



New York State Association of REALTORS®, Inc.

2014

STATEMENT OF POLICY

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**New York State Association of REALTOR[®], Inc.
Statement of Policy**

PREAMBLE

We, the members of the New York State Association of REALTORS[®], Inc. offer the public and government the benefits of our real estate knowledge, experience and technical skills in order to strengthen and preserve our free enterprise system and the basic constitutional right of free people to own real estate.

We believe that homeownership helps promote family well-being and civic responsibility.

We support the equal right of all individuals to own real property and enjoy its many benefits. We believe property ownership should be free from unnecessary intrusion by government, private groups and individuals.

We believe that a sound economy promotes and strengthens the opportunity for every member of our society to live in decent housing.

We believe that the need and demand for rental housing is best dealt with when investors are encouraged to take long term capital risks in a viable economic climate where mutually beneficial owner-tenant relationships exist.

We oppose excessive and counterproductive taxation.

We oppose unnecessary government regulations on business. These increase costs of government operations and lead to higher taxes, contribute to unbalanced budgets and raise the cost of doing business for which consumers ultimately pay.

We support government fiscal responsibility rooted in a balanced budget and committed to terminating unnecessary, overlapping and costly programs.

We believe that all Americans should be involved in political and legislative activity. REALTORS[®] in particular should participate in local, state and national affairs, and give support to candidates for office who have demonstrated strong support for, and/or pledged themselves to, the preservation of private ownership of real property and a free enterprise system.

We support the equal enforcement of all governmental regulations. We support absolute application of the fundamental judicial axiom: "a person is innocent until proven guilty."

We believe in an energy policy that balances the environmental benefits of conservation with the need to develop and explore new energy resources to accommodate increasing economic and social demands.

We believe that government land use policies and decisions should balance agricultural, social and economic goals.

We subscribe to the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS[®].

CODE OF ETHICS

We recognize that the interests of the nation and its citizens require the highest and best use of the land and the widest distribution of land ownership. Such interests impose a grave social responsibility and patriotic duty to which we prepare and dedicate ourselves.

The New York State Association of REALTORS[®], its member boards and individual REALTORS[®], adhere to the highest standards of moral conduct, and are committed to the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS[®].
(See Appendix B)

Adherence to the Code of Ethics bonds REALTORS[®] throughout the country and addresses their obligations and duties to; Clients and Customers, the Public, and other REALTORS[®]. The Code of Ethics of the National Association of REALTOR[®] establishes a public and professional consensus against which the practice and conduct of REALTORS[®] and REALTOR-ASSOCIATES may be judged. By joining the REALTOR[®] organization, REALTORS[®] and REALTOR-ASSOCIATES signify their intention to abide by the Code of Ethics and thereby enhance the public and professional image of themselves and all other REALTORS[®].

CULTURAL DIVERSITY AND EQUAL OPPORTUNITY

We believe that equal opportunity in housing is a fundamental right.

We oppose all illegal discrimination.

We believe that persons with disabilities should enjoy full and equal access to goods, services, facilities, privileges, advantages and public accommodations.

We are committed to working with Congress, the United States Department of Housing and Urban Development, the United States Department of Justice, the New York State Department of State, the New York State Attorney General, the New York State Legislature, the Member Boards/Associations of NYSAR, and the individual members of this Association and all other organizations to support a public policy agenda that seeks to guarantee that discrimination will not interfere with equal housing opportunity and the ability of consumers to exercise their rights and become homeowners and full participants in the real estate market.

We welcome membership and active involvement in the Association by all licensees.

We pledge to provide the same professional service to all consumers.

To support these beliefs we commit ourselves to:

1. Strict observance of anti-discrimination laws.
2. Encouraging freedom of choice through a free and open housing market.
3. Supporting public education to promote fair housing, homeownership and understanding of an individual's right to own private property.
4. Providing training in and information about fair housing real estate practices to all members of this Association.

5. Encouraging all members to participate in all levels within the REALTOR® Associations.
6. Supporting the removal of architectural and communication barriers in places of public accommodation when such removal of barriers is "readily achievable."
7. Encouraging and promoting universally designed and constructed dwellings for the use and benefit of all.

DECENT HOUSING FOR ALL FAMILIES

We support the right of every resident of this state to have the opportunity to live in safe, sanitary and decent housing. We specifically encourage the funding and advancement of programs that promote homeownership for New York State's low and middle income families who provide much of the well-educated and trained workforce needed to foster social and economic growth.

We must involve all levels of government, the business community, labor unions, pension funds, the housing industry, real estate boards and local citizens to achieve affordable housing goals. We believe government should confine itself to research and financing leaving construction, direct ownership and management to private enterprise.

We believe that affordable housing can be promoted in many ways. This includes, but is not limited to, comprehensive community planning commonly known as "smart growth," programs and policies to assist first-time homebuyers and tax incentives promoting affordable home construction and rehabilitation.

POLITICAL RESPONSIBILITY

In the American tradition, we strongly urge active involvement by our members in all phases of political activity. We encourage them to participate in local, state and national political affairs.

We will promote voter registration, voting and annual support for the REALTORS® Political Action Committee.

We must maintain and utilize a communication and information network on political matters within the state and local.

We believe that the state association and each local board should establish a REALTORS® Political Action Committee (RPAC). These committees should energetically support those qualified candidates who pledge themselves to the preservation of private property ownership and the free enterprise system.

LEGISLATIVE ACTIVISM

We believe that the state association and each local board should establish a legislative committee and charge these committees with the responsibility to:

- (a) Sustain a continuing government affairs program and utilize multiple forms and methods of advocacy;
- (b) Maintain and utilize a local communication and information network capable of supporting Association grassroots lobbying activities including, but not limited to, national and state association "calls for action" and the broker involvement program.
- (c) Establish a grass roots network to create awareness of REALTOR® concerns and protect the rights of homeowners;
- (d) Provide representation to the New York State Association of REALTORS® Legislative Committee; and
- (e) Establish Federal Political Coordinators and supporting teams to augment programs related to NAR's Calls for Action.

We believe that the state association and each local board should establish an Issues Mobilization Committee that will aggressively support issues that preserve private property ownership and the free enterprise system.

GOVERNMENT INTERVENTION AND REGULATION

Government regulations and laws can increase the cost of goods and services, as well as the cost of government. As such, no law or regulation should be promulgated or adopted unless it has been subject to detailed analysis that clearly indicates that the benefits outweigh the costs of implementation and compliance.

We oppose anti-solicitation and anti-sign laws and ordinances since there is no convincing evidence that lend support to their value or usefulness in preventing block busting or panic selling. These statutes imply guilt without due process while unreasonably interfering with the licensees' right to sell, purchase, rent or manage real property.

We also oppose local anti-sign ordinances or local restrictive sign ordinances.

We call upon our public officials and law enforcement agencies to recognize and protect the rights of licensees from unjustified administrative investigation and other actions that inhibit or prevent their right to a livelihood in their chosen field. We also oppose burdensome and arbitrary regulations that create more serious problems than those they are designed to resolve.

We ask that state agencies and officials join with us in our efforts to foster the highest level of conduct on the part of the members of our profession and promote goodwill for the understanding of the real estate profession for the betterment of all citizens of New York State.

REAL PROPERTY AND INCOME TAXATION

We believe that efforts to reduce government costs and lower taxes on businesses and individuals will promote a strong economy.

We support the elimination of the state mortgage recording tax. New York is one of only a few states that impose a tax simply for obtaining a mortgage. The tax is fundamentally unfair because financing the purchase of a home is not a government provided privilege that should be subject to taxation. This state mortgage recording tax repeal must not result in a shift in the tax burden to property owners for any lost revenues. Revenue lost by the elimination of the tax can be recouped by cutting unnecessary state spending and/or enacting broad-based alternative revenue source(s) for the programs that are currently funded by the mortgage recording tax.

We urge the consolidation of needlessly duplicated government services, particularly unnecessary overlapping services offered by local governments.

We recognize that one of the greatest obstacles to the individual right of real property ownership is high real property taxation. The existing inequitable real property taxation system must be eliminated and all real property and all forms of shelter in the state should be reassessed regularly on a full value standard. In accordance with a true full valuation standard of assessment, neither classified tax rates nor classified assessments should be maintained or enacted.

We believe properties owned by federal and state governments and other tax-exempt institutions producing income from non-related activities should be required to pay for local government services received on parity with private property.

We believe that the State Constitution provides for municipal debt limitation and the limitation on the amount of revenue that may be raised by municipal taxation on real property. These have long been established as safeguards that must be maintained. Any attempt to circumvent the limitation of these established safeguards must be opposed.

We express deep concern over the methods whereby state and local governments establish authorities to circumvent statutory limitations in their borrowing powers through the issuance of revenue bonds against which is pledged the guarantee and taxing powers of the respective state and local governments.

Because assessment procedures are not uniform and have created inequities in many jurisdictions, we urge the Legislature to underwrite the cost of developing and publishing a manual of uniform assessment procedures. We also urge that assessors be required to study recognized appraisal techniques and that only such trained and qualified assessors be utilized in local assessment of real property and that selection of assessors be made on a merit basis.

We support the development of an alternative to property taxation for funding the cost of education.

We support a Medicaid program which protects the interests of beneficiaries and taxpayers by ensuring that Medicaid provides cost effective health services only to those intended to receive its benefits.

We oppose transfer taxes collected at any level of government whether levied on the buyer or the seller. We oppose special real property gains taxes because they place an unreasonable burden on buyers and sellers at the time of settlement and have a negative impact on real property ownership and economic development. REALTORS® firmly believe that these taxes should be repealed because of the devastating impact they have on New York's competitiveness for attracting real estate investment.

THE ENVIRONMENT

We believe that environmental protection and economic development can and do coexist.

We believe that when government determines that it must restrict or prohibit development, or expand public rights on privately owned property in order to carry out a broad public purpose pertaining to environmental concerns, the costs or loss of value associated with such restrictions or prohibitions should be borne by the general public and not solely by the affected property owners.

From time to time new environmental concerns arise. When this happens, we believe that government has an obligation to provide the public with timely information based upon sound scientific evidence and principals so that property owners may understand and act upon their potential liability.

We urge that all potential environmental hazards be evaluated prior to the construction of any waste dump facilities.

We understand that a reliable and diversified energy supply/delivery system is required to create and sustain the ever-growing needs of our citizens and businesses. We suggest that all levels of government and industry join together to meet these essential energy needs in a manner that is mindful of environmental concerns.

COMMERCIAL/INDUSTRIAL DEVELOPMENT AND JOB OPPORTUNITY

We urge the State of New York and local municipalities to enact incentives for job creation/retention and industrial development. These may include tax ~~and other~~ incentives and the designation/expansion of commercial/industrial zoned areas.

We subscribe to:

1. Unite those engaged in real estate with an emphasis in the branches of the commercial real estate profession for the purpose of exerting a beneficial influence upon the profession and related interests.
2. Promote and maintain high standards of conduct in the commercial real estate profession as expressed in the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®.
3. Provide a unified medium for commercial real estate owners and those engaged in the commercial real estate profession whereby their interests may be safeguarded and advanced.

4. Further the interests of commercial, industrial and investment real property ownership.
5. Unite those engaged in the commercial, industrial, and investment real estate profession in this community with the New York State Association of REALTORS® and the NATIONAL ASSOCIATION OF REALTORS®.

We support bi-lateral and multi-lateral free trade agreements.

LAND USE POLICY

We support the highest and best use of land and the widest distribution of land ownership.

We deplore restrictions on land use policy that unnecessarily impede private ownership of land and that is falsely clothed under a guise of environmental needs or benefits.

We oppose the use of federal or state sanctions and the disbursement of federal or state money to coerce local governments in their development of land use plans.

We oppose moratoriums on land use by any level of government that unduly delay or deny owners the use of their land for a reasonable purpose.

We believe that laws should be enacted that require just and timely compensation to persons whose property interests are unduly diminished or impaired by government action pursuant to land use or environmental regulations.

LICENSE LAW

We support the concept of uniform licensing laws for the promotion of high educational and ethical standards in the real estate profession. We will work closely with the New York State Board of Real Estate in carrying out its responsibilities of enforcing Article 12A of the Real Property Law and other relevant statutes and regulations.

We will also continue to support educational activity and requirements under the License Law that enhance the abilities of real estate practitioners in New York State.

MORTGAGE MONEY AND CREDIT

We believe that providing creditworthy consumers with reasonable access to mortgage capital, bolstering foreclosure alternatives and ensuring that the future of housing finance includes a robust secondary mortgage marketplace will significantly improve the agency's success in achieving its goals

We support the continued availability of the fixed rate mortgage.

We urge the development of alternative mortgage financing opportunities.

Laws and regulations too often impose an unfair burden on the real estate industry, inhibit economic growth in real estate markets and prevent too many consumers from realizing the American dream of homeownership. While regulation to address well-known mortgage lending abuses is needed, we urge regulators to avoid adopting burdensome and unrealistic requirements that will raise costs on both the industry and consumer and could cause significant harm to the U.S. economy.

We believe that Government Sponsored Enterprises such as Fannie Mae and Freddy Mac should remain as a resource to help provide liquidity in the mortgage marketplace and keep families in their homes and where possible increasing foreclosure alternatives that will minimize the need for taxpayer subsidy.

We recommend the greatest possible annual funding for all state housing programs. We also recommend reforming state housing programs to include higher qualifying income limitations, lower purchase price ceilings and the financing of closing costs to aid more New Yorkers with the purchase of a home.

NEIGHBORHOOD REVITALIZATION

We deplore the social and economic damage caused by housing blight and decay. We support programs that promote and provide improved living conditions for all.

We encourage our members to be active in the formation of Neighborhood Revitalization Committees throughout our state. These committees may become involved with programs such as "Habitat for Humanity" that preserve, restore and revitalize our state's housing stock. These programs should encourage the active participation and contribution of both owners and residents in the neighborhoods.

We believe that programs geared to "help others help themselves" have a beneficial effect on a neighborhood and on the quality of life of its residents.

OWNER-TENANT RELATIONSHIP

We believe that any revisions of owner-tenant laws must protect equally the rights of both owners and tenants. The laws must provide remedies for the tenant's grievances, protect the owner's investment and protect each from harassment.

We advocate the elimination of rent control laws and local lease ordinances that discourage private ownership of rental housing. In lieu of legislative action, we advocate the use of vacancy decontrols as a means to eliminate these laws and ordinances.

We urge the enactment of legislation that will promote private ownership in rental housing.

We oppose the establishment of any rent control on commercial real estate.

REAL ESTATE EDUCATION

We are committed to ensure that the public will be served by competent real estate licensees.

To accomplish this objective, we:

1. Support comprehensive educational requirements for securing and retaining a real estate license.
2. Support the State of New York's comprehensive pre-licensing requirements for prospective real estate licensees.
3. Sponsor real estate educational training programs by offering REALTOR® Institute courses and other programs relating to various areas of real estate specialization.
4. Develop real estate curriculum for both skill development and mandated continuing education courses, and disseminate this material to our Association members.
5. Encourage our affiliates to offer educational opportunities in their fields of specialization.
6. Encourage and offer assistance to colleges and universities in their real estate degree programs.
7. Encourage reciprocal recognition of real estate education credits between state licensing authorities and license reciprocity with other states who require at least the minimum licensing standards of New York State.
8. Provide educational programs to train licensees to comply with government sponsored programs.
9. Develop and offer real estate education programs that utilize available technology as the delivery and learning mechanism.

REAL ESTATE SECURITIES AND SYNDICATION

Group investment in real estate enhances the structure of the economy. Such investment contributes to housing goals, provides funds for expansion of commercial and industrial facilities within the state, and encourages the productive use of capital. Every assistance should be offered by the various state agencies to increase the attractiveness of real estate group investments and not impede the offering of such investment.

We believe that real estate securities are a highly useful and beneficial means for providing real estate investment and development capital and more widespread public investment in real estate.

Real estate securities should not be burdened with restrictions that would put real estate securities at a competitive disadvantage in relation to other forms of investment.

We urge that New York State join the other 49 states in eliminating taxes on 1031 tax deferred exchanges so that New York State can be properly competitive with the rest of the U.S.A.

We support the principles of full and understandable disclosures for real estate security offerings so as to enable potential investors to make informed investment decisions in comparison with alternative investment opportunities.

We encourage coordination between the various regulatory agencies and the State Legislature leading to the development and adoption of model legislation to bring about uniform and consistent regulation of real estate securities.

We urge the adoption of a special securities examination for persons whose activities in the securities area are limited to the sale of real estate securities. Real estate licensees would be exempt for the sale or rental of all co-ops, condos and homeowner's associations co-operative housing. The special examination would focus on real estate security subjects and would omit areas presently in the general securities field which are not relevant. The availability of the special examination would facilitate securities broker licensing for salesmen who want to sell real estate securities and not other kinds of securities.