

**B-Engrossed**  
**House Bill 4048**

Ordered by the Senate February 28  
Including House Amendments dated February 6 and Senate Amendments  
dated February 28

Sponsored by Representatives ESQUIVEL, DOHERTY, Senator HANSELL; Representatives BARKER, GOMBERG,  
HOLVEY, MEEK, Senator HASS (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires principal real estate brokers to complete real estate continuing education courses before renewal or reactivation of license. Requires real estate brokers and real estate property managers to complete real estate continuing education courses before reactivation of license.

**Prohibits Housing and Community Services Department from requiring elderly housing project that has repaid financing received through department program, and retired bond obligations related to project, to hire licensed real estate property manager, real estate broker or principal real estate broker to perform property management duties with respect to project.**

*[Takes effect on 91st day following adjournment sine die.]*

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to real estate licensees; creating new provisions; amending ORS 696.174; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 696.174 is amended to read:

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

10 (a) At least three hours in a course on recent changes in real estate rule and law approved by  
11 the Real Estate Board; and

12 (b)(A) If the real estate broker is renewing an active license for the first time **or reactivating**  
13 **a license for the first time since renewing the license to an inactive status**, an advanced  
14 course in real estate practices approved by the Real Estate Agency; *[or]*

15 (B) If a licensed real estate property manager is renewing an active license for the first time  
16 **or reactivating a license for the first time since renewing the license to an inactive status**,  
17 an advanced course in property management practices approved by the agency<sup>[.]</sup>; **or**

18 (C) **If a principal real estate broker is renewing an active license for the first time or**  
19 **reactivating a license for the first time since renewing the license to an inactive status, an**  
20 **advanced course in brokerage practices approved by the agency.**

21 (2) The agency, in consultation with real estate professionals and educators, shall develop a re-  
22 porting format to ensure that a real estate licensee has completed the number of hours required by

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 subsection (1) of this section. The reporting format must include:

- 2 (a) The date, name and length of time of each course attended;
- 3 (b) The name of the real estate continuing education provider that offered 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 for a real estate  
7 licensee who submits satisfactory evidence that poor health or other circumstances beyond the real  
8 estate licensee's control prevented the real estate licensee from attending part or all of the contin-  
9 uing education courses required by subsection (1) of this section.

10 **SECTION 2. (1) As used in this section:**

11 (a) "Elderly household" has the meaning given that term in ORS 456.515.

12 (b) "Elderly housing project" means a residential care facility as defined in ORS 443.400,  
13 including but not limited to an assisted living facility, or an independent living community,  
14 that is:

15 (A) Financed through a Housing and Community Services Department housing program  
16 under ORS 456.515 to 456.725 or ORS chapter 458 or another department program; and

17 (B) Composed of more than one living unit for elderly households, but does not provide  
18 continuous nursing care.

19 (c)(A) "Independent living community" means a facility that is organized to provide  
20 housing and services to elderly households.

21 (B) "Independent living community" does not mean:

22 (i) A residential care facility as defined in ORS 443.400.

23 (ii) A nursing facility.

24 (2) If an elderly housing project has repaid the financing received through a Housing and  
25 Community Services Department housing program under ORS 456.515 to 456.725 in full and  
26 retired any bond obligations related to the project, the department may not require the  
27 project, or a management company that is owned by or hired by the project to perform  
28 property management duties with respect to the project, to hire, retain or otherwise engage  
29 a real estate property manager, real estate broker or principal real estate broker licensed  
30 under ORS 696.022.

31 **SECTION 3.** The amendments to ORS 696.174 by section 1 of this 2018 Act first apply to  
32 active principal real estate broker licenses that are renewed or reactivated on or after July  
33 1, 2019.

34 **SECTION 4.** This 2018 Act being necessary for the immediate preservation of the public  
35 peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect  
36 on its passage.