



OREGON ASSOCIATION  
OF  
REALTORS®

2017/2018  
LEGISLATIVE POLICIES

Presented to the Board of Directors

September 28, 2016

Legislative Policies

OREGON ASSOCIATION OF REALTORS®  
2017/2018 LEGISLATIVE POLICY STATEMENTS

GENERAL

The Oregon Association of REALTORS® is dedicated to the right of individuals to own real property as guaranteed by the Constitutions of the United States of America and the State of Oregon.

Consistent with that dedication, we, the members of the Oregon Association of REALTORS®, offer the benefit of our knowledge of real estate, our experience, and our technical resources to the public and to the government which serves them. The following statement of principles is provided so that others may better understand our legislative policies:

We believe in a free enterprise system that best allocates resources to the mutual benefit of all Oregonians when free from undue intervention by government. We believe that excessive taxation and government regulation, arbitrary rules and complex procedures unnecessarily burden property owners and the business community, increase consumer costs and are counterproductive.

We believe property ownership serves as the cornerstone of democracy and should be accorded the value it thus deserves. We believe property ownership contributes to community responsibility, civic, economic, business and employment stability, family security and personal wellbeing. We believe every individual should have the opportunity to live in safe, decent and affordable housing and therefore support healthy residential and commercial real estate markets served by an ample supply of affordable and accessible financing. We firmly believe that no person should ever be denied the right to rent or own the real property of their choice because of race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability.

We believe that political stability and the economic prosperity of the citizens of this State are dependent upon the right to own real property and to exercise and enjoy the benefits of that ownership. We support individual property rights, balanced economic growth, an improving standard of living and the need to protect the environment. We believe agricultural needs, social and economic factors and future growth must be considered in development of land use and water policies. We will resist any actions taken or designed to diminish or deny Oregonians the right to own and use real property in a manner consistent with the rights of others.

We support the healthy growth of the Oregon economy. We believe investment in commercial and residential buildings, equipment and property, coupled with the skill of the people, is necessary to increase the standard of living, create jobs and raise household income. We therefore support changes in tax policy that encourage savings, investment and home ownership.



## OREGON REAL ESTATE AGENCY/LICENSING LAWS

### EXISTING POLICIES

1. Support a regulated, safe industry of independent, well-educated and continuously trained real estate professionals appropriately licensed by the State through an adequately funded and staffed real estate agency.
2. Support license laws that are consistent with current real estate practices including the ability to give opinions of value and be free from prejudicial publication of licensing information without due process of law.
3. Oppose statutory real estate forms where such forms are inconsistent with effective real estate practices.
4. Oppose legislation allowing shared commissions with unlicensed individuals.
5. Support legislation that ensures the Oregon Real Estate Agency continues to work with the Real Estate Board to set policy, budgets and administrative rules.
6. Oppose legislation that expands the authority of the Oregon Real Estate Agency, Real Estate Board or Real Estate Commissioner to impose civil fines on real estate licensees.
7. Support or introduce legislation that clarifies the existing rights and responsibilities of principal real estate brokers within the electronic licensing system of the Oregon Real Estate Agency.
8. Support or introduce legislation that provides the necessary resources to implement an online database for continuing education credit for real estate licensees.



## REAL ESTATE FINANCE

### EXISTING POLICIES

1. Support appraisal, lien law, and forfeiture legislation that promotes and protects the ability of lenders and lien holders to provide consumer-oriented real estate financing without undue restraint, and which provides equitable consumer protection.
2. Support loan programs and policies that benefit consumers and provide greater access to home ownership and provide incentives for lenders to provide construction and take-out loans for low and moderate income borrowers and non-conforming housing.
3. Support or introduce legislation to ensure that seller financing remains a viable option for purchasers of real property.



## ENVIRONMENT AND NATURAL RESOURCES

### EXISTING POLICIES

1. Support or introduce legislation, including but not limited to asbestos, lead paint, wood stoves, underground storage tanks and seismic zoning that:  
(a) promotes clear and reasonable standards; (b) is no more restrictive than necessary; (c) requires appropriate licensing and certification of inspectors and abatement contractors; (d) protects the rights of existing property owners; (e) ensures public information is available to existing property owners; and (f) emphasizes education, notification, and voluntary clean-up and decommissioning programs over mandatory inspection and removal.
2. Support legislation initiating financing or other incentives for clean-up of environmental hazards including, but not limited to, decommissioning of underground storage tanks, removal of uncertified wood stoves and the continuation of existing programs with other financing sources, or other incentives, if necessary.



## HOUSING AND LANDLORD TENANT

### EXISTING POLICIES

1. Support, consistent with economic considerations, improved private and public funding of, investment in, and equal siting opportunities for, all types of safe, decent and affordable housing.
2. Support simple, clear and equitable landlord/tenant regulations that protect landlords who exercise reasonable care in selection of tenants and supervision and control of their properties and client trust accounts and prevent imposition of rent control in any form at any level of government.
3. Support the relinquishment by any government agency of all rights, including mineral rights, when any such government agency transfers property to private parties.
4. Support legislation that would continue to establish minimum competency standards and continuing education requirements for all types of inspectors who perform fee inspections for the general public.
5. Support legislation that requires accurate and complete record keeping by local jurisdictions for any development-related permits.
6. Support legislation that fosters incentive-based energy conservation and innovation in sustainable building. In order to preserve a uniform, statewide building code, oppose any request, by any jurisdiction, for a local exemption from the state building code.
7. Support or introduce legislation to maintain the integrity of a statewide statutory sellers' property disclosure and oppose efforts to allow additional point-of-sale mandates at a local or regional level.



## BUSINESS DEVELOPMENT AND TAXATION

### EXISTING POLICIES

1. Support the reduction, stabilization and equalization of all types of taxes on businesses, independent business people and property to promote a reasonable and equitable distribution of the costs of public services.
2. Support efficient government operation. Oppose unnecessary prohibitions and restrictions on solicitation and or the collection of fees for real estate consulting or other licensed professional real estate services.
3. Oppose the entry of non-traditional entities into the real estate brokerage business without specific legislative safeguards and guidelines that protect the consumer.
4. Support or introduce legislation that eliminates real estate transfer fees in all forms.
5. Support legislation requiring licensing of loan officers.
6. Support or introduce legislation to protect purchasers of real property from undisclosed liens, assessments and encumbrances.
7. Support legislation that improves the availability and predictability of insurance necessary for home ownership, reduces REALTOR® liability, and avoids unnecessary cost increases.
8. Oppose any effort to repeal or circumvent the statutory preemption prohibiting a city or county from assessing a business license tax or fee on a licensed real estate broker engaged in professional real estate activity as an agent of a principal real estate broker. Initiate or support, as appropriate, legislation necessary to maintain the integrity of the statewide preemption or to further restrict the ability of a city or county from assessing a business license tax or fee.



## LAND USE AND PRIVATE PROPERTY RIGHTS

### EXISTING POLICIES

1. Support the protection and enhancement of private property rights and investment-backed expectations by opposing any legislation that would work toward or allow a “taking” under the state or federal constitutions, unless the legislation requires formal condemnation proceedings and just compensation. These “takings” may occur either through excessive regulation, by forcing individual property owners to bear a disproportionate share of the cost of public benefits, or by otherwise creating a public interest in private property.
2. Support the existence, validity and benefits of a rural lifestyle as a choice for all citizens of this State by encouraging specific standards and criteria that: (a) promote reasonable development, including housing and resort development; and (b) reduce or eliminate income tests, acreage limitations, arbitrary farm land designations, siting, division and access restrictions, and other state-level regulations that increase costs and complexity and diminish or prevent local control over the appropriate and reasonable use of rural lands.
3. Support legislation that ensures or validates proper management of Urban Growth Boundaries by: (a) requiring expansion when previously inventoried buildable lands are removed from the inventory; (b) requiring provision of urban services to land within an urban growth boundary even if annexation is denied by vote of the general electorate; and (c) requiring the same inventory projections for industrial, commercial, and retail lands as are required for residential lands.
4. Support or introduce fair and efficient land use legislation by: (a) balancing private property rights with environmental threats against public safety; (b) restricting state agency rulemaking authority; (c) requiring prompt government action on all permits using clear and objective standards and goals; (d) limiting standing at all levels to those directly affected by land use decisions; (e) modernizing the state land use system to further recognize regional differences throughout the state (f) limiting judicial review of uses allowed in local comprehensive plans; (g) preventing the down-zoning of previously acknowledged property or discontinuation of existing allowed uses or uses of right; (h) preventing resource goals from being elevated over development goals; (i) demanding coordination and cooperation between agencies and at levels of government; (j) requiring owner control of historic designations to the maximum extent possible; (k) requiring consideration of economic

impacts at least every three years and during all rule making; and (l) providing citizens with timely and meaningful notification of all land use actions.

## WATER RIGHTS AND POLICY

### EXISTING POLICIES

1. Support the efficient, beneficial use of water in this state by encouraging specific standards and criteria that: (a) recognize the broad spectrum of water uses and issues across the state; (b) balance water issues with private property rights; (c) support multi-use water storage facilities; (d) promote cooperative financing that both protect fish and provide improved delivery systems for individual water users; (e) resolve all water rights applications and transfers in a timely manner; (f) require adequate public and private notice of all actions affecting water issues or individual water rights; and (h) require the State to coordinate water issues across all levels of government, to provide full public review of all resource data and modeling, to adopt a coordinated approach to minimum stream flows and in-stream water rights, all without creating additional bureaucracy.
2. Oppose all attempts to control land use and development by restricting water availability or usage, including but not limited to, water user fees, minimum well flow requirements for obtaining building permits or regulatory or legislative actions that substantially diminish value of private property.
3. Support legislation clarifying state and local regulation and policing of wells and water use and prohibiting entry upon private property by government agencies without reasonable notice.