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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**REA 2-2023**

CHAPTER 863

REAL ESTATE AGENCY

**FILED**

09/06/2023 2:58 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Changes made to authorizations for license made to comply with the Servicemembers Civil Relief Act.

EFFECTIVE DATE: 09/06/2023 THROUGH 10/31/2023

AGENCY APPROVED DATE: 09/06/2023

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Filed By:

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NEED FOR THE RULE(S):

The federal law regarding license portability was recently broadened and agency rule needs to be similarly broadened in order to comply with the changes to federal law.

JUSTIFICATION OF TEMPORARY FILING:

Agency rules currently impose requirements that federal law no longer allows. An affected party who applied for such an authorization under current rule would be required to comply with agency requirements that are no longer allowed under federal law. The temporary rule allows the agency to immediately comply with federal law and ensures an affected applicant will not be subjected to illegal requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

H.R. 7939, 117th Congress (2021-2022): Veterans Auto and Education Improvement Act of 2022. The bill can be viewed on the federal congress.gov website.

RULES:

863-014-0054, 863-024-0054

AMEND: 863-014-0054

SUSPEND: Temporary 863-014-0054 from REA 1-2023

RULE TITLE: Authorization for Armed Forces Servicemembers and Their Spouses or Domestic Partners

RULE SUMMARY: Provides a process whereby a military servicemember or their spouse or domestic partner may use their professional license in Oregon upon the servicemember being stationed in Oregon pursuant to military orders.

RULE TEXT:

(1) An active-duty member of the United States Armed Forces who is stationed in this state, or the spouse or domestic partner of such servicemember, may obtain an authorization to conduct professional real estate activity as a real estate

broker or principal broker upon completion of the requirements in (2) through (5) of this rule. Such authorization is valid until the earliest of the following:

(a) Two years from the date of issuance;

(b) The date the servicemember's term of active-duty service in this state is complete; or

(c) The date the applicant's license issued by another state expires or is no longer active.

(2) Upon submission of the application for authorization, the applicant must hold an active real estate license of the same real estate license category in another U.S. state and such license or certificate must have been active during the two years immediately preceding the move. The applicant must be in good standing in the state or states in which the applicant is currently licensed.

(3) To apply for authorization, the applicant must:

(a) Complete an application and pay the related fee as provided in OAR 863-014-0010(1).

(b) Submit a copy of their or their spouse's or domestic partner's military orders stationing the servicemember in Oregon.

(c) Furnish certification of active license history issued by the state or states where licensed as required in (2) of this rule.

(4) An applicant seeking authorization to conduct professional real estate activity as a real estate broker must be associated with a principal broker as provided in OAR 863-014-0035(3).

(5) An applicant seeking authorization to conduct professional real estate activity as a principal real estate broker must either:

(a) Register a business name using an online application through the Agency's website as provided in OAR 863-014-0095; or

(b) Have an active principal broker transfer the applicant to an active registered business name under OAR 863-014-0063 using an online application available through the Agency's website.

(6) The authorization to conduct professional real estate activity as a real estate broker or principal broker may not be renewed on expiration. Previous holders of an authorization must reapply and fulfill the requirements of ORS 696.022 and OAR 863-014-0035 or 863-014-0040 in order to conduct professional real estate activity in this state.

STATUTORY/OTHER AUTHORITY: HB 3030, SB 688 (2019 Laws)

STATUTES/OTHER IMPLEMENTED: HB 3030, SB 688 (2019 Laws), 50 U.S.C. Section 4025a; Pub. L. 117-333

AMEND: 863-024-0054

SUSPEND: Temporary 863-024-0054 from REA 1-2023

RULE TITLE: Authorization for Armed Forces Servicemembers and Their Spouses or Domestic Partners

RULE SUMMARY: Provides a process whereby a military servicemember or their spouse or domestic partner may use their professional license in Oregon upon the servicemember being stationed in Oregon pursuant to military orders.

RULE TEXT:

(1) An active-duty member of the United States Armed Forces who is stationed in this state, or the spouse or domestic partner of such servicemember, may obtain an authorization to engage in the management of rental real estate as a real estate property manager upon completion of the requirements in (2) through (4) of this rule. Such authorization is valid until the earliest of the following:

(a) Two years from the date of issuance;

(b) The date the servicemember's term of active duty service in this state is complete; or

(c) The date the applicant's license issued by another state expires or is no longer active.

(2) Upon submission of the application for authorization, the applicant must hold an active property manager license in another U.S. state and such license must have been active during the two years immediately preceding the move. The applicant must be in good standing in the state or states in which the applicant is currently licensed.

(3) To apply for authorization, the applicant must:

(a) Complete an application and pay the related fee as provided in OAR 863-024-0010(1).

(b) Submit a copy of their or their spouse's or domestic partner's military orders stationing the servicemember in Oregon.

(c) Furnish certification of active license history issued by the state or states where licensed as required in (2) of this rule.

(4) An applicant seeking authorization to engage in the management of rental real estate as a real estate property manager must either:

(a) Register a business name using an online application through the Agency's website as provided in OAR 863-024-0095; or

(b) Have an active principal broker or licensed property manager transfer the applicant to an active registered business name under OAR 863-024-0063 using an online application available through the Agency's website.

(5) The authorization to engage in the management of rental real estate as a real estate property manager may not be renewed on expiration. Previous holders of an authorization must reapply and fulfill the requirements of ORS 696.022 and OAR 863-024-0045 in order to engage in the management of rental real estate in this state.

STATUTORY/OTHER AUTHORITY: HB 3030, SB 688 (2019 Laws)

STATUTES/OTHER IMPLEMENTED: HB 3030, SB 688 (2019 Laws), 50 U.S.C. Section 4025a; Pub L. 117-333