

Oregon Updates

OREF 2.24 FKA “Seller Payment to Buyer’s Broker Addendum (when seller pays all or a portion of buyer’s agent compensation) is embedded in the PSA. No need to include

ADVISORY REGARDING FAIR HOUSING

It is unlawful for a seller to refuse to sell a home to a buyer because the buyer is a member of, or is perceived to be a member of, a protected class. Sellers are free to reject offers for legal reasons, such as price and terms, but they cannot base their rejection solely on the protected characteristics of a buyer. Under fair housing law, these protected characteristics are known as "protected classes."

Federal, state, and local fair housing laws are in place to protect buyers in protected classes from discrimination by sellers, real estate and mortgage brokers, and other real estate service providers and their employees. At the federal level, these protected classes include race, color, religion, national origin, sex (gender), disability (physical or mental), and familial status (children in the household under age 18, anticipated presence of children through adoption, pregnancy, surrogacy, etc.). To the list of federal protected classes, the State of Oregon adds sexual orientation, gender identity (whether the individual identifies as female or male, both, or neither, regardless of their assigned sex at birth), marital status (single or married), legal source of income, and victims or survivors of domestic violence (including sexual assault and stalking). Local jurisdictions may also have additional protected classes, like domestic partnerships, ethnicity, and age. The more restrictive federal, state, or local laws will apply.

- (a) For information about federal law, see 42 U.S. Code § 3604 – Discrimination in the sale or rental of housing.
- (b) For information about Oregon law, see:
 - (i) [ORS 659A.421](#) – Discrimination in selling, renting, or leasing real property prohibited;
 - (ii) [OAR 839-005-0205](#) – Housing discrimination; prohibited discrimination in real property transactions; and
 - (iii) [ORS 90.390](#) – Discrimination against tenant or applicant.
- (c) Contact the city or county where the property is located for information about local discrimination laws.

In addition to federal, state, and local law, REALTORS® must follow the Code of Ethics of the National Association of REALTORS®. Article 10 of the Code of Ethics says: "REALTORS® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. REALTORS® shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, sex, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity." **LINES WITH THIS SYMBOL ← REQUIRE A SIGNATURE AND DATE** OREF 104 | Released 01/2025
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OREF 104

Fair Housing Advisory Disclosure



RESIDENTIAL

SELLER'S PROPERTY DISCLOSURE STATEMENT ADDENDUM

Property Address or Tax ID # _____ (the "Property")

Responses marked "yes" on items with an * require a written explanation. See below.

Question # _____
Details: _____

Attachment Identified as: _____

Question # _____
Details: _____

Attachment Identified as: _____

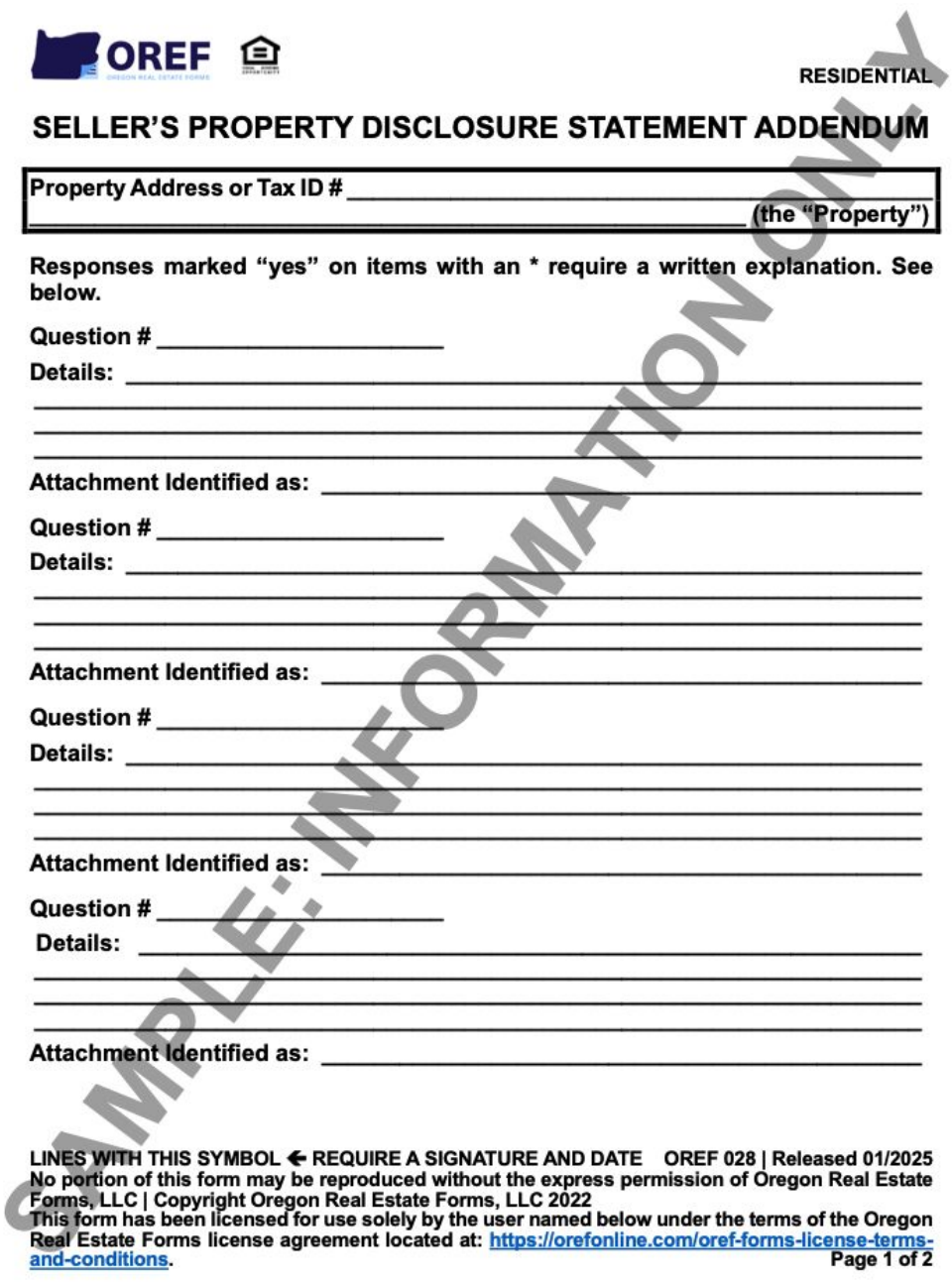
Question # _____
Details: _____

Attachment Identified as: _____

Question # _____
Details: _____

Attachment Identified as: _____

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Seller's Property Disclosure Statement ADDENDUM

ADVISORY REGARDING THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

This Advisory Regarding the Foreign Investment in Real Property Tax Act (this "FIRPTA Advisory") is only an advisory, and should not be relied upon as legal or tax advice.

1. FIRPTA LAW SUMMARY: The seller and buyer are advised upon closing, a federal law known as the Foreign Investment in Real Property Tax Act of 1980 ("FIRPTA") requires buyers to withhold a portion of a seller's proceeds if the real property is located within the United States and the seller is a foreign person who does not qualify for an exemption (the "Withholding Requirement"). A foreign person includes a nonresident alien individual, foreign corporation that has not made an election under Section 897(i) of the Internal Revenue Code to be treated as a domestic corporation, foreign partnership, foreign trust, or foreign estate but does not include a resident alien individual. Generally, the following rules apply under FIRPTA:

- (a) There is no Withholding Requirement, even if the seller is a foreign person, if:
 - (i) the purchase price of the property is not more than \$300,000; and
 - (ii) the property will be occupied as a residence by a buyer who is an individual, or a member of that buyer's family; and
 - (iii) for at least 50% of the number of days, excluding days the property is vacant, it is used by such person during each of the first two twelve (12) month periods following the date of closing;
- (b) The Withholding Requirement will be ten percent (10%) of the purchase price when the seller is a foreign person, and the purchase price is over \$300,000 but less than \$1,000,000, and (a)(ii) and (iii) above apply; and
- (c) The Withholding Requirement will be fifteen percent (15%) of the purchase price when the seller is a foreign person, and the purchase price is over \$1,000,000, or the purchase price is less than \$1,000,000, and the seller does not qualify for any of the exemptions in (a) or (b) above.

If FIRPTA applies, that is, if the seller is a foreign person, even if there is an exemption, the seller and the buyer must inform escrow to determine the extent to which escrow can assist the parties in compliance with FIRPTA. Note seller's

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Advisory Regarding FIRPTA