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YORK STATE

THE OFFICIAL PUBLICATION OF THE NEW YORK STATE ASSOCIATION OF REALTORS®

MARCH/APRIL 2015

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Study sheds light on NEW YORK STATES HOMEBUYERS AND SELLERS

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NEWYORK STATE ASSOCIATION OF REALTORS[®], INC.







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President's message



Mike Smith 2015 NYSAR President

Face-to-face communication has been at the core of the real estate business since its very earliest beginnings and shapes everything within it. Whether it is agent-to-client or agent-to-agent, or any combination of the participants in the process, the quality of the transaction is largely reflected in the quality of the communication. The same principles apply to REALTOR* efforts in the political arena.

It is that time of year when the political landscape is forming more clearly with new faces in Congress, and the New York State Senate and Assembly. Issues will emerge and diverse agendas will become more apparent. The REALTOR® agenda in Albany also takes shape. New York State's REALTORS® and our NYSAR government affairs team will continue to oppose proposals to: mandate fire sprinklers in all new one- and two-family homes; increase the statewide transfer tax; expand the agricultural disclosure requirement; and increase fines for violations of real estate law. These are just a few of the known issues as the legislative session began. I'm confident others will garner our attention as we move forward; some we will support and others we will oppose.

It is never too soon to start your education on what is happening in the political arena and how it can affect you as a REALTOR[®]. I encourage you to take every opportunity to learn more by reading the informative emails you receive from NYSAR, visiting the Government Affairs section of NYSAR.com, and reading the articles in this magazine. The late Richard Stampahar, a REALTOR[®] from Pennsylvania, often said: "If real estate is your profession, then politics is your business." Real estate and politics are inseparable.

Face-to-face communication between our REALTOR* members and the elected decision makers at every level is essential to a healthy real estate industry today and in the future. On the most basic level, we already know that this is the best way to get our position across, and we can't pass up the opportunity to do so whenever it occurs. Have you blocked out Tuesday, June 9, on your calendar? It's REALTOR* Lobby Day in Albany and NYSAR makes arrangements for us to schedule time with our lawmakers on that day to show them we mean business. Please plan to make the trip to our state capital and bring other members with you.

In the meantime, look at your budget and start making your investment in RPAC. It is simply another way to facilitate face-to-face communication with elected officials. This is an off-year for most elections, so this is often a time when REALTOR® concerns can rise above the background sounds of other agendas. RPAC provides us with the ability to attend events and educate our elected officials about the REALTOR® point of view on the issues. It also provides the means to support lawmakers from both sides of the aisle who have a positive record on REALTOR® issues. NYSAR staff will be happy to guide you in what you can do to get started or to reach the next level of RPAC support. Call or email them any time.

Another way New York REALTORS[®] are involved in the political process is through independent expenditure campaigns in support of a candidate. Last fall, NYSAR launched such a campaign in support of REALTOR[®] and former member of the state Assembly George Amedore, who was seeking a seat in the state Senate. You can learn more about how these campaigns work by reading the article on page 19.

One more item before you get back to business: Calls for Action are another way for you to represent the opinions of many on key issues like keeping the mortgage interest deduction in place. Your single response echoes the opinion of your buyers, sellers and community sphere of influence. Politicians know this. Make sure you respond through the trouble-free Call for Action system under the Government Affairs section of NYSAR.com.

Michal a

From the **CEO's desk**



Duncan MacKenzie NYSAR Chief Executive Officer

Yet another state lawmaker has run afoul of the law. It would almost be comical if the stakes weren't so high for every New Yorker. But don't despair and I'll tell you why.

In the most recent installment of crime stoppers, Assembly Speaker Sheldon Silver, one of the top three most powerful leaders in Albany, has been indicted on federal corruption charges. This latest addition to the seemingly endless parade of elected officials facing serious criminal accusations needlessly distracts everyone from the challenges our state and nation are facing.

The history of government corruption goes back well beyond my 30-plus years in politics. And to be fair, indictments don't mean guilt. Former Senate Majority Leader Joe Bruno's recent acquittal from federal charges immediately comes to mind. But the whole situation just makes me want to scream.

For those of you wishing to join me in a primal yell, and hopefully share in the catharsis thereafter, take heart. To view the situation as hopeless wrongly indicts the vast majority of lawmakers who are honest and hardworking.

Every day, REALTORS[®] and REALTOR[®] association staff work with members of the state and federal legislatures to help protect our businesses and the consumer. The process of creating new laws or fighting bad proposals involves a lot of moving parts. It's often an incremental process since very little happens overnight in Albany or Washington absent a crisis. Trust and honesty between all of the parties involved is essential to success.

In the last 12 months alone, lawmakers have collectively addressed many issues important to REALTORS[®]. Vital reforms to the flood insurance program, the extension of tax benefits on phantom income derived from short sales, and permitting brokers and agents to work in more than one county are just a few examples.

These accomplishments happened because of merit, not some corruption of the process. Senators and Assembly members and members of Congress whose names you will never read in the police blotter were and are central to the success of our legislative program. Yes, they do exist and, in fact, greatly outnumber the few that abrogate their sworn duty.

Many of you who read this column know and may have worked with a lawmaker who accepts the responsibility of public trust. As REALTORS*, we don't have the luxury of turning our backs on Albany and Washington in righteous indignation, however tempting and perhaps, even justified. There is just too much important work to be done on behalf of our customers and clients. I invite you to let me know what you think. Go to NYSAR.com and click on the button that says "Share your thoughts with the CEO."

'Every day, REALTORS[®] and REALTOR[®] association staff work with members of the state and federal legislatures to help protect our businesses and the consumer.'

New York news briefs

NYSAR Housing Opportunities Foundation couture store a success

During the NYSAR Mid-Winter Business Meetings, the NYSAR Housing Opportunities Foundation raised nearly \$3,000 through the "It's New to You" couture store fundraiser. Gently-used items were sold to business meeting attendees including men's and women's formal wear, business wear, smart casual clothing, outerwear, shoes and accessories. All proceeds from the fundraiser go directly to the foundation's first-time homebuyer grant program, which awards \$2,000 grants to assist first-time homebuyers, working with a REALTOR[®], with their down payment and closing costs.

More information about the foundation can be found at NYSARHousingFoundation.com.

Hudson Gateway Association of REALTORS® presents check for \$12,600 to Make-A-Wish Hudson Valley

The Hudson Gateway Association of REALTORS[®] (HGAR) Make-A-Wish Committee recently presented a check for \$12,600 to Make-A-Wish Hudson Valley at the Wish House in Tarrytown, NY. The donation represents the proceeds from a recent fundraising cocktail party held at the Clubhouse at Patriot Hills in Stony Point. In addition to last summer's HGAR garage sales held by 25 offices in the fourcounty area, HGAR raised a total of more than \$23,000 for the organization last year.



From left: Vicky Gonzalez; Scott Gunst; Kerri Stretch; John Chewens; Kathy Milich, HGAR Make-A-Wish committee chair; Tom Conklin, Make-A-Wish Hudson Valley CEO; Richard Haggerty, HGAR CEO; Jeanette Smith; Michelle Gilliard; Mary Prenon; and Sadiki Pierre.

Liz English and Margaret Hartman receive the 2014 Lawrence B. Caldwell RPAC Service Award honors

Liz English of West Islip, NY and Margaret Hartman of Buffalo, NY were both recently presented with the prestigious Lawrence B. Caldwell RPAC Service Award, the highest honor presented by the REALTORS* Political Action Committee of New York, in recognition of their long-standing support of RPAC. The ceremony took place during the NYSAR Mid-Winter Business Meetings in Albany, NY in February.

English, a REALTOR[®] for more than 30 years and a past regional vice president of the Metropolitan Region, is an associate broker with Netter Real Estate in West Islip. She has been a Major Investor for more than a decade, investing nearly \$17,000 in RPAC in her lifetime. English was part of the inaugural class of the RPAC of New York Hall of Fame, inducted two years ago.

Hartman, a REALTOR[®] for 44 years and a NYSAR past president, is the office sales manager and associate broker for the Lancaster office of RealtyUSA. A Major Investor for eight years and a President's Circle investor for the past five years, Hartman has invested nearly \$26,000 in RPAC. She



Lawrence B. Caldwell RPAC Service Award winners Margaret Hartman, second from left, and Liz English receive congratulations from NYSAR Secretary/Treasurer and 2014 RPAC Trustees chair Dawn Carpenter, left, and President Michael Smith.

will also be inducted in the National Association of REALTORS*' RPAC Hall of Fame this spring in recognition of her lifetime investments in RPAC.

RPAC of New York and NYSAR's 47,000 members thank English and Hartman for their outstanding support of RPAC over the years.

NYSCAR to sponsor 14th annual REALTORS® Commercial Real Estate Conference

The 14th annual New York State Commercial Real Estate Conference will be held Monday, June 8, through Wednesday, June 10, 2015, at the Turning Stone Resort and Casino in Verona, NY.

The event will kick-off with a pre-conference Society of Exchange Counselors (SEC) session on Monday, June 8, followed by an open house reception for all attendees who wish to know more about the NYSCAR membership. Other conference events will include: updates from the Certified Commercial Investment Member and SEC commercial institutes; a legislative update from NYSAR Director of Government Affairs Mike Kelly; a keynote presentation and welcome reception; a full-day marketing session; and several continuing education credit courses.

This event is sponsored by the members of the REALTORS[®] Commercial Alliance, which includes: the New York State Commercial Association of REALTORS[®] (NYSCAR); the New York State Certified Commercial Investment Member chapter; and the Society of Exchange Counselors.

For more information or a registration form for this premier event, please visit www.nyscar.org.

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Inside the **numbers**



The percentage of adults in the U.S. that said they are unfamiliar with down payment assistance programs for middle-income homebuyers in their community, according to a NeighborWorks America survey.

46

The percentage of consumers that said it's important their current home or the next home they purchase have smart home technology, according to a survey conducted by ERA Real Estate and HGTV.

39

The percentage of residential architects that said they were seeing more demand for in-law suites in 2014, according to the American Institute of Architects. In 2012, the percentage stood at only 10 percent.

76

The percentage of house hunters that said technology has made them smarter homebuyers, according to a poll commissioned by Discover Home Loans. Nearly half said technology helped them save money, and 92 percent said it helped them save time.

101.8

•The percentage of costs recouped upon resale for a steel entry door replacement, ranking as the project expected to return the most money in the National Association of REALTORS[®] 2015 Remodeling Cost vs. Value Report.

45

• The percentage of homebuyers that were first-time buyers in New York, according to the 2014 Profile of Home Buyers and Sellers New York Report. For more statistics from the report, turn to page 12.

May 19

lune 2

June 16

MLS Issues/

Material Defects

Lobby Day Preview

Disclosures Other

Than Agency

Upcoming NYSAR radio **show schedule**



NYSAR Radio is a free Internetbased live call-in show hosted by NYSAR's Director of Legal Services Anthony Gatto, Esq. You can call him at 518-436-9727 with your real estate-related legal questions and have them answered live on the air. Even if you don't have a question, you'll benefit from listening to the answers to your colleagues' questions. Visit NYSAR.com for the link to the Internet broadcast.

All shows start at 10 a.m. All dates and topics subject to change.

Missed a show? You can download the podcast from NYSAR.com.

March 17

Proper Operation of a Real Estate Team

April 7

Fair Housing

April 21

Agency Issues – Buyer's Agent

May 5

Recent Court and DOS Decisions



Scan this code to go directly to the NYSAR radio page.



Legal Line

April is Fair Housing Month: Answers to common fair housing questions

By S. Anthony Gatto, Esq. NYSAR Director of Legal Services

April is celebrated as Fair Housing Month in recognition of the anniversary of the passage of the federal Fair Housing Act, which was enacted on April 11, 1968.

The act prohibits housing discrimination based on race, color, national origin, religion, sex, disability and family status. Additionally, New York State expands these protections to include an individual's military status and perceived sexual orientation. As a member of the National Association of REALTORS*, you are also bound to abide by Article 10 of the Code of Ethics, which adds sexual orientation and gender identity.

Fair housing issues are usually the most straightforward out of all the categories. Members usually inquire about one of two issues. The first is whether a particular description of a property is in compliance with fair housing laws. The second is to what extent a seller or landlord can limit potential buyers or tenants of a protected class. The following are

> NYSAR's Legal Hotline is a question-and-answer service for REALTOR* members only. Call 518-43-NYSAR or 518-436-9727 from 9 a.m. to 3 p.m. Monday through Friday with your questions. You will need to provide your member number, which can be found on the mailing label of this magazine. The hotline does not provide a client-lawyer relationship. For confidential legal advice, consult a competent attorney.

answers to typical questions asked by members calling the Legal Hotline.

- Q: I represent a property owner who lives in Massachusetts and wants to rent his home in New York. He/she does not want to rent to a tenant with children because there is a pond on the property and he/she does not want to assume any liability if the child accidentally falls into the pond. Is this legal?
- A: No, under the New York State Real Property Law it is unlawful for building, apartment, house and mobile home park owners to refuse to rent or discriminate in renting to persons having children, or to incorporate any clause or provision in a lease requiring tenants to remain childless or to not bear children. Exemptions from this antidiscrimination law apply to: federally subsidized, insured or guaranteed housing units for senior citizens; oneor two-family, owner-occupied dwelling houses or mobile homes; or mobile home parks exclusively for persons 55 years of age or older. Furthermore, if a client expresses that he/she intends to discriminate on the basis of a tenant having children, you are obligated to advise him/her that they are in violation of the law, and that if they refuse to stop attempting to discriminate, you must terminate your relationship with him/her. If you fail to terminate your relationship with him/her, and you are knowingly acting as an agent for him/her and they continue to act in a discriminatory behavior, you are also liable in a discrimination lawsuit.
- Q: My client wants me to list their property and in the advertisement, they want me to indicate that the property *continued on page 10*



continued from page 9

is in a racially diverse neighborhood. Since this would not be a statement meant to deter certain purchasers, is it a fair housing violation?

A: Yes. A general rule is to describe the property, not the tenant, purchaser, seller, owner, neighbor, etc. Wording that describes a person or group of persons, community or neighborhood is likely to express discrimination if reference is made, either directly or indirectly, to the race, color, religion, sex, handicap, familial status or national origin of that person, group, community or neighborhood.

Q: My client is the owner/occupant of a two-family dwelling and wants to rent out the other half. He told me that he does not want to rent to anyone with children. He claims he has the right to do so as an owner/occupant



- under one of the exceptions. Can I discriminate against potential tenants just because the owner also occupies the two-family premises?
- A: The answer is a very clear NO. Although the owner may believe he falls under an exception to the Fair Housing/Human Rights Law found in New York Executive Law §296, any exception applies only to the owner personally in trying to rent out the premises. Any belief (whether found to be true or not) the owner has as to an exception is not valid when utilizing the services of a real estate licensee. Licensees are prohibited from being involved in any transaction where the owner is attempting to exercise this right. Real estate licensees must not be involved in any transaction where a protected class is being discriminated against regardless if it is legal for the owner to do so.
- Q: I represent a purchaser who is submitting an offer for a property that borders a group home for disabled adults. Can I tell them that there is a group home bordering the property?
- A: No. Advising or notifying prospective purchasers about the location of a group home violates fair housing laws. This would also apply to any protected class living individually, in a family setting or in a group home.
- Q: My client wants me to advertise that he will not accept any public assistance from a tenant to help offset the rent. Isn't there a new law about this?
- A: Although New York State has not passed a "source of income" protection law, many municipalities have. As of January 1, 2015 the following municipalities prohibit discrimination based on lawful source of income: Nassau County; Suffolk County; Westchester County; New York City; City of Buffalo; Town of Hamburg and Town of West Seneca. As each law protecting "source of income" varies by municipality, licensees are urged to become familiar with their municipality's source of income laws. ●

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SRES





Study sheds light on New York Sta homebuyers and sellers

MEET THE

he Buver

45% were first-

time buyers.

63% were married.

time buyer was

typical repeat

buyer was 52.

Median income for

first-time buyers

was \$68,300; for

repeat buyers it

was \$81,600.

84% used a real

broker.

estate agent or

40% found that

professional

through a

referral.

32 years old. The

The typical first-

The typical seller

lived in their

home for 10

88% of sellers

agent.

were assisted

Recent sellers

typically sold

their homes

for 96% of the

49% reduced the

initial asking

price at least

3 in 10 offered

incentives to

attract buyers.

once.

listing price.

by a real estate

years.

By Ciara Hassenpflug NYSAR Communications Coordinator

or most homebuyers, the purchase of real estate is one of the largest financial transactions they will ever make. Whether it's a change in job, family situation, the need for a smaller or larger living area, or just the desire to own a home of their own, buyers purchase a home for a multitude of reasons.

To assist New York's REALTORS[®] in understanding the characteristics and motivations of recent homebuyers and sellers, the New York State Association of REALTORS[®] partnered with the National Association of REALTORS[®] (NAR) to produce the annual *Profile of Home Buyers and Sellers New York Report.*

HOMEBUYER CHARACTERISTICS AND THE BUYING PROCESS

In New York, the typical buyer was 41 years old, while the typical firsttime buyer was 32 and repeat buyers were typically 52. Married couples made up 63 percent of the market *continued on page 14* NEW YORK STATE HOMEBUYER & SELLER



The Search

- 89% of buyers used the Internet to aid the search process.
- 48% of buyers used a mobile application or website.
- Real estate agents were viewed as a useful information source by 95% of buyers who used one.
- The typical New York State homebuyer searched for 12 weeks and viewed 10 homes.



- The typical home purchased was 1,680 square feet, built in 1960.
- The house had 3 bedrooms and 2 bathrooms.
- Heating and cooling costs, along with commuting costs, were key factors in the decision-making process.
- The new house was a median of 2 miles from the buyers' previous residence.



continued from page 12

share and 84 percent used a real estate agent or broker. Forty percent found that professional through a referral from family or friends.

The first step in the home-buying process for 43 percent of New Yorkers was to look online for properties, while 17 percent went online for information about the process. Eighty-nine percent of buyers used the Internet in some way in their search, and 48 percent used a mobile website or app in New York. The search for a home lasted an average of 12 weeks, with buyers viewing 10 homes.

Forty-five percent of homebuyers were first-time buyers, compared to 47 percent in last year's report. Nationally, 33 percent were first-timers, also a slightly suppressed level compared to the historical norm of 40 percent.

Ninety-five percent of New York homebuyers said they found their agent to be very useful. Eighty-four percent of buyers said they would definitely recommend their agent to others.

Eighty percent of homebuyers in New York financed their recent home purchase, with 52 percent reporting they have made some sacrifices such as reducing spending on luxury items, entertainment or clothing. Twenty-nine percent of buyers reported their mortgage application and approval process was somewhat more difficult than they expected, and 16 percent reported it was much more difficult than expected.

HOME SELLERS AND THE SELLING PROCESS

The typical New York home seller lived in their home for 10 years. Eleven percent had to delay or stall selling their home because the value of their home was worth less than their mortgage. Their primary reason for selling was that their home was too small (18 percent), followed closely by the fact that their neighborhood had become less desirable (15 percent).

Recent New York State sellers typically sold their homes for 96 percent of the listing price, and 49 percent reported they reduced the asking price at least once. Thirty-one percent of sellers offered incentives to attract buyers, most often assisting with home warranty policies and closing costs.

In New York, 88 percent of sellers used a real estate agent when selling their home, and of those, 36 percent said they found their agent through a referral by friends or family. Twenty-seven percent used the agent they worked with previously to buy or sell a home. Among recent sellers who used an agent, 82 percent reported they would definitely (59 percent) or probably (23 percent) use that real estate agent again or recommend the agent to others.

Eleven percent of New York sellers said they sold their home without the assistance of a real estate agent, which is slightly higher than the national share of 9 percent. Slightly less than half of these sellers knew the buyer prior to the sale. The primary reason that sellers choose to sell their home without the assistance of a real estate agent was that they did not want to pay a fee or a commission. 'In New York, the typical buyer was 41 years old, while the typical first-time buyer was 32 and repeat buyers were typically 52.'

CHALLENGES IN 2015 AND THE RISE OF THE FIRST-TIME HOMEBUYER

In addition to buyers continuing to face tighter credit standards than seen in previous years, NAR Director of Member and Consumer Survey Research Jessica Lautz said that in many areas decreased inventory continues to add pressure to buyers. "It shortens the time they search for a home, and decreases the amount of homes they are able to view." She said that as home values increase, this may free up some sellers who were on the fence about selling and open up the market.

A notable finding from this year's report was the drop in first-time homebuyers to a share not reported since 1987. "The median first-time homebuyer age has remained nearly unchanged since 1981," said Lautz. She said that while the choice to delay marriage and childbirth could be a factor in why firsttime buyers might not be purchasing a home, there are other factors as well. "First-time buyers typically purchase a home that is the same cost as investors. With tightened inventory, competition among buyers can be excessively tight for homes at the first-time homebuyer price point."

However, Lautz said that 2015 could see a rise in first-time homebuyers entering the market, if economists' predictions hold true. Lower down payment requirements, continued historically low rates, and the aging of Generation Y could all improve the first-timer market.

Lautz said that homebuyers and sellers will continue to look to real estate agents and brokers for their honesty, integrity and reputation. "They want someone to help them through the process. As the home buying process continues to be confusing, even for repeat buyers, it is important to be the expert on their side."

The complete report, which includes additional information about buyers, sellers, homes purchased, the search process, the role of real estate professionals, financing and for-sale-by-owner sellers, is available in the Research section at NYSAR.com.

Editor's note: In July 2014, NAR mailed out a 127-question survey to a random sample of 72,206 recent homebuyers. The recent homebuyers had to have purchased a home between July of 2013 and June of 2014. For New York, there were 226 responses, accounting for a response rate of 7.3 percent.



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Introducing the 2015 NYSAR Regional Vice Pre

Lorraine Streeter Adirondack Region



Lorraine Streeter of Plattsburgh is the Adirondack Region vice president.

Streeter, a REALTOR[®] for more than 30 years, is an associate broker with Coldwell Banker Whitbeck Associates in Plattsburgh, NY. She is a member and former president of the Clinton County Board of REALTORS[®] (CCBR). She has served on the

CCBR Board of Directors and initiated the board's first Agents' Day. She was the CCBR REALTOR® of the Year in 1992.

At the state level, Streeter previously served as the regional vice president for the Adirondack Region from 1993 to 1996. She has served on numerous committees including communications and public relations, legislative policy and nominating.

Streeter may be contacted at 518-562-9999 or by email at Lorraine@whitbeckassociates.com.

Jennifer Vucetic Capital Region Jennifer Vucetic of Clifton Park is the Capital Region vice president.

Vucetic, a REALTOR[®] for nine years, is an associate broker with Better Homes and Gardens Tech Valley in Clifton Park, NY. She is a member of the

Greater Capital Association of REALTORS* (GCAR), where she has previously served as the public relations chair. She is also an active member of the Women's Council of REALTORS*, serving as the New York State Chapter's 2015 treasurer and on the national steering committee for the second year. She has previously served as the Capital Region Chapter's president and the New York State Chapter's secretary. Donna Rausch Central Region

Donna Rausch of Liverpool is the Central Region vice president.

Rausch, a REALTOR[®] since 1985, is the branch manager and associate broker of RealtyUSA for both the Liverpool and Fulton/Oswego offices. She was the 2012 and 2013 president of the Greater Syracuse Association of REALTORS[®] (GSAR), where she has served on the Board of Directors and numerous committees including education, grievance and professional standards. She has also chaired the "Hat's Off To You" Committee three times since its inception. In 2012,

At the state level, Vucetic has chaired the Secondhome, Resort and Global Markets Committee and served on numerous committees including professional standards and communications and public relations. She has also served as on the board of directors and is a 2012 graduate of the NYSAR Leadership Academy.

At the national level, Vucetic has served on the REALTOR[®] Political Action Committee (RPAC).

Vucetic may be contacted at 518-879-6318 or by email at jennsoldit@gmail.com.

Rausch was named the Broker/Manager of the Year.

sidents

WESTERN

REGION

At the state level, Rausch serves on several committees including professional standards, grievance and education. She currently serves on the Executive Committee, Organizational Planning Committee and the 2015 Board of Directors.

On the national level, Rausch has attended the National Association of REALTORS[®] Leadership Conference in 2011 and 2012, as well as multiple conventions.

Rausch may be reached at 315-622-2111 or by email at askdonnarausch@aol.com.



Katheryn DeClerck of Goshen is the Lower Hudson Region vice president.

Katheryn DeClerck Lower Hudson Region

Lawrence Lentini Western Tier Region

GENESEE

Lentini, a REALTOR[®] for 19 years, is an associate broker with Hunt Real Estate ERA in Amherst, NY. He is a member of the Buffalo-Niagara Association of REALTORS[®] (BNAR) where he served as the association's 2010 secretary/treasurer and was named the 2013 BNAR REALTOR[®]-Associate of the Year. Lentini has served on or chaired numerous committees including technology, public affairs and the REALTORS[®] Political Action Committee (RPAC).

DeClerck, a REALTOR[®] for 14 years, is an associate broker with Better Homes and Gardens Rand Realty in Warwick, NY. She is a past president of the Hudson Gateway Association of REALTORS[®] and has chaired the leadership, finance and strategic planning committees. She has also served on numerous other committees including legislative steering.

On the state level, DeClerck has served on the NYSAR Board of Directors since 2008. She has served on or chaired numerous committees including: communications and public relations; professional standards; grievance; Lawrence Lentini of Amherst is the Western Region vice president.

ROPOLITAN

He has also served on the BNAR Board of Directors and as an officer with the Women's Council of REALTORS[®].

ADIRONDACK

CAPITAL

LOWER HUDSON REGION

CENTRAL

SOUTHERN TIER REGION

> At the state level, Lentini has served on numerous committees and forums including legislative policy and communications and public relations. He is also an active participant in NYSAR's annual Lobby Day.

Lentini can be reached at 716-832-4838 or by email at llentini@huntrealestate.com.

fair housing and cultural diversity; and legislative policy. She is currently serving as the 2015 chair of the REALTORS[®] Political Action Committee (RPAC) Trustees.

On the national level, DeClerck served as a director for the National Association of REALTORS* in 2013 and 2014. She is currently serving as the Federal Political Coordinator for Congressman Sean Patrick Maloney of the 18th Congressional District.

DeClerck can be reached at 845-986-4848 x109 or by email at katheryn.declerck@randrealty.com.

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John Vernazza Metropolitan Region

Vernazza, a REALTOR* for 14 years, is an associate broker/manager with Robert DeFalco Realty, Inc. in Staten Island, NY. He is an active member and 2009 past president of the Staten Island Board of REALTORS* (SIBOR), having served as chair of several committees including public relations and nominating as well as on the Board Certifications Task Force. He has also served on numerous committees



John Vernazza of Staten Island is the Metropolitan Region vice president.

including strategic planning, MLS rules, and budget and finance. He was named SIBOR's 2010 REALTOR[®] of the Year.

Vernazza is an active member of NYSAR, serving as a director since 2008. He has also served on numerous committees including organizational planning, communications and public relations and education management. He is also a past member of the NYSAR REALTORS* Honor Society.

He has served as a director for the National Association of REALTORS[®] (NAR) and on the NAR Conventional Finance and Lending Committee. Vernazza has also served as a Federal Political Coordinator for New York's 11th Congressional District on behalf of NAR.

Vernazza can be reached at 718-987-7900 or by email at johnvernazza@aol.com.



Stephen Babbitt of Pittsford is the Genesee Region vice president.

Babbitt, a REALTOR^{*} for 35 years, is an associate broker at RE/MAX Realty Group in Pittsford, NY. He is a member and former two-term president of the Greater Rochester Association of REALTORS^{*}. He currently serves on the board of directors as the immediate past president and on the Executive Committee. He has served on many committees including professional standards, grievance, mediation and finance.

At the state level, in addition to serving on the NYSAR Board of Directors, Babbitt has chaired the technology, education management and second-home, resort and global committees. He has served on numerous committees including Jacqlene Rose Southern Tier Region

Jacqlene Rose of Sidney is the Southern Tier Region vice president.



Rose, a REALTOR[®] for 20 years, is a licensed associate broker and the director of business and community development with RealtyUSA in Sidney, NY. She is an active member with the Otsego-Delaware Board of REALTORS[®], serving as president in 2012 and 2013. She was also named the board's REALTOR[®] of the Year in 1997 and 2006. She has served on and chaired numerous committees including government affairs and the REALTORS[®] Political Action Committee (RPAC).

At the state level, Rose has served on numerous committees and forums including: commercial issues; legislative steering; organizational standards; and communications and public relations. She served as the 2010 president of the NYSAR Housing Opportunities Foundation and has served on the NYSAR Board of Directors. She was also honored by NYSAR with its Community Service Award in 2014.

At the national level, Rose is a frequent attendee of the National Association of REALTORS^{**} annual meetings and has previously served as the Habitat for Humanity Global Village REALTOR^{*} team leader.

Rose can be reached at 607-563-1020 or by email at jrose@realtyusa.com.

professional standards, organizational planning, legislative steering and RPAC Trustees. He is a member of the NYSAR REALTORS* Honor Society and is an annual participant in NYSAR's Lobby Day.

At the national level, Babbitt has served on the Resort and Second Home Committee, the Condo Working Group and Certified International Property Specialist (CIPS) Advisory Committee. He has also served as a National Association of REALTORS[®] (NAR) director and participated in the NAR Leadership Summit.

Babbitt may be reached at 585-389-1092 or by email at steve@stevebabbitt.com. ●

NYSAR backs REALTOR[®] champions in 2014 elections

<complex-block>

By Michael Kelly NYSAR Director of Government Affairs

n 2014, with the approval of its RPAC Trustees, NYSAR engaged in three independent expenditure campaigns. We supported both Democrats and Republicans from all parts of New York State including in races on Long Island, the Albany area and Buffalo. Importantly, party enrollment was trumped by support for REALTOR[®] issues when making these determinations.

Independent expenditure campaigns are defined by the New York State Board of Elections as campaigns where: "The expenditure/communication has not been authorized, requested, suggested, fostered or cooperated in by the candidate, his/her committee or agents." Simply put, they are done independently and not in conjunction in any way with the candidate or his/her committee. These types of campaigns represent another vehicle in which corporations, unions and trade associations like NYSAR can get involved in political campaigns on a much larger scale.

One of NYSAR's campaigns was focused on electing George Amedore to the New York State Senate. Amedore is a home builder and REALTOR* with the Greater Capital Association of REALTORS*, and previously served in the New York State Assembly between 2007 and 2012. He was a strong voice on real estate issues while in the Assembly, supporting: the Commission Escrow Act; the ban of sex offenders attaining a real estate license; several amendments to the agency disclosure form; and the Property Tax Cap. In addition to his support for our issues, then-Assemblyman Amedore voted against multiple anti-real estate bills including: mandating well tests in real estate contracts; expanding the size and oversight of wetlands by the New York State Department of Environmental Conservation; and additional requirements being placed upon independent contractors. Knowledgeable about our REALTOR[®] issues, he has been a strong advocate for lower taxes, property rights and homeownership.

TO THE NEW YORK STATE SENATE

In 2012, Amedore ran for the state Senate. Following a hard fought campaign and lengthy court battle, it was determined that he lost by the slimmest of margins, a mere 18 votes. When he announced that he would once again run for the same Senate seat in 2014, NYSAR had to decide to what extent it would enter in the race. In the end, New York's RPAC Trustees voted to support him in the general election not only with financial support via RPAC, but also with the support of a NYSAR- and NAR-funded independent expenditure campaign.

NYSAR took advantage of several political and financial resources available via the NAR REALTOR* Party initiative to engage in the independent expenditure campaign in support of Amedore. Step one was getting a poll done in the Senate district to get a sense of voter sentiment on the campaign and the issues they cared about most. This initial poll was a key document throughout the campaign as it provided guidance *continued on page 20*

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on key messaging and who we should target our messaging to both demographically and geographically.

Based on the poll, our campaign in support of Amedore focused on taxes, job creation, education and health care. We utilized several different media vehicles to get our message about Amedore to the voters in the 46th Senate District including multiple mail pieces, radio advertisements, Internet advertisements and Internet pre-roll videos.

One of the most effective ways we supported him was via a door-to-door field canvassing campaign in which campaign staff knocked on doors to personally deliver our key messaging. These door-to-door canvassers were extremely effective as Election Day approached in encouraging residents to get to the polls to vote.

New York State's REALTORS® can be proud of NYSAR's independent expenditure campaigns for several reasons. While we supported our REALTOR® champions, we never once attacked their opponent. Our campaigns were issue based and did not enter into the negative campaigning that is so often seen in politics. The decision to support our friends is solely based on real estaterelated issues and we maintained that integrity throughout our effort.

NYSAR's involvement in three independent expenditures in the 2014 general elections has paid significant dividends for the association and its members. Legislative and political leaders as well as other union-based and trade association groups in Albany took notice of our involvement in these campaigns and saw the extent REALTORS® will go to ensure the election or re-election of our friends in elected office.

I'm happy to report that on November 4, 2014, Amedore was elected by the voters of the 46th Senate District to represent them in the New York State Senate in the 2015-16 Legislative Session. Did NYSAR's independent expenditure campaign help Senator Amedore win by a margin of more than 11,000 votes? I like to think so.

Editor's Note: Senator Amedore addressed NYSAR members *during the association's General Session in February.* •

Code of Ethics enforcement now offers a 'fast track' 🛻 resolution

By Patrick Reilly, RCE

NYSAR Vice President of Board and Member Services

s part of the process that created the new Core Standards for REALTOR® associations, revisions were made to the National Association of REALTORS® Code of Ethics and Arbitration Manual to simplify and expedite the hearing process.

The changes included: allowing electronic filing and processing; limitations of continuances; shortened response times; and removal of redundancies in the Code of Ethics and Arbitration Manual. To that end, the 2015 version of the manual has 16 fewer pages than last year.

Further, a number of recommendations designed to streamline the REALTOR® ethics enforcement procedures were advanced by the Professional Standards Committee and approved by the NAR Board of Directors in November. Among these was an optional "fast track" enforcement model that each local board/association may individually adopt. This is designed to accelerate the complaint process, the length of which was often the source of complaints by REALTORS® and the public alike. As part of the process, all local boards and associations will need to implement an ombudsman policy as well as consider adopting mediation of ethics complaints.

The process was also streamlined by:

- Eliminating the requirement that certified or registered mail be used.
- Adopting email as the preferred form of service for notices and documents involved in the enforcement process.
- Encouraging the use of conference calls and panels to • expedite the decision-making process.

- Restricting when continuances may be allowed.
- Eliminating re-hearings.
- Allowing increased use of videoconferencing to provide for the remote delivery of testimony.

Every association must now also provide access to the professional standards and arbitration filing processes on its public website.

In addition, boards and associations must offer ombudsman services to members, clients and consumers on or before January 1, 2016. Ombudsman Programs are intended to receive and resolve disputes through constructive communication and advocating for consensus and understanding prior to a complaint being filed or for matters that do not expressly allege violations of specific articles of the REALTOR® Code of Ethics. It is felt that by implementing the Ombudsman Program, misunderstandings and disagreements will be resolved before matters evolve into disputes and possible charges of unethical conduct.

Finally, the NAR Directors approved a Model Citation Policy for state and local associations. As adopted, it provides for violations of specific Articles and Standards of Practice to have specific fines and/or disciplines, much like traffic court. If a respondent disagrees with the citation, he or she may request a hearing before a hearing panel of the Professional Standards Committee.

For additional information, contact NYSAR's Board and Member Services Department at 518-463-0300 x 305. ●

By Austin Moran NYSAR Director of Information Technology

e all live at such a frenetic pace these days it often feels like we spend much of our lives playing catch-up. With endless meetings, errands, running taxi service for the kids and other assorted responsibilities, we need to find more efficient ways to accomplish some of the chores that consume our days

Here are some Apple IOS and Android apps that will help make you much more productive in 2015:



CamScanner

(https://www.camscanner.com/) – More than 60 million people can't be wrong. CamScanner is a must-have application for your Apple IOS or Android phone. With CamScanner, your mobile phone is actually a portable scanner, with which all your

paper documents, receipts, notes and whiteboard discussions can be archived. It even includes an optical character recognition (OCR) engine that converts your document image to actual text!



Contactually

(https://www.contactually.com/) – This is a virtual assistant that allows you to establish how you want to stay in touch with existing and potential clients, teammates, family and friends. Contactually is a cinch to use, too. Enter your contacts

into special "buckets," and then decide how often you want to reach out to the people in each one. The app analyzes your conversation history for each relationship and automatically prompts you to re-engage with those people who are slipping off your radar, ensuring that your relationships are kept in good standing.



Asana

(https://asana.com/start) – This is the ultimate task management tool. It allows teams to share, plan, organize and track progress of the tasks that each member is working on. This web application is

simple, easy to use and one of the best task-management tools that I have seen yet. And you will be pleased to know that it is free for up to 30 users.

to help you become insanely productive this year

EVERNOTE

Evernote

(https://evernote.com/) – If you are like me, and not terribly organized, then you need this app. Evernote is a suite of software and services, designed for note taking and archiving. A "note" can be a piece of formatted text, a full webpage or webpage excerpt, a photograph, a voice memo, business receipts or a handwritten "ink" note. Notes can also have file attachments. When you are away from your laptop, you can use Evernote to sync important documents and files across multiple platforms (mobile, tablet, laptop, desktop).



Refresh

(https://refresh.io/) – This is one of the best-kept secrets for anyone who attends lots of meetings. Refresh is a great relationship builder that syncs seamlessly with services such as Gmail, Facebook

and LinkedIn, helping to ensure you are prepared when attending meetings. Refresh gives you the ability to review past interactions with the people with whom you will be meeting, and to learn new information about them. With Refresh, you may discover that: you both speak Spanish; have mutual friends on Facebook; he/ she is a veteran; or that his/her birthday is coming up in a few days. The app also interfaces with Evernote, allowing you to see if you have any notes pertaining to them. ●

April is Earth Month

Celebrate by earning the Green designation



By Priscilla Toth NYSAR Director of Education

riginally started 45 years ago as Earth Day to create awareness of the need to protect our planet, the month of April is now recognized globally as Earth Month. In 1970, the first Earth Day spurred the U.S. Congress to strengthen the Clean Air and Water Acts and to create the Environmental Protection Agency (EPA). Now issues of climate change, limited availability of water, clean air and the loss of species are leading to policy changes around the world.

Individuals, schools, businesses and governments keep the dialogue alive. The National Association of REALTORS[®] (NAR) has gotten involved as well by providing sustainable education to real estate professionals through the Real Estate Buyer's Agent Council (REBAC) and its Green Designation. This designation, offered locally across New York State through the co-sponsorship of NYSAR and many local boards, addresses the increasing demand for knowledge and resources on both new and existing sustainable homes.

NAR's Green REsource Council is a unique community committed to the future of the real estate industry and the planet. It connects like-minded NAR Green designees working to "green" their businesses and their lives. Designation courses provide green industry information including cost savings and energy efficient technology, increased value and green ratings, health benefits and green design, green incentives, green living and more. NAR believes that every step toward a greener, more sustainable environment is a step in the right direction.

The council's mission is to make the knowledge of green real estate practices available to everyone and to encourage the real estate industry to produce more sustainable new and existing homes. By providing information on reducing consumption and implementing sustainable practices, the council hopes to make a significant impact on the world.

A "green" Multiple Listing Service (MLS) system now offers data entry fields to identify green features and certifications. This helps agents search for sustainable homes and properties and allows builders and sellers to market their green initiatives.

In 2011, the New York State Association of REALTORS[®] was awarded an EverGreen Award for its activities in promoting the Green designation. Nearly 700 New York REALTORS[®] have earned this prestigious designation. If you've thought about getting familiar with the latest "green" technologies to serve a broader array of clients or if your clients seem to know more about "going green" than you do, now is the time to take advantage of NAR's new and improved Green designation.

In order to qualify, you must pass three one-day courses (Green 100, 200 and 300) and submit your free application. To maintain the designation, you will need to continue your Green REsource Council and NAR memberships. Green member benefits include: an online directory profile; customizable electronic presentations; exclusive industry webinars; monthly electronic newsletters; and at-home and online print shops.

"Green 100: Real Estate for a Sustainable Future" explores issues and trends in relation to real estate's role in finding the balance between people, planet and prosperity. It is designed to help you build a green-focused real estate business as well as provide objective information to clients and customers on nationally recognized certifications and rating programs that evaluate homes, products, energy efficiency and professionals.

"Green 200: The Science of Green Building" familiarizes you with green principles and choices in home design and construction. It also: raises your awareness of innovative materials, systems and construction methods; explains energy-efficient systems including onsite power generation; and enables you to distinguish levels and cost-benefits of retrofitting, remodeling or renovating existing homes.

"Green 300: Greening Your Real Estate Business" is designed to help you plan and implement strategies and tactics for building a green real estate business. You'll also learn how to adapt your core real estate business skills to list and market green properties, and represent green sellers and buyers.

Each course carries 7.5 hours of CE credit for New York State real estate licensees. Members can take one course for \$150 or all three for \$375 (a \$75 savings).

The series of courses is being offered April 13-15 in Alexandria Bay and April 27-29 in Lake Placid.

Understanding the terminology, principles, and benefits of green homes will not only benefit your clients, but can help you build a niche market. Go to the Education section at NYSAR.com today for registration information. ●

Year-round tax planning can make life less taxing

By Sandy Botkin, CPA, Esq.

aying taxes and fear of the IRS due to perceived improper documentation are probably two of the most important concerns among real estate professionals in the country. The real secret that most real estate professionals don't realize is that tax planning is a year-round activity, especially if you want to keep much more of what you make. Accordingly, here are some tips that every real estate professional should know and take to heart throughout the year.

- 1. The only constant is change: Life is about change. We get married, divorced, have kids, etc. When these events happen, we absolutely need to review all estate planning documents such as wills, trusts and beneficiary designation in pension plans and insurance needs. Failing to do this can create major family problems.
- 2. Evaluate insurance every year: You probably have replacement insurance for your home and other real estate owned. However, all replacement insurance policies have maximum amounts that they will cover. If your real estate values increase, you need to increase the real estate values covered by the insurance. A good example involved a couple who owned an apartment in Manhattan. It was insured many years ago for \$1,000,000, which sounds great. However, when the apartment had a fire and was destroyed, the insurance company only had to pay \$1,000,000 when



the current true value of the property would have been \$4,000,000. Don't make this mistake!

- 3. Retirement comes faster than you think: It is crucial for all real estate professionals to set aside some funds for retirement every year. Even if you forgot to make any IRA or 401K contributions, you can still get a deduction if the account was set up before December 31 of last year and you contribute money to these accounts before the filing date of your tax return. Don't forget this.
- 4. Don't confuse using a tax preparer with a tax planner: Many real estate professionals assume that since they fill out a tax checklist for their accountant to do their tax return, they are taking all the deductions allowable. Sadly, there is a lot of tax

planning that isn't being done such as hiring your kids in your business or to work on rental properties. Tax preparers focus on doing tax returns. Tax planners focus on activities that reduce taxes. They are usually two different people.

5. Take advantage of education tax breaks: Did you pay college or graduate tuition for you or for your dependents? If so, you could be eligible for tax credits, which are dollar-for-dollar reductions in your taxes. The first credit, which is primarily designed for college tuition and required fees, is the American Opportunity Credit that gives a tax credit of up to \$2,500 per year for each college student. The Lifetime Learning Credit is allowed once per tax return and once per year. *continued on page 30*

NYSAR Young Professionals Network blood drive helps save lives

By Kristen Pooler NYSAR Director of Marketing

id you know that one blood donation can save or sustain up to three lives? Or that every two seconds someone in the U.S. needs blood? Along with the American Red Cross, the NYSAR Young Professionals Network (YPN) helped to fulfill that need with its second annual blood drive, held in conjunction with the 2015 NYSAR Mid-Winter Business Meetings.

Twenty-six REALTORS® of all ages from across the state rolled up their sleeves and donated during the one-day event including 10 who were first-time donors. Many were sparked to donate by a healthy competition that began the day of the event, which had members buzzing throughout the halls of the Desmond and on Facebook. All told, the YPN reached 104 percent of its goal and 78 lives were potentially saved.

"I'm so proud of my fellow REALTORS" for taking the time out of their busy meeting schedules to donate this year," said Lanie Bittner, 2015 YPN chair. "Together, we proved that one small act can make a huge difference."

Governed by volunteers and supported by giving individuals and communities, the American Red Cross is the single largest supplier of blood products to hospitals throughout the United States. While local hospital needs are always met first, the Red Cross also helps ensure no patient goes without blood no matter where or when they need it.

"This is the second year that the NYSAR Young Professionals Network has sponsored a blood drive," said Erin Wascavage, senior account manager for the Albany District at the American



REALTOR[®] Matt Arnold gives a thumbsup during his donation.

Red Cross. "These blood drives have potentially saved 153 total lives. The American Red Cross would like to thank the New York State Association of REALTORS* for including us in their event and giving members the opportunity to support the blood supply for those patients in need. In an hour of your time, up to three lives can be helped with that one pint of blood."

In addition to providing more than 40 percent of the nation's blood supply, the Red Cross provides relief to victims of disaster, trains millions in lifesaving skills, serves as a communication link between U.S. military members and their families, and assists victims of international disasters or conflicts.

"The American Red Cross is always looking for groups to partner with in the community," said Wascavage. For more information on how you can partner with the American Red Cross to support



REALTORS[®] Kate Conquest and Carol Kope read information about the donation process during the YPN Blood Drive.



2015 NYSAR President Mike Smith and REALTORS® George S. Wonica and Tom McGroder stand together after donating blood during the YPN Blood Drive.

a national blood supply, visit www.redcrossblood.org.

The NYSAR YPN was started in early 2010 and is recognized by the National Association of REALTORS® as an official network. The YPN is a member-driven group that gives a voice to NYSAR's young (and young at heart) REALTORS®. The mission of the YPN is to: develop young real estate professionals through association involvement; provide members with new tools, education and training opportunities; offer networking opportunities; foster idea sharing among REALTORS® of all ages and experience levels; and encourage community volunteerism. The YPN meets twice a year at the NYSAR Mid-Winter and Fall Business Meetings. For more information about the YPN or to join, visit http://www.nysar.com/topnavigation/foundations-and-divisions/ nysar-young-professionals-network.

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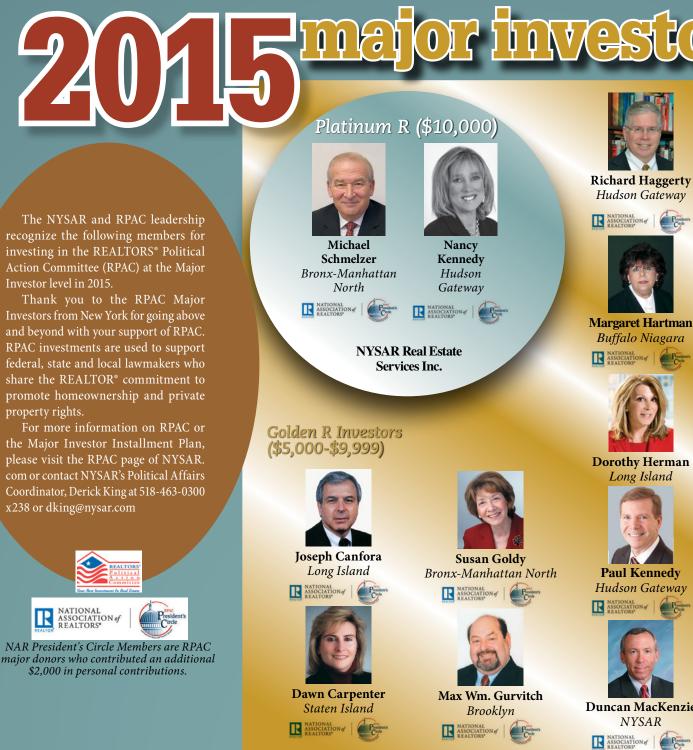


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NAR designation courses available online 24/7 at www.RealtorU.com.

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It applies to either undergraduate tuition or graduate work. The limit is \$2,000 per year.

- 6. Income shifting is not being shifty: Do you have any kids who might go to college or get married in the future? Wouldn't it be great if you could deduct these college tuition or wedding expenses? With some planning you can! If you hire your kids in your business or to work on your rental property and pay them a reasonable wage for this work, don't you get a deduction for these wages? Yes! If they use the money down the road to pay for their own wedding costs, tuition, cars, room and board or even video games, aren't you getting the equivalent of a deduction for these costs? Yes! In fact, you can pay your kids up to \$6,300 a year tax free since they get a standard deduction on their own tax return. This is in addition to being able to claim them as a dependent. In addition, if you are self-employed and the kids are under age 18, they are exempt from Federal Unemployment Taxes and Social Security.
- 7. Charitable giving: As the old maxim goes, "It is better to give than receive."

This becomes particularly true when the gift is to a qualified charity that generates a deduction. Gifts now must be proven with a check or a receipt. No longer will cash given to the Salvation Army kettle be deductible. In addition, charitable gifts of \$250 or more must show an acknowledgment by the charity. If you give property of \$5,000 or more, you must get an appraisal and attach a copy of the appraisal to your tax return.

- 8. Keeping track of reinvested dividends really pays dividends: When you own stocks or mutual funds, you can get the dividends reinvested to buy more of the stock or fund. Although you are taxed on these dividends, it does increase your basis in the new shares received. Keeping a record of these each year helps avoid the possibility of paying double tax on these new shares, since these taxable dividends increase your basis in the shares.
- 9. Keeping good records earns you money: I bet you hate keeping records and using a mileage log on your vehicle to prove your business use. What if I told you that for every second that you spend documenting your deductions, you earned about

\$120 in tax-free money? Would you find that beneficial? That is exactly what good documentation will do. You not only need to keep receipts for all business expenses and costs for purchases of investments, but you also need to keep a mileage log for your car with a good tax tracker. Some of the more modern trackers such as Taxbot will automatically keep track of your mileage for each stop and will summarize your expenses for your accountant with the push of a button. They will also contain all of the tax questions that the IRS requires for business expenses. How would you feel in being audit proof from even the smartest auditor?

Following my advice year round will make your life less taxing.

Editor's Note: Sandy Botkin, a certified public accountant and attorney, is a former trainer of attorneys at the Internal Revenue Service. He is also the author of two books "Lower Your Taxes: Big Time" and "Achieve Financial Freedom: Big Time." He is the principal at Taxbot, an expense tracking application for both the iPhone and Android smartphones.

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