REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1801

DEADLINE FOR RECEIPT: Friday November 13, 2026 by 5:00p.m..

***PLEASE NOTE:* This request may extend to several pages. Please be sure you have reached the end of the document.**

(a) Line 7, change "said" to "the"

History Note, G.S. 93A-4 and 93A-9 are relevant to the general provisions in this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

21 NCAC 58A .1801 is amended as published in 41:2 NCR 229 as follows:

SECTION .1800 - LIMITED ~~NONRESIDENT~~ COMMERCIAL ~~LICENSING~~ LICENSE

21 NCAC 58A .1801 GENERAL PROVISIONS

(a) Any person resident in a state or territory of the United States other than North Carolina may perform the acts or services of a real estate broker in North Carolina in transactions involving commercial real estate if said person first applies for and obtains a limited ~~nonresident~~ commercial ~~real estate broker~~ license as provided in this Section.

(b) Corporations, business associations and entities shall be ineligible for licensure under this Section.

(c) Nothing in this Section shall be construed to limit the rights of any person duly licensed as a real estate broker in North Carolina under the provisions of G.S. 93A-4 or 93A-9(a).

History Note: *Authority G.S. 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~*May 1, 2018.*~~
May 1, 2018;
Amended Eff. January 1, 2027.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1802

DEADLINE FOR RECEIPT:

***PLEASE NOTE:* This request may extend to several pages. Please be sure you have reached the end of the document.**

(b) Lines 12-13, Both G.S. 153 A, Article 18 and G.S. 160A, Article 19 were repealed between 2019 and 2020. Please edit to clarify appropriate statutes.

(c) Line 17, what constitutes "good faith" and what qualifies as "immediately"?

(2) Line 20 change "and" to "or" as I don't think they are both an applicant and holder

History Note, G.S. 93A-4 and 93A-9 are relevant to this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

21 NCAC 58A .1802 is amended as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1802 DEFINITIONS

For the purposes of this Section:

(1) "Commercial Real Estate" means any real property or interest therein, whether freehold or non-freehold, which at the time the property or interest is made the subject of an agreement for brokerage services:

(a) is lawfully used primarily for sales, office, research, institutional, warehouse, manufacturing, industrial or mining purposes or for multifamily residential purposes involving five or more dwelling units;

(b) may lawfully be used for any of the purposes listed in Subitem (1)(a) of this Rule by a zoning ordinance adopted pursuant to the provisions of G.S. 153A, Article 18 or G.S. 160A, Article 19 or which is the subject of an official application or petition to amend the applicable zoning ordinance to permit any of the uses listed in Subitem (1)(a) of this Rule which is under consideration by the government agency with authority to approve the amendment; or

(c) is in good faith intended to be immediately used for any of the purposes listed in Subitem (1)(a) of this Rule by the parties to any contract, lease, option, or offer to make any contract, lease, or option.

(2) "Qualifying state" means the state or territory of the United States where an applicant for, and the holder of, a limited ~~nonresident~~ commercial license issued under this Section is licensed in good standing as a real estate broker or salesperson. The qualifying state must be the state or territory where the applicant or limited ~~nonresident~~ commercial ~~licensee~~ broker maintains his or her primary place of business as a real estate broker or salesperson. Under no circumstances may North Carolina be a qualifying state.

History Note: *Authority G.S. 93A-4; 93A-9;*
Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~*May 1, 2018.*~~
May 1, 2018;
Amended Eff. January 1, 2027.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1804

DEADLINE FOR RECEIPT:

***PLEASE NOTE:* This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4, What does inactive or active status mean? What's the difference between the two? Suggest referencing 21 NCAC 58A .0504.

Line 5, Reference Rule .1807 when you mention the affiliation form to aid clarity.

Line 5, Who shall they submit the form to? The Commission? This rule says it must be submitted but, .1807 does not speak to submission and only requires the parties to keep the form on record for three years past its expiration. This needs to be consistent.

Line 6 What does valid mean? What is the difference between inactive and not valid? If they are different things, can you be active but not valid? Please clarify.

Line 11 What is immediately? Same day? This needs to be clarified.

History Note, G.S. 93A-4 and 93A-9 are relevant to this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

21 NCAC 58A .1804 is amended as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1804 ACTIVE STATUS

~~Broker licenses~~ A license issued under this Section shall be issued on ~~active status and~~ inactive status. To change the license to active status, a broker shall submit an affiliation form designating a broker-in-charge. The license shall remain valid only so long as the ~~licensee's~~ broker's license in the qualifying state remains valid and on active status. If a broker licensed under this Section fails to affiliate or loses their affiliation with a broker-in-charge at any time during licensure, the license shall be placed on inactive status. ~~In addition, a license issued to a salesperson under this Section shall remain valid only while the salesperson is acting under the supervision of a real estate broker in accordance with the applicable laws and rules in the qualifying state. Individuals~~ Brokers licensed under this Section shall immediately notify the Commission if his or her license in the qualifying state lapses or expires, is suspended or revoked, made inactive, or is placed in abeyance for any reason.

History Note: *Authority G.S. 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1806

DEADLINE FOR RECEIPT:

PLEASE NOTE: ***This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

> *History Note, G.S. 93A-4 and 93A-9 are relevant to this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

21 NCAC 58A .1806 is amended as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1806 LIMITATIONS

(a) A person licensed under this Section may act as a real estate broker in this ~~state~~ State only if:

(1) he or she does not reside in North Carolina;

(2) the real property interest which is the subject of any transaction in connection with which he or she acts as a broker in this ~~state~~ State is commercial real estate as that term is defined in Rule .1802 of this Section; and

(3) he or she is affiliated with a resident North Carolina ~~real estate broker~~ broker-in-charge as required in Rule .1807 of this Section.

(b) A ~~nonresident~~ limited commercial ~~real estate~~ broker licensed under the provisions of Section .1800 of this Subchapter shall not act as or serve in the capacity of a broker-in-charge of a firm or office in North Carolina.

History Note: *Authority G.S. 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1807

DEADLINE FOR RECEIPT:

***PLEASE NOTE:* This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a) Line 4, How do you determine why someone entered North Carolina? If they "enter" for a different purpose and happen to do business while here, is that okay? Consider deleting "enter North Carolina to"

(a) Line 5, Is the requirement only to enter the agreement? Rule .1804 requires a broker to "submit" an affiliation form. You need to clarify this between rules.

(c) Line 18 If this a form provided by the board then G.S. 150B-2(8a)(d) requires the contents or substantive requirements to be included in a rule or statute. See the guidance document on Forms located on the OAH website. https://www.oah.nc.gov/rrc-final-guidance-forms/open.

All you require here is the name of each party and a "description of the duties and obligations" as required by the law and rules. It is unclear what the duties and obligations are. Are there any other contents on this form? 21 NCAC 58A .0110 outlines the form for BIC in other circumstances and requires names, license numbers, telephone numbers, email addresses, criminal and occupational license history and firm information. Please edit to include and clarify the contents for the affiliation form as well as where to locate it and whether it must be submitted or just retained.

(c) Line 21-22, how can this be part of the brokerage cooperation agreement if it has to be on a form provided by the board?

(e)(2) Line 29-30 What does actively and directly mean? Do they have to follow the limited broker and directly observe all work? Also, is reasonably defined if not who gets to decide what is reasonable?

History Note, G.S. 93A-4 and 93A-9 are relevant this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

21 NCAC 58A .1807 is amended with changes as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1807 AFFILIATION WITH RESIDENT ~~BROKER~~ BROKER-IN-CHARGE

(a) No person licensed under G.S. 93A-9(b) shall enter North Carolina to perform any act or service for which licensure as a real estate broker is required unless he or she has first entered into a brokerage cooperation agreement and declaration of affiliation with an individual who is a resident in North Carolina licensed as a North Carolina real estate ~~broker.~~ broker and designated as a broker-in-charge.

(b) A brokerage cooperation agreement as contemplated by this Rule shall be in writing and signed by the resident North Carolina ~~broker~~ broker-in-charge and the ~~non-resident~~ limited commercial ~~licensee. It shall contain:~~ broker and shall include:

(1) the material terms of the ~~agreement between the signatory licenses;~~ agreement;

(2) a description of the agency relationships, if any, which are created by the agreement among the ~~nonresident~~ limited commercial ~~licensee,~~ broker, the resident North Carolina ~~broker,~~ broker-in-charge, and the parties each represents;

(3) a description of the property or the identity of the parties and other information sufficient to identify the transaction which is the subject of the affiliation agreement; and

(4) a definite expiration date.

(c) A declaration of affiliation shall be written ~~and~~ on the form provided by the Commission and shall identify the ~~nonresident~~ limited commercial ~~licensee~~ broker and the affiliated resident North Carolina ~~licensee.~~ [~~broker.~~] broker-in-charge. It shall also contain a description of the duties and obligations of each as required by the North Carolina Real Estate License Law and rules adopted by the Commission. The declaration of affiliation may be a part of the brokerage cooperation agreement or separate from it.

(d) A ~~nonresident~~ limited commercial ~~licensee~~ broker may affiliate with more than one resident North Carolina ~~broker~~ broker-in-charge at any time. However, a ~~nonresident~~ limited commercial ~~licensee~~ broker may be affiliated with only one resident North Carolina ~~broker~~ broker-in-charge in a single transaction.

(e) A resident North Carolina ~~broker~~ broker-in-charge who enters into a brokerage cooperation agreement and declaration of affiliation with a ~~nonresident~~ limited commercial ~~licensee~~ broker shall:

(1) verify that the ~~nonresident~~ limited commercial ~~licensee~~ broker is licensed in North Carolina;

(2) actively and directly supervise the ~~nonresident~~ limited commercial ~~licensee~~ broker in a manner which reasonably ~~insures~~ ensures that the ~~nonresident~~ limited commercial ~~licensee~~ broker complies with the North Carolina Real Estate License Law and rules adopted by the Commission;

(3) promptly notify the Commission if the ~~nonresident~~ limited commercial ~~licensee~~ broker violates the Real Estate License Law or rules adopted by the Commission;

(4) insure that records are retained in accordance with the requirements of the Real Estate License Law and rules adopted by the Commission; and

(5) maintain his or her license on active status continuously for the duration of the brokerage cooperation agreement and the declaration of affiliation.

(f) The ~~nonresident~~ limited commercial ~~licensee~~ broker and the affiliated resident North Carolina ~~broker~~ broker-in-charge shall each retain in ~~his or her~~ their respective records a copy of brokerage cooperation agreements and declarations of affiliation from the time of their creation and for at least three years following their expiration. Such records shall be made available for inspection and reproduction by the Commission or its authorized representatives without prior notice.

History Note: *Authority G.S. 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006; July 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1808

DEADLINE FOR RECEIPT:

***PLEASE NOTE:* This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 7, change "to be deposited" into active tense. Suggest "broker-in-charge shall deposit the funds"

History Note, G.S. 93A-4 93A-6(d), 93A-6(g) and 93A-9 are relevant this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

21 NCAC 58A .1808 is amended as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1808 TRUST MONIES

A ~~nonresident~~ limited commercial broker acting as real estate broker in North Carolina shall deliver to the North Carolina resident ~~broker~~ broker-in-charge with whom he or she is affiliated all money belonging to others received in connection with the ~~nonresident~~ limited commercial broker's acts or services as a broker. Upon receipt of the funds, the resident North Carolina ~~broker~~ broker-in-charge shall cause the funds to be deposited in a trust account in accordance with the provisions of Rule .0116 of this Subchapter.

History Note: *Authority G.S. 93A-4; 93A-6(d); 93A-6(g); 93A-9;*
Eff. July 1, 2004;
Amended Eff. July 1, 2014; April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~*May 1, 2018.*~~
Amended Eff. January 1, 2027.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1809

DEADLINE FOR RECEIPT:

***PLEASE NOTE:* This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 5 replace "such person's" with "their"

History Note, G.S. 93A-4 and 93A-9 are relevant this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

21 NCAC 58A .1809 is amended as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1809 ADVERTISING

In all advertising involving a ~~nonresident~~ limited commercial ~~licensee's~~ broker's conduct as a North Carolina real estate broker and in any representation of such person's licensure in North Carolina, the advertising or representation shall conspicuously identify the ~~nonresident~~ limited commercial ~~licensee~~ broker as a "Limited ~~Nonresident~~ Commercial Real Estate Broker".

History Note: *Authority G.S. 93A-4; 93A-9;*
Eff. July 1, 2004;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1810

DEADLINE FOR RECEIPT:

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In reviewing this Rule, the staff recommends the following changes be made:

Line 5 change "said" to "the"

Line 6 change "such" to "the"

History Note, G.S. 93A-4 and 93A-9 are relevant this rule. However, 93A-3(c) gives the commission authority to write rules generally and should also be included.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

21 NCAC 58A .1810 is amended as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1810 PAYMENT OF FEES

Commissions, fees, or other compensation earned by a ~~nonresident~~ limited commercial ~~licensee~~ broker shall not be paid directly to the ~~licensee~~ broker if said ~~licensee~~ broker is employed by or working for a real estate broker or firm. Instead, such fees or compensation shall be paid to the ~~licensee's~~ broker's employing broker or firm.

History Note: *Authority G.S. 93A-4; 93A-9;*
Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~
May 1, 2018;
Amended Eff. January 1, 2027.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Real Estate Commission

RULE CITATION: 21 NCAC 58A .1811

DEADLINE FOR RECEIPT:

***PLEASE NOTE:* This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

The formatting is wrong. For an adoption all text must be underlined. See https://www.oah.nc.gov/rule-format-examples

(a)(2) What is a "General Update Course"? Is it defined in another rule, if so please reference.

(b) To ensure I understand, they don't have to complete any courses within their first year in order to renew initially. Instead, they start courses in year two for the second renewal?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Meghan Barney
Commission Counsel
Date submitted to agency: October 30, 2026

21 NCAC 58A .1811 is adopted as published in 41:2 NCR 230 as follows:

21 NCAC 58A .1811 CONTINUING EDUCATION REQUIRED OF LIMITED COMMERCIAL BROKERS

(a) A limited commercial broker shall complete eight credit hours of real estate continuing education courses approved pursuant to 21 NCAC 58H within one year prior to the expiration of the license as follows:

(1) Four credit hours of elective courses; and

(2) Four credit hours of the "General Update Course."

(b) Continuing education courses shall be completed upon the second renewal following the initial licensure and upon each subsequent annual renewal.

(c) The limited commercial broker shall provide the course completion certificate upon request of the Commission.

History Note: *Authority G.S. 93A-3(c); 93A-38.5;*
Eff. January 1, 2027.