete lines 39 through 45.
- 14 On page 3, delete lines 1 and 2 and insert:
15 “(d) Federally recognized Indian tribe in Oregon.
16 “(7) ‘Persons of color’ has the meaning given that term by the department
17 by rule.”.
- 18 Delete lines 6 through 45.
- 19 On page 4, delete lines 1 through 9 and insert:
20 **“SECTION 4.** ORS 458.655 is amended to read:
21 “458.655. (1) The Home Ownership Assistance Account is administered by

1 the Housing and Community Services Department to expand this state’s
2 supply of homeownership housing for families and individuals **with income**
3 **at or below area median income**, including persons over 65 years of age,
4 **persons of color**, persons with disabilities, [*minorities*,] veterans and
5 [*farmworkers, with below area median income*] **agricultural workers**. An
6 amount equal to 25 percent of moneys deposited in the account pursuant to
7 ORS 294.187 is dedicated for expenditure to expand this state’s supply of
8 homeownership housing for veterans and families of veterans [*with below*
9 *area median income*]. The Oregon Housing Stability Council shall have a
10 policy of distributing funds statewide while concentrating funds in those
11 areas of this state with the greatest need, as determined by the council[, *for*
12 *households with below area median income*]. The council’s policy of distrib-
13 uting funds may differ from the distribution policy for the Housing Devel-
14 opment and Guarantee Account.

15 “(2) Funds in the Home Ownership Assistance Account must be
16 [*granted*] **used for:**

17 “(a) **Grants or loans** to organizations that both sponsor and manage
18 homeownership programs for households with **income at or below area me-**
19 **dian income**, including:

20 “[*a*] (A) Lease-to-own programs;

21 “[*b*] (B) Construction of new housing; or

22 “[*c*] (C) Acquisition or rehabilitation of existing structures[.]; **or**

23 “(b) **Grants, loans and technical assistance to organizations that,**
24 **in working with households with income at or below area median in-**
25 **come, assist persons of color in obtaining homeownership under sec-**
26 **tion 2 of this 2020 Act.**

27 “(3) The council shall develop a policy for disbursing grants, **loans or**
28 **technical assistance under subsection (2) of this section** for any or all
29 of the following purposes:

30 “(a) To aid homeownership programs for households with **income at or**

1 below area median income, including program administration, in purchasing
2 land, providing assistance with down payment costs, or providing
3 homeownership training and qualification services or any combination
4 thereof. Funds in the Home Ownership Assistance Account may not be used
5 by an organization to pay for its general operations.

6 “(b) To match public and private moneys available from other sources to
7 provide homeownership housing for households with **income at or** below
8 area median income.

9 “(c) To administer the Home Ownership Assistance Account as provided
10 for in the legislatively approved budget, as that term is defined in ORS
11 291.002, for the Housing and Community Services Department.

12 “(4) The council, in developing policy under subsection (3) of this section,
13 shall give preference in making grants **or loans** to those entities that pro-
14 pose to:

15 “(a) Provide the greatest number of homeownership housing units con-
16 structed, acquired or rehabilitated for households with **income at or** below
17 area median income for the amount of account money expended by matching
18 account funds with other grant, loan or eligible in-kind contributions;

19 “(b) Ensure the longest use for the units as homeownership housing units
20 for households with **income at or** below area median income, such as by
21 including some form of equity recapture, land trust or shared equity pro-
22 visions, as determined by the council;

23 “(c) Include social services for occupants and proposed occupants of the
24 proposed housing including programs that address home health care, mental
25 health care, alcohol and drug treatment and post-treatment care, child care,
26 homeownership training, mortgage qualification service, credit repair and
27 case management; and

28 “(d) Support a comprehensive strategy to reverse the decreasing rates of
29 homeownership among [*minorities*] **persons of color**, giving priority to ac-
30 tivities that support adopted comprehensive community plans that incorpo-

1 rate recognized best practices, [or] demonstrate proven success in increasing
2 homeownership for [*minorities*] **persons of color or receive grants, loans**
3 **or technical assistance under section 2 of this 2020 Act.**”.

4 On page 4, delete lines 1 through 9.

5 In line 43, delete “to holders” and insert “for holders whose account is
6 established for the purchase of their primary residence”.

7 Delete lines 44 and 45.

8 On page 5, delete lines 1 through 28 and insert:

9

10 **“REAL ESTATE PROFESSIONALS”.**

11

12 In line 30, delete “9” and insert “6”.

13 In line 36, restore the bracketed material and delete the boldfaced mate-
14 rial.

15 In line 37, delete “and”.

16 Delete lines 38 and 39 and insert:

17 “(b) Complete additional educational requirements as the Director of the
18 Department of Consumer and Business Services may establish by rule, in-
19 cluding on topics of implicit bias, including racial bias; and”.

20 In line 40, delete “(b)” and insert “(c)”.

21 On page 6, line 22, delete “10” and insert “7”.

22 In line 24, after “that” delete the rest of the line and insert “:

23 “(a) At a minimum, must include:”.

24 In line 25, delete “(a)” and insert “(A)”.

25 In line 26, delete “(b)” and insert “(B)”.

26 In lines 26 and 27, restore the bracketed material and delete the boldfaced
27 material.

28 In line 28, delete “(c)” and insert “(C)”.

29 Delete lines 29 and 30 and insert:

30 “(b) May include additional requirements as the Director of the Depart-

1 ment of Consumer and Business Services may establish by rule, including on
2 topics of implicit bias, including racial bias.”.

3 On page 7, after line 6, insert:

4 **“SECTION 8.** ORS 696.174 is amended to read:

5 “696.174. (1) To renew an active license or to reactivate a license for the
6 first time since the license was renewed to an inactive status, a real estate
7 licensee must complete 30 hours of real estate continuing education courses
8 that are eligible for credit under ORS 696.182 during the two years preceding
9 the renewal or reactivation. The 30 hours must include:

10 “(a) At least three hours in a course **approved by the Real Estate**
11 **Board on unlawful discrimination in real estate transactions as de-**
12 **scribed in ORS 659A.421 and the Fair Housing Act (42 U.S.C. 3601 et**
13 **seq.) and** recent changes in real estate rule and law [*approved by the Real*
14 *Estate Board*]; and

15 “(b)(A) If the real estate broker is renewing an active license for the first
16 time or reactivating a license for the first time since renewing the license
17 to an inactive status, an advanced course in real estate practices approved
18 by the Real Estate Agency;

19 “(B) If a licensed real estate property manager is renewing an active li-
20 cense for the first time or reactivating a license for the first time since re-
21 newing the license to an inactive status, an advanced course in property
22 management practices approved by the agency; or

23 “(C) If a principal real estate broker is renewing an active license for the
24 first time or reactivating a license for the first time since renewing the li-
25 cense to an inactive status, an advanced course in brokerage practices ap-
26 proved by the agency.

27 “(2) The agency, in consultation with real estate professionals and edu-
28 cators, shall develop a reporting format to ensure that a real estate licensee
29 has completed the number of hours required by subsection (1) of this section.
30 The reporting format must include:

- 1 “(a) The date, name and length of time of each course attended;
- 2 “(b) The name of the real estate continuing education provider that of-
- 3 ferred the course;
- 4 “(c) The name of the instructor who taught the course; and
- 5 “(d) Any other information that the agency requires by rule.
- 6 “(3) The agency may waive any portion of the requirements of this section
- 7 for a real estate licensee who submits satisfactory evidence that poor health
- 8 or other circumstances beyond the real estate licensee’s control prevented
- 9 the real estate licensee from attending part or all of the continuing educa-
- 10 tion courses required by subsection (1) of this section.”.

11 In line 7, delete “11” and insert “9” and delete “2021” and insert “2022”.

12 In line 8, after “to” insert “unlawful discrimination in real estate trans-

13 actions as described in ORS 659A.421 and the Fair Housing Act (42 U.S.C.

14 3601 et seq.),”.

15 After line 14, insert:

16 “**SECTION 10.** ORS 696.810 is amended to read:

17 “696.810. (1) A real estate licensee other than the seller’s agent may agree

18 with the buyer to act as the buyer’s agent only. The buyer’s agent is not

19 representing the seller, even if the buyer’s agent is receiving compensation

20 for services rendered, either in full or in part, from the seller or through the

21 seller’s agent.

22 “(2) A buyer’s agent owes the buyer, other principals and the principals’

23 agents involved in a real estate transaction the following affirmative duties:

- 24 “(a) To deal honestly and in good faith;
- 25 “(b) To present all written offers, written notices and other written com-
- 26 munications to and from the parties in a timely manner without regard to
- 27 whether the property is subject to a contract for sale or the buyer is already
- 28 a party to a contract to purchase; and
- 29 “(c) To disclose material facts known by the buyer’s agent and not ap-
- 30 parent or readily ascertainable to a party.

1 “(3) A buyer’s agent owes the buyer involved in a real estate transaction
2 the following affirmative duties:

3 “(a) To exercise reasonable care and diligence;

4 “(b) To account in a timely manner for money and property received from
5 or on behalf of the buyer;

6 “(c) To be loyal to the buyer by not taking action that is adverse or det-
7 rimental to the buyer’s interest in a transaction;

8 “(d) To disclose in a timely manner to the buyer any conflict of interest,
9 existing or contemplated;

10 “(e) To advise the buyer to seek expert advice on matters related to the
11 transaction that are beyond the agent’s expertise;

12 “(f) To maintain confidential information from or about the buyer except
13 under subpoena or court order, even after termination of the agency re-
14 lationship; [*and*]

15 “(g) Unless agreed otherwise in writing, to make a continuous, good faith
16 effort to find property for the buyer, except that a buyer’s agent is not re-
17 quired to seek additional properties for the buyer while the buyer is subject
18 to a contract for purchase or to show properties for which there is no writ-
19 ten agreement to pay compensation to the buyer’s agent[.]; **and**

20 “(h) **To provide the buyer with a copy of an informational handout**
21 **regarding programs, grants and other resources available to low-**
22 **income home buyers in a form prescribed by the Housing and Com-**
23 **munity Services Department.**

24 “(4) A buyer’s agent may show properties in which the buyer is interested
25 to other prospective buyers without breaching an affirmative duty to the
26 buyer.

27 “(5) Except as provided in subsection (3)(g) of this section, an affirmative
28 duty may not be waived.

29 “(6) Nothing in this section implies a duty to investigate matters that are
30 outside the scope of the real estate licensee’s expertise, including but not

1 limited to investigation of the condition of property, the legal status of the
2 title or the owner’s past conformance with law, unless the licensee or the
3 licensee’s agent agrees in writing to investigate a matter.”.

4 In line 18, delete “12” and insert “11”.

5 On page 8, delete line 37 and insert:

6 **“SECTION 12. Section 11 of this 2020 Act is repealed on February**
7 **1, 2021.”.**

8 In line 41, delete “14” and insert “13”.

9 In line 43, delete “\$1” and insert “\$___”.

10 In line 44, after “assistance” insert “, loans”.

11 On page 9, line 1, delete “\$1” and insert “\$___”.

12 In line 2, after “grants” insert “and loans”.

13 In line 4, delete “\$1” and insert “\$___”.

14 In line 6, delete “\$1” and insert “\$___”.

15 In line 12, delete “15” and insert “14”.

16 In line 18, delete “16” and insert “15”.

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