

LOBBY DAY 2016: REALTORS® WORK TO ADVANCE INDUSTRY PRIORITIES IN ALBANY

NEW YORK STATE REALTOR®

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

MARCH/APRIL 2016

THE FEDERAL FAIR HOUSING ACT

A Guide for Real Estate Licensees



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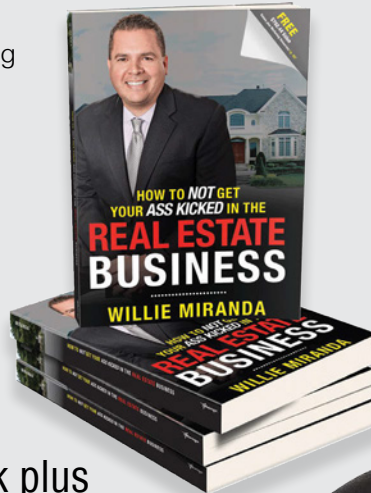
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NEW YORK STATE REALTOR® (ISSN 1555-8343) is published bimonthly by the New York State Association of REALTORS®, Inc., 130 Washington Ave., Albany, NY 12210, 518.463.0300. Subscription rate for members is \$2, which is included in the dues. ©2016 by the New York State Association of REALTORS®. Permission to reprint material may be granted upon request to Editor, NEW YORK STATE REALTOR®, at the above address.
Published for: **New York State Association of REALTORS®, Inc.**, 130 Washington Ave., Albany, N.Y. 12210-2220, Telephone: 518.463.0300, Fax: 518.462.5474, E-mail: commun@nysar.com, www.nysar.com
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President's *message*



Linda Lugo
2016 NYSAR President

We are members of a great organization, the New York State Association of REALTORS®. Your association is focused on providing membership benefits that help make your REALTOR® lives a success. While you can find detailed benefit information at NYSAR.com and in the latest benefits guide, I want to take the opportunity to highlight the newest and recently enhanced benefits available to you.

We recognize in our ever changing real estate market that our members will have questions. I think it is important to ask the question first if you are unsure on how to proceed with a business transaction. Our Legal Hotline gives you access to NYSAR legal counsel where you can ask questions about agency or procuring cause for example. We have expanded the hours in 2016 to cover Monday through Friday from 9 a.m. to 4 p.m. To better serve our members, NYSAR also added a second attorney to handle the high call volume. NYSAR General Counsel Anthony Gatto, Esq. and Associate Counsel Liz Celeone, Esq. are available during these hours to assist you.

In addition to the Legal Hotline, Anthony and Liz provide legal information to the membership in a variety of ways including in *New York State REALTOR®*. I encourage you to read this month's articles covering fair housing and answers to legal questions that we all need to know.

A new benefit introduced in October 2015 is HealthiestYou. I have personally signed up for this benefit at only \$9 per month. This monthly fee covers your entire family, giving you access to U.S. Board-certified physicians who can diagnose, treat and prescribe medication via phone, email and video chat. This is not intended to replace your health insurance, but it can be very valuable on weekends, while traveling or when your physician is not readily

available. There are no consultation fees, no waiting rooms and no co-pays. It can all be done from an app!

Tax season is here, making it a good time to think about saving for retirement and reducing your tax liability. Our new partnership with UBS Financial Services offers you the ability to set up an Independent 401(k) plan. Through this partnership arrangement, you will only pay a \$25 annual fee for your account. It is a good way to invest in your financial future.

These are just a small sample of the many Member Perks available to you. For a complete list, check the Member Perks section at NYSAR.com and watch for added benefits throughout the year.

In closing, I want to remind you of two very important things.

The first is our RPAC goal, which is \$778,677 this year. While we are off to a good start this year, we still have a ways to go before reaching our goal. We have achieved goal for the past four years, and I know we can do it again. Your investment in RPAC helps us to protect private ownership rights, and it protects you in your business. Please remember to invest in your future by contributing to RPAC either at your local board or with NYSAR.

Second - and by no means least - SAFETY FIRST! I want you to be safe in your business. Too frequently, we hear horrible stories about colleagues who have been attacked, robbed or murdered while they are conducting business. Please take advantage of the safety information available from both NYSAR and NAR. I don't want you to become a statistic! Please make your personal safety your top priority! ●

A handwritten signature in dark ink that reads "Linda Lugo". The script is fluid and cursive.

From the **CEO's desk**



Duncan MacKenzie
NYSAR Chief
Executive Officer

Free breakfast, lunch, gas and tolls! Well, not free exactly. For an investment of your valuable time and expertise, NYSAR will help facilitate a tiring, but wholly rewarding, day with meals and travel costs included. If you haven't already guessed, I'm talking about NYSAR's annual Lobby Day in Albany. Without question this is the most important event where you, the member, can make a huge impact on your industry.

Each year NYSAR hosts hundreds of your fellow REALTORS® from across the state for a day of impactful and interesting meetings with the very state lawmakers elected to represent you! This year's Lobby Day is on May 24 and you are invited.

The morning begins with breakfast and a briefing session so that you are caught up on all the issues. Often, we will hear from a top state lawmaker about the latest happenings in Albany. The rest of the day you will meet with your state Senator and member of the Assembly to share the NYSAR pro-REALTOR® message on key legislation. Lunch will be available much of the day so that you can rest and recharge at your convenience.

While I can't say at this time I know all of the issues we will ask you to cover, I do know of one. In 2016 we will be starting a comprehensive effort to enact a state tax credit/deduction as an incentive to help first-time homebuyers save to pay for New York's highest in the nation closing costs. We hear time and again that the single largest challenge to buying a first home is paying for real estate transaction taxes and other expenses associated with closing. The goal of this proposal will be to give an added incentive to save specifically for a home.

While the vast majority of lawmakers are very supportive of you and our industry,

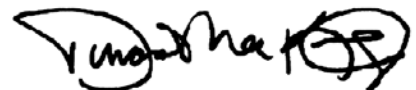
inevitably we will also be preparing you to fight against legislation we oppose. Occasionally, the bills we fight are nonsensical and usually deal with further unnecessary restrictions on your licensed activities. One of the all-time duds was a bill that would have limited the area that an agent or broker can work to either the county in which they live or the county in which their office is located.

We are also ever on the watch for legislation that would put a sales tax on your commissions or interfere with your independent contractor status. With luck these unreasonably harmful proposals will not be on the Lobby Day agenda, but they serve to illustrate the types of matters we fight against each year.

When we speak to REALTORS® after Lobby Day they use terms like "fulfilling," "worthwhile" and "valuable." It is not often that you can sit face to face with your elected leaders and fight for your industry and, more importantly, the bottom line of your business. Many have taken up the call in the past, and I urge you to consider participating on May 24.

This year is particularly important because every state Senator and member of the Assembly is up for re-election. Lawmakers will be paying particular attention to the priorities of constituents like you so our shared REALTOR® message will resonate even more.

Please reach out to your local board/association and ask to join their Lobby Day efforts. You can also reach out directly to the NYSAR Government Affairs Department by calling 518-463-0300 x 217 or emailing llittle@nysar.com. They will get you started on how to be part of REALTOR® Lobby Day 2016! ●



"NYSAR's annual Lobby Day in Albany is the most important event where you, the member, can make a huge impact on your industry."

New York *news briefs*

Matthew Arnold receives the 2015 Caldwell RPAC Service Award



Matthew Arnold, left, receives the Lawrence B. Caldwell RPAC Service Award from RPAC Chair Katheryn DeClerck.

Matthew Arnold of Islip, NY was presented with the prestigious Lawrence B. Caldwell RPAC Service Award, the highest honor presented by the REALTORS® Political Action Committee of New York, during the NYSAR Mid-Winter Business Meetings in Albany, NY in February.

Arnold, a REALTOR® for more than 17 years and a past co-owner/broker of Dutch Door Realty in Sayville, is currently with Netter Real Estate in West Islip. He has been a consistent RPAC Major Investor, served as an RPAC of New York Trustee and is an outspoken advocate for RPAC. Year after year, Arnold has donated his time and talents to RPAC of New York's fall fundraising event, serving as Master of Ceremony and live auctioneer for the past eight years. Over that time period, Arnold has helped RPAC of New York raise more than \$100,000 in live auction proceeds.

In addition to his service to NYSAR, Arnold has consistently volunteered his time and talents to the Long Island Board of REALTORS®. He has served as local board RPAC Chair several times and works tirelessly to support LIBOR's RPAC fundraising efforts including acting as Master of Ceremony and live auctioneer for LIBOR's RPAC fundraising events. Arnold has been honored with LIBOR's Outstanding Achievement and Service Award in 2002, REALTOR® Spirit Award in 2008, and most recently, REALTOR® Salesperson of the Year in 2015.

RPAC of New York and NYSAR's 50,000 members thank Arnold for his commitment and dedication in support of RPAC.

NYSAR YPN collects pull tabs and volunteers time at Ronald McDonald House Charities



NYSAR YPN volunteers Jeremias Maneiro, left, Phyllis Cangro, Traci Cangiano, Kyle Kelly and Laird Klein make breakfast for the houseguests.



After performing a few household chores, NYSAR YPN volunteers Kelly Campbell, left, John Greenan, Catie Delf, Amanda Bertram and Angie Mead help prepare a direct mailing.



After baking for the houseguests, NYSAR YPN volunteers Sarah Stansbury, left, Kate Conquest, Kristen Pooler, Drew Kessler and Lanie Bittner pose for a photo.

The NYSAR Young Professionals Network (YPN) recently collected an impressive more than 3,300 pull tabs from aluminum cans to donate to Ronald McDonald House Charities (RMHC). One hundred percent of the dollars raised from the collection were put into the direct operations of the RMHC and added up to make a heartfelt impact on the critically ill children and families partaking in their services. The YPN group also donated their time during the recent Mid-Winter Business Meetings to visit RMHC in Albany. A group of 15 showed their support by making breakfast, baking, cleaning toys and other household chores.

Extended NYSAR Legal Hotline hours now in effect

The NYSAR Legal Hotline has extended its hours for 2016, and is now available Monday-Friday from 9 a.m. to 4 p.m., excluding holidays and during official NYSAR functions. The Legal Hotline number is 518-43-NYSAR (518-436-9727). If the attorney is busy, members are allowed to leave voice messages and they will receive a call back by the end of the next business day. Often calls will be returned more quickly depending on call volume and other circumstances. For more information, visit the Legal section of NYSAR.com.

Education foundation launches new website

The New York State Real Estate Education Foundation has created a new, more user-friendly website at NYSREEF.org. The website provides details on how to apply for a scholarship as well as the latest list of scholarship recipients, which were awarded during the NYSAR Mid-Winter Business Meetings. The foundation's financial supporters who are helping REALTORS® achieve their educational goals are recognized on the site. Learn first-hand from your peers how the scholarship program has benefited them by visiting the all-new NYSREEF.org.



NYSAR Housing Opportunities Foundation raises nearly \$4,000 through couture store fundraiser

During the NYSAR Mid-Winter Business Meetings, the NYSAR Housing Opportunities Foundation raised nearly \$4,000 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. Thank you to all who participated, and the foundation Board of Directors for their time and dedication in making this event successful!

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.

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Inside the *numbers*

54

The percentage of homeowners that said they would purchase or install smart home products if they knew it would make their home sell faster, according to a recent Coldwell Banker Smart Home Marketplace Survey.

1.8 million

The number of additional Asian households expected to be formed by 2024, according to a recent Asian Real Estate Association of America report on the state of Asian Americans. The report states that it has become the fastest-growing minority demographic in the country, raising their stakes in homeownership.

2,720

The average size of a new home in square feet in 2015, according to the National Association of Home Builders. This number rose from 2,660 square feet in 2014.

64

The percentage of foreign investors that said they intend to make modest to major increases in U.S. property investments this year, according to a survey released by the Association of Foreign Investors in Real Estate.

43

The percentage of all home buyers that were first-time buyers in New York State in 2015, according to the National Association of REALTORS' *Profile of Home Buyers and Sellers New York Report*. Learn more on page 24.

46

The percentage of real estate professionals who said they faced closing delays due to financing issues, according to a recent survey by the National Association of REALTORS®. This number is up from 40 percent during the first half of 2015. ●

Upcoming NYSAR radio *show schedule*

NYSAR Radio is a free Internet-based 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.

April 19

Fair Housing

May 17

Recent Court and DOS Decisions

June 21

Mythbusters

July 19

Disclosures Other Than Agency



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

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The Federal Fair Housing Act

A guide for real estate licensees

By S. Anthony Gatto, Esq., NYSAR General Counsel
and Liz Celeone, Esq., NYSAR Associate Counsel

Under the Federal Fair Housing Act (42 U.S.C. §3604), it is unlawful to refuse to sell or rent to any person because of race, color, national origin, religion, sex, familial status or handicap. It is also unlawful under the Fair Housing Act to “discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling” because of race, color, national origin, religion, sex, familial status or handicap. Characteristics of a person which cannot be targeted for discrimination are known as protected classes.

As we commemorate Fair Housing Month in April, it is a good time to examine the Fair Housing Act (FHA) and how licensees can protect themselves against potential FHA-related discrimination lawsuits.

Licensees can protect themselves against potential liability with regard to Fair Housing violations in several ways. First of all, if a client refuses to rent or sell to a person or family because of their race, color, national origin, religion, sex, familial status, or handicap, it is the real estate licensee’s duty to inform them about the FHA. If they still refuse, the licensee should cease representation of that client.

Real estate licensees are often curious as to whether or not they (on behalf of their client) can refuse to rent to individuals or families with children. The answer is that such a restriction would normally be an FHA violation as a discrimination based upon familial status. However, exemptions in this case apply to federally subsidized, insured or guaranteed housing units for senior citizens; and mobile home parks exclusively for persons 55 years of age or older. Licensees must not be involved in a transaction where a protected class is being discriminated against, even if the owner

may have the right to do so under a legal exception.

Under the FHA, refusal to rent or sell also includes falsely representing to a potential purchaser or tenant that a property is no longer available when it in fact is, because of such person’s race, color, religion, sex, handicap, familial status or national origin. The FHA further prohibits a refusal to permit reasonable modifications to the premises or to refuse to make reasonable accommodations in rules and policies, at the expense of a handicapped person, if such modifications are necessary to give the person “equal opportunity to use and enjoy a dwelling.” Licensees should be sure to do nothing that assists a client in such discriminatory practices.

Licensees should also make sure that the terms and conditions of a sale or rental of any property they are listing are the same for everyone, regardless of race, color, national origin, religion, sex, familial status or handicap. If the sale or rental of a unit to a member of a protected class is refused, such refusal

must be for a lawful reason. Any terms or conditions imposed upon a member of a protected class that would make it impossible for them to be accepted as a potential purchaser or tenant, must also be applicable to any other potential purchasers or tenants. Examples of acceptable terms or conditions are credit checks; proof of any lawful source of income; and the ability to obtain financing if it is not a cash transaction. If a client insists upon discriminating against a member of a protected class through the terms and conditions of a sale or rental, even after they are informed of the unlawfulness of such practice, representation should be terminated.

Licensees must also be careful in the wording of their advertisements. Under the FHA it is unlawful “to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.” Under Article 10 of the Code of Ethics, “REALTORS® shall not print, display or circulate any statement or advertisement with respect to selling or renting of a property that indicates any preference, limitations or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity.”

Advertisements should describe the property and not the type of purchaser/tenant(s) the property would be “perfect for” or the person/family currently residing in said property. References describing the people residing in the community/neighborhood should also be avoided. Examples of statements in advertisements that should absolutely be avoided are “Perfect for empty nesters,” “Racially diverse community,” “Great for a family with young children,” “Close knit (type of ethnicity) community.” Such wording might be interpreted to mean that this is the type of person/family the agent/landlord/seller is seeking and that others may be discriminated against. For more information on FHA complainant advertising, see the Broker’s Reference Manual in the Legal section of NYSAR.com.

The FHA further states that it is unlawful “for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.” Also to be avoided is the practice of racial steering, where real estate licensees guide prospective home buyers away from or towards certain neighborhoods based upon their race. To avoid a potential racial steering claim, agents should show all available properties to their client, based upon said client’s stated preferences in terms of price, location, property size, etc. (Gladstone, REALTORS® v. Bellwood, 441 U.S. 91 (U.S. 1979)). Real estate agents should also avoid making any descriptive comments to clients regarding the people who are currently residing in a particular home or neighborhood.

Fair housing advocacy groups employ testers to ensure the FHA is being adhered to by licensees. Testers are people who are hired to pose as potential renters or purchasers in order to make sure that they are not denied housing because of their race, color, national origin, religion, sex, familial status or handicap. Under federal law, testers have

legal standing to sue under the FHA, the same as would a person who actually does have the intent to purchase or rent and has been discriminated against. (Havens Realty Corp. v. Coleman, 455 U.S. 363 (U.S. 1982)).

In addition to fair housing violations regarding the sale and rental of a premise, there are also potential fair housing issues that can arise in terms of what is known as “disparate impact.” This is where a policy may be considered discriminatory if it has an adverse impact on a group based upon on race, color, national origin, religion, sex, familial status or handicap, where there is no non-discriminatory basis for the policy. This issue often comes up in employment situations, but the recent United State Supreme Court case of Texas Department of Housing & Community Affairs v. The Inclusive Communities Project, Inc., 135 S. Ct. 2507 (U.S. 2015) held that disparate impact claims may be brought under the FHA. As many real estate licensees are also landlords and property managers, they should be aware of any potentially discriminatory effect their rental policies may have.

Any individual found to be guilty of a fair housing violation may face substantial fines as well as having to pay damages to the complainant. Real estate licensees may also face a complaint for an ethics violation. Fair

housing is addressed in Article 10 of the Code of Ethics and Standards of Practice of the National Association of REALTORS®. It includes the following provision: “REALTORS® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. REALTORS® shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity.”

It is in the best interest of a licensee to familiarize themselves with Article 10 in addition to the FHA. As can be seen, the Code of Ethics expands upon what are considered protected classes under Federal Law and is very clear in that licensees are held to strict standards of compliance with the FHA. For more information on the Fair Housing Act, visit <http://tinyurl.com/6tc867s>.

continued on page 14



continued from page 13

New York State licensees must also be aware of the protected classes under New York State laws. Under New York State Executive Law §296, it is unlawful “to refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the race, creed, color, disability, national origin, sexual orientation, military status, age, sex, marital status, or familial status of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.” This list includes additional protected classes that are not considered protected under the federal Fair Housing Act: sexual orientation, age and military status and domestic violence victim status.

The Sexual Orientation Non-Discrimination Act (SONDA) became effective in New York State in 2003. SONDA added sexual orientation to the list of protected classes under New York State laws and thus prohibits discrimination against an individual based upon their sexual orientation.

Under the provisions of SONDA, New York State Executive Law §292 defines sexual orientation as “heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.” This definition serves to protect individuals from being discriminated upon based on either their actual sexual orientation or what is believed by the discriminator to be their sexual orientation. One of the areas in which SONDA provides protections against discrimination is housing, both private and publically assisted.

Military status is another protected class under New York State law that is not protected under the FHA. New York State Executive Law §292 defines military status as “a person’s participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.” In New York State, it is unlawful to discriminate against any

“Licensees must not be involved in a transaction where a protected class is being discriminated against...”

person because of their past or present participation in military service. This includes discrimination in housing.

As of Jan. 19, 2016, a new section has been added to the New York State Real Property Law, §227-D. This section prohibits landlords from discriminating against a potential tenant based upon their status as a victim of domestic violence. Under RPL §227-D, it is unlawful for landlords to refuse to rent a residential unit to a person because of such person’s, or their family member’s, domestic violence victim status. Under this new section, landlords are also prohibited from discriminating in the “terms, conditions or privileges of any such rental,” when such discrimination would not have occurred but for the tenant’s domestic violence victim status. A new section, §744, has also been added to the Real Property Actions and Proceedings Law. This section prohibits evictions from residential units based solely upon domestic violence victim status. For more information, see the article in the January/February edition of *New York State REALTOR®* available on the publications page in the Industry Resources section of NYSAR.com.

While source of income is currently not a protected class under federal or New York State law, several municipalities in New York State have passed “source of income” protection laws. These municipalities are: Nassau County, Suffolk County, Westchester County, New York City, City of Buffalo, Town of Hamburg and Town of West Seneca. Under these laws, discrimination based upon a person’s lawful source of income is prohibited. In the future, source of income may become a protected class under New York State law. In the event such a law is passed, NYSAR will notify its members well in advance of its implementation. ●

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Legal Line

Legal Hotline FAQ: Answers to trending legal questions and topics

By S. Anthony Gatto, Esq.
NYSAR General Counsel
and Liz Celeone, Esq.
NYSAR Associate Counsel

Last year the NYSAR Legal Hotline received more than 5,000 questions from members who utilized this free member service to reduce their exposure to risk and to ensure they are compliant with all New York State laws and regulations, as well as the REALTOR® Code of Ethics.

NYSAR tracks the subject matter of the Hotline questions to determine if there are areas of law where more education or additional articles may be warranted to assist members. The most frequently asked questions pertain to agency, contracts, advertising, disclosures and commissions. Answers to nearly 30 of the most common questions can be found on the NYSAR website on the Legal Hotline FAQ Page.

Often, there will be “hot” topics that result in a temporary increase in calls on a particular subject arising from circumstances our members may be encountering in the field. In this article, we’ll take a look at the answers to six questions NYSAR members are currently asking on a frequent basis.

Q: Attorneys are asking for my license number and my broker’s license number to be included on our commission invoice. Why are they asking for this and do I need to provide it?

A: This question arises from the newly implemented TILA/RESPA Integrated Disclosure Rule (TRID). One of the new requirements is the issuance of a “Closing Disclosure” to the borrower. The form requires that certain contact information appear on the form. Two of those items are the brokerage’s name and license number as well as the agent’s name and license number (although the form refers to the “NMLS” license number, it is asking for your DOS license number not your Multiple Listing Service ID number).

There is no provision in the TRID rule that specifies who is responsible for providing the names and license numbers of the brokerage and agent and as such, there is some confusion as to the requirement. NYSAR is of the opinion that the agent should supply this information to the requesting party. NYSAR has been notified that in some areas attorneys are asking for the information and in others it is being requested by the lender, adding to the confusion. The name and license number of a brokerage and agent are public information and available through the DOS eAccessNY portal.

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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 4 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.

NYSAR's Legal Services

While the Legal Hotline is probably the most familiar of the services provided by NYSAR's Legal Department, it undertakes many other activities that benefit the membership including:

- Monitoring, reviewing and researching real estate-related laws, regulations and rulings from entities such as the New York State Department of State and the New York State court system.
- Monitoring, reviewing and researching corporation and not-for-profit laws, regulations and rulings that could affect local REALTOR® associations and member brokerages.
- Conducting the Local Board Legal Counsel Conference to ensure the local board counsels have the most up-to-date information about changes to laws, regulations and court rulings. The session also provides the attorneys with required New York State Continuing Legal Education credit.
- Presenting the Legal Update at the NYSAR business meetings to educate members about real estate laws and regulations.
- Presenting educational webinars to members on key legal topics such as advertising and agency.
- Authoring articles in *New York State REALTOR®* and *Legal Lines* to help members reduce risk in their practice of real estate.
- Assisting the Government Affairs Department by reviewing bill proposals for their potential impact on real estate and corporation law. The Legal Department also assists in the drafting of bills and lobbying as needed.
- Providing legal support to local boards/association executives, staff and counsel.
- Serving as liaison with the NYSAR Legal Action Committee to review, research and advise the committee members about current court cases that may have an effect on New York State's real estate industry. This committee also reviews requests for financial support from local boards/associations and members who are involved in cases where the ruling could affect the industry.

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Since such information is public knowledge, licensees should not be hesitant in providing such information when asked. In some transactions, there may be more than one inquiry for the information. Licensees are encouraged to cooperate with attorneys and lenders in providing such information as it only benefits your clients and customers.

Q: If a house has evidence of mold, do the owners have to get it remediated?

A: On Jan. 1, 2016, a new law went into effect requiring mold assessors and mold remediators to be licensed. There is no provision in the new law or any other law, rule or regulation that requires an owner to remediate any mold issues at any time including prior to the transfer of property (unless that was agreed to in the purchase contract or a subsequent amendment). However, if the owner was to remediate a mold issue, they must now use a licensed mold assessor and mold remediator to do so. When providing consumers with the name of mold assessors and remediators, real estate licensees should only provide the name of those individuals or entities that are licensed to do so, much like the current practice with licensed home inspectors. NYSAR has been in contact with the New York

State Department of Labor and as of the date this article was written, there is no public portal to identify licensed mold assessors and remediators. Until such a portal is available, licensees should ask to see a copy of a mold assessor's or mold remediator's license if there are any questions as to the individual's or entity's licensed status.

Q: The listing broker told me they could not pay my brokerage the cooperating compensation unless we give them a copy of our buyer agency disclosure form with our client. How can they do this?

A: They can't. Both Real Property Law and DOS opinions state that licensees are not required, nor can they be forced, to provide their agency disclosure form with the other broker. In 2008, the "Acknowledgement of parties to the contract" was eliminated, and licensees no longer needed to attach agency disclosure forms to purchase contracts. The only agency disclosure form a broker is required to retain is one that was presented by a licensee associated with the brokerage to the consumer on behalf of the brokerage. In other words, if the brokerage's name appears on page two of the agency disclosure where it states: "This form was provided to me

by (print name of licensee) of (print name of company, firm or brokerage), a licensed real estate broker," then the broker must retain the form. The broker is not required to retain the forms of the other broker involved in the transaction and is prohibited from requiring it.

Q: I am listing a property that was previously listed by another broker. The seller gave me permission to use the photographs that were taken during the previous listing by the other brokerage. Since the photographs were given to me by the seller, am I permitted to use them?

A: Presumptively, the answer is no. Copyright Law places the ownership of the photographs with the individual that took the photographs unless there is an agreement to the contrary such as a "work for hire" where the photographer has knowingly given the copyright to a third party (usually as an employer or by written agreement). The relationship between a licensee and the seller is not a "work for hire" unless specifically set forth in writing that the seller shall retain all rights in the photographs. Absent such an agreement, the seller has no right to use the photographs even though they are of

“A team is not an entity licensed to conduct real estate activities. As such, a team is prohibited from acting in a licensed capacity.”

the seller’s property. Furthermore, Title 19 of the New York Codes, Rules and Regulations states in §175.25(b)(2)(c): “Photographs of property that are posted on a real estate broker’s website shall not be used or reproduced without written permission from the copyright holder of such photographs.”

Q: How can I show how many listings my team has?

A: A team is not an entity licensed to conduct real estate activities. As such, a team is prohibited from acting in a licensed capacity. Since a team is unable to act in a licensed capacity, the team is prohibited from appearing on a listing agreement, agency disclosure form, purchase contract or any other document

as only a licensee associated with the brokerage should appear on any documents. Since a team is prohibited from performing any licensed activities, it is impossible for a team to take a listing under its name, only the name of a licensee. Teams that claim to have listings may be in violation of the license law and be subject to discipline for acting as a broker without being licensed as one. Only brokerages can be a licensed entity so any non-licensed entity acting in a licensed capacity is deemed to be acting as an unlicensed broker by DOS. In such instances, not only were the licensees found to be in violation of the license law, but the broker as well for permitting the team to act in a licensed capacity.

Q: How can I use a “Coming Soon” listing?

A: “Coming Soon” listings are not to be used as an alternative method for marketing without a legitimate reason justifying the delay. Licensees should not be advising sellers to use a “Coming Soon” listing merely as a tool for the listing broker to collect the names of potential buyers. This includes limiting a property’s market exposure by delaying access for showings or open houses, or limiting the amount of time that the seller will consider offers. If the property is being marketed as “Coming Soon” because the seller is preparing it for sale, it would be a legitimate use of a “Coming Soon” listing. Any other use of “Coming Soon” must be at the seller’s request, in the seller’s best interest, and for a legitimate purpose. At no time during a “Coming Soon” listing should the listing broker be showing the property as “Coming Soon” implies there are no showings taking place, thereby placing other buyers and brokers at a disadvantage contrary to the license law. ●

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NEW!

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New York State Association of REALTORS®, Inc.

All REALTORS® must complete Code of Ethics Training by the end of the year

All members of the National Association of REALTORS® (NAR) and New York State Association of REALTORS® (NYSAR) must complete their mandatory Code of Ethics Training (formerly known as the Quadrennial Code of Ethics Training) for the current cycle by Dec. 31, 2016. This mandatory Code of Ethics training has been a membership requirement for all principals, associate brokers and salespersons since Jan. 1, 2001. By the 2016 deadline, all REALTORS® will have had four years to complete a minimum two-and-a-half hour course on ethics.

The Code of Ethics course is available online through NAR for free. NYSAR offers a three-hour ethics course that meets the New York State Department of State real estate continuing education requirements. The new GRI-1 Ethics course also provides 7.5 hours of CE and GRI credit, while satisfying NAR's Code of Ethics training requirement. The NYSAR Professional Standards procedures training course meets NAR requirements and carries six hours of education credit. In addition, there are several online learning options offered via NYSAR.com that offer CE credit and fulfil the NAR requirement.

Members are advised not to wait until the last minute to take the Code of Ethics training. Failure to complete the training by Dec. 31, 2016 will result in your local board/association suspending your membership on Jan. 1, 2017 until the requirement is met. Any member who has not met the requirement by March 1, 2017 will be automatically terminated.

There is also a penalty for boards and associations that fail or refuse to enforce the ethics training requirements. Refusal to enforce mandatory policies established by the National Association of REALTORS® Board of Directors can result in loss of NAR-provided professional liability insurance coverage and loss of charter status as a member board.

Mandatory ethics training requirements for new and continuing REALTOR® members was established by the National Association's Board of Directors at the 1999 Annual Convention to: heighten member awareness of the key tenets of the Code of Ethics; to create an awareness of and appreciation for the role the code can and should play in their professional lives; to enhance professionalism and competency; and to encourage REALTORS® to view their Code of Ethics as a living, viable guide in their daily dealings with clients, customers and the public. ●

NYSCAR's 15th annual New York State Commercial Real Estate Conference set for June

Celebrating its 15th year, the New York State Commercial Association of REALTORS® (NYSCAR) annual New York State Commercial Real Estate Conference will take place June 13 to 15 at University Sheraton in Syracuse, NY. The event has grown from a one-day conference to three full days of marketing, education, networking and social events.

Since 2002, the conference has increased from 60 to nearly 200 participants. It garners support from such institutes as the Commercial Certified Institute Members (CCIM), the Society of Exchange Counselors (SEC), and the Society of Industrial and Office REALTORS® (SIOR). Sponsorships and exhibitors have grown from a

handful to more than 25 companies and firms showing their support for the organization.

The Commercial Investment Marketing Session tends to start conversations on potential property deals. Robert Strell of Robert P. Strell Real Estate Consulting said, "As a direct result of contacts made while attending the 2013 conference, I recently closed a deal – with a total project value of about \$6 million! It's also expected to add jobs to our region." There are more deals that have been made, and to be had during the June session.

Education sessions range from tax strategies, Code of Ethics and tenant representative business to environmental issues and creative transaction formulas. The educational opportunities

provide an abundance of information that attendees can apply directly to their business practices.

The keynote reception garners great support and feedback. Well-known industry experts have presented including Herbert Krumsick, senior vice president of J.P. Weigand & Sons, Inc.; Rod N. Santomassimo, CCIM, president of the Massimo Group; and Dr. Mark G. Dotzour, chief economist and director of research, The Real Estate Center, Texas A&M University.

Plan now to attend the 15th New York State Commercial Real Estate Conference, which promises to be a program full of must-attend events. For complete program information as it becomes available and registration information, visit NYSCAR.org. ●

Introducing the **2016 NYSAR** **Regional Vice Presid**



Kathie Spangler
Adirondack Region

Kathie Spangler of South Glens Falls is the Adirondack Region vice president.

Spangler, a REALTOR® for 11 years, is an associate broker with Equitas Realty in Saratoga Springs, NY. Spangler is a past president of the Warren County Association of REALTORS® (WCAR), now the Southern Adirondack REALTORS®, and has also served as a director for its multiple listing service. She has served on multiple local board committees including grievance, strategic planning and finance. Spangler also holds membership with the Greater Capital Association of REALTORS®, previously serving on its Strategic Planning Committee. She is a member of the Women's Council of REALTORS®.

At the state level, Spangler serves on numerous committees including multiple listing issues and policies, education management and professional standards. She has also served on NYSAR's Board of Directors.

On the national level, she attended the National Association of REALTORS® Leadership Conference in 2013.

Spangler may be contacted at 518-542-0294 or by email at kathiespangler1@gmail.com.

Donald Radke
Central Region

Donald Radke of Syracuse is the Central Region vice president.

Radke, a REALTOR® for 39 years, is a broker/owner of FM Realty Group in Fayetteville, NY. Radke is an active member and past president of the Greater Syracuse Association of REALTORS®, where he has chaired the Legislative Committee and served on multiple others including the Education Committee, Finance Committee and the Marketing Task Force. He is a past president of the Central New York Information Service, Inc., where he currently serves as vice president, and serves on the Board of Managers for the New York State Alliance of MLSs. Radke is also a New York State certified real estate instructor.

At the state level, Radke is a member of the NYSAR Board of Directors and has served on several committees including professional standards, multiple listing issues and policies, and housing opportunities.

On the national level, Radke has previously served on the National Association of REALTORS® Board of Directors.

Radke may be reached at 315-637-5195 or by email at fmrealty@aol.com.



Andrew Burke
Genesee Region

Andrew Burke of Rochester is the Genesee Region vice president.

Burke, a REALTOR® for 14 years, is an associate broker at RE/MAX Realty Group in Pittsford, NY. Burke is the immediate past president for the Greater Rochester Association of REALTORS® (GRAR) and currently serves on its board of directors, the Strategic Planning Committee and Executive Committee. He has previously served on numerous other committees including professional development, nominating and industry advocacy. From 2011-2012, he chaired the Genesee Region Information Service (GENRIS). He was named GRAR's REALTOR® of the Year in 2008 and the Rookie of the Year in 2002.

At the state level, Burke has chaired the Multiple Listing Issues and Policies Committee and is currently a member of the executive, organizational planning, professional standards and professional standards steering committees.

On the national level, Burke has previously served for two years on the National Association of REALTORS® Board of Directors and on the Land Use Committee.

Burke may be reached at 585-218-6839 or by email at ajburke@rochester.rr.com.



Katheryn DeClerck
Lower Hudson Region

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

DeClerck, a REALTOR® for 15 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; fair housing and cultural diversity; and legislative policy. She served 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 845-629-3504 or by email at katheryn.declerck@randrealty.com.

John Vernazza
Metropolitan Region

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

Vernazza, a REALTOR® for 15 years, is the owner of Vernazza Real Estate 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 the Board Certifications Task Force. He has also served on numerous committees 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, legislative steering and education management. He is a past member of the NYSAR REALTORS® Honor Society.

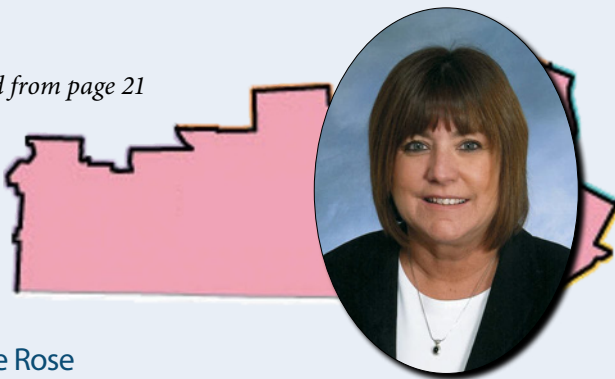
He has served as a director for the National Association of REALTORS® (NAR) and on the NAR Conventional Finance and Lending Committee. Vernazza has also served as a Federal Political Coordinator for New York's 11th Congressional District on behalf of NAR.

Vernazza can be reached at 917-796-7504 or by email at jvernazza19@gmail.com



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Jacqlene Rose
Southern Tier Region

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

Rose, a REALTOR® for more than 25 years, is a licensed associate broker with Coldwell Banker Timberland Properties 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 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® (NAR) annual meetings and has previously served as the Habitat for Humanity Global Village REALTOR® team leader. She was also chosen by NAR to attend a special 2016 REALTOR® Party Training Conference later this year.

Rose can be reached at 607-604-4394 or by email at jrose@timberlandproperties.net.



Lawrence Lentini
Western Tier Region

Lawrence Lentini of Amherst is the Western Tier Region vice president.

Lentini, a REALTOR® for 20 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). He has also served on the BNAR Board of Directors and as an officer with the Women's Council of REALTORS®.

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. ●



Jennifer Vucetic
Capital Region

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

Vucetic, a REALTOR® for 10 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 2016 president-elect and on the national steering committee. She has previously served as the Capital Region Chapter's president and the New York State Chapter's secretary.

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

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

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

GRI

Your risk management tool kit

By Priscilla Toth
NYSAR Director of Education

The REALTOR® Institute program, which premiered last year, is tailored to help you avoid the risk of legal and ethical complaints. Providing REALTORS® with the tools they need to reduce their risk, the eight GRI series courses are taught by highly rated instructors, who are esteemed real estate practitioners with years of practical experience.

Beginning with GRI-1 Ethics, REALTORS® learn about the articles of NAR's Code of Ethics that are commonly the subject of complaints from fellow REALTORS® or from consumers. Through case studies of real-life scenarios, participants discuss challenging situations and how best to deal with them. Code enforcement methods are covered along with a discussion of the professional courtesies outlined in NAR's "Pathways to Professionalism" as a further means of reducing exposure.

GRI-2 Business prepares practitioners to build a business that is compliant with New York State real estate license law. It delves into the implications of independent contractor versus employee status, and the proper handling of teams and assistants. From business entity options to the tax implications of real estate business expenses, participants learn how to make sound business decisions. Developing a series of operating guidelines in this class affords attendees an in-depth understanding of areas of risk that need to be addressed including: agency; disclosure; handling of offers; in-house transactions; confidentiality; misrepresentation; antitrust; fair housing; showings and open houses; recordkeeping; deposits and escrow funds; advertising; and safety.

Two GRI courses are taught only by practicing real estate attorneys with years of experience, affording



participants a first-hand opportunity to learn from actual situations practitioners have faced. In GRI-3 Agency, students learn everything they need to know to represent clients responsibly and practice without the risk of undo exposure. Topics such as unintentional agency, breach of fiduciary duties, vicarious liability, misrepresentation, stigmatized property, state and federal disclosures and much more are covered to help REALTORS® avoid complaints. Additional areas of risk are covered in GRI-4 Legal. In this course, participants learn how to apply New York State's advertising regulations and how to handle the entire transaction without risk. From contracts, deposits and

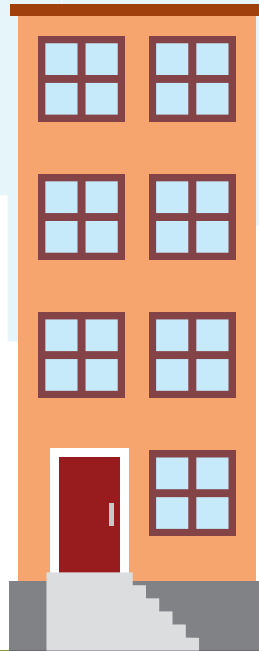
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**"The REALTOR®
Institute
program is
tailored to help
you avoid the
risk of legal
and ethical
complaints."**

2015 Profile of and S

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® to produce the annual *Profile of Home Buyers and Sellers New York Report*.

The full report with detailed information from consumers about their experiences in the housing market is available in the NYSAR.com Industry Resources section under the Research link.



CHARACTERISTICS OF HOME BUYERS IN NEW YORK STATE:

43% of all home buyers were first-time buyers.

The typical buyer was 40 years old and had a median income of \$77,800.

59 percent were married couples,
15 percent were single females,
13 percent were single males,
11 percent were unmarried couples.

CHARACTERISTICS OF HOME SELLERS IN NEW YORK STATE:

85% of home sellers worked with a real estate agent.

The typical home seller was 55 years old with a median income of \$90,900.

The reasons to sell their home were: too small (22 percent); the desire to move closer to family and friends (12 percent); and the home is too large (10 percent).

Sellers sold after 12 years.

CHARACTERISTICS OF HOMES PURCHASED IN NEW YORK STATE:

78% were single-family homes.

The median home price was \$150,000. Homes sold for 96 percent of the asking price.

The typical home was 1,630 square feet and built in 1964.

33 percent of home buyers were looking to avoid renovations.

Overall, buyers expect to live in their homes for 20 years.

Home Buyers ellers



THE HOME SEARCH PROCESS IN NEW YORK STATE:

52% of recent buyers looked online first and 14 percent contacted a real estate agent.

Buyers searched for 12 weeks and looked at eight homes.

54 percent of buyers were very satisfied with the home-buying process.

HOME BUYING AND REAL ESTATE PROFESSIONALS IN NEW YORK STATE:

93% of buyers purchased their home through a real estate agent.

38 percent used referrals to find their real estate agent.

70 percent of buyers interviewed only one real estate agent during their home search.

88 percent would recommend their agent again.

HOME SELLING AND REAL ESTATE PROFESSIONALS IN NEW YORK STATE:

73% of sellers contacted only one agent before selling their home.

77 percent of agents received their compensation predominantly from sellers.

63 percent said they would definitely and 19 percent said they would probably recommend their agent for future services. ●

Source: The National Association of REALTORS® 2015 Profile of Home Buyers and Sellers New York Report.

Lobby D

REALTORS® work to advance industry priorities in Albany

By Jared Burns
NYSAR Government Affairs Associate

The New York State Association of REALTORS® (NYSAR) annual Lobby Day is set for Tuesday, May 24, 2016 at the state capital in Albany. If you've never been to Lobby Day, this article will serve as your field guide as to what to expect as you join hundreds of REALTORS® from across the state in defending the housing industry and making the REALTOR® voice heard. *New York State REALTOR®* recently took the opportunity to discuss Lobby Day with NYSAR Director of Government Affairs Mike Kelly.

NYSR: What does NYSAR's Lobby Day entail and why is it important?

Mike Kelly: One of the great aspects of our Lobby Day is that it brings REALTORS® from all parts of New York together in one central location and provides them access to state lawmakers at a critical time of the year, legislatively and politically. This not only serves as an eye opening experience for Albany politicians as to the wide-ranging diversity in our state's housing market, but also puts a face and personality to our industry that leaves a more lasting impression. Our elected officials need to be reminded of the impact their laws have on the residents and businesses of New York State.

Lobby Day is the most important day on our legislative calendar and we've achieved significant accomplishments over the years through our Lobby Day efforts. There is a palpable sense of disillusionment or disapproval towards politics right now, along with a limited outlet to express this concern. NYSAR's Lobby Day serves as a direct vehicle for our members to take their "dinner table conversation" to their state lawmaker and make their voice heard. This is your opportunity to speak your mind on behalf of your industry and your livelihood. I encourage all REALTORS® to participate this year.

NYSR: What should REALTORS® discuss when they meet with their state lawmakers?

Kelly: We have an orientation in the morning where we will go over our legislative priorities and the important issues affecting

REALTORS® regionally and statewide. However, as important as it is to make sure the state lawmaker representing your area understands these priorities, it's equally as important to be able to discuss the everyday experiences you have as a licensed real estate professional. For example, we are constantly advocating for the reduction of state and local real estate taxes, and REALTORS® will have the opportunity to describe the real-life impact reduced taxes would have on a home buyer and seller.

NYSR: This past year has been an interesting time in the Legislature. How do you think that will affect the REALTOR® Lobby Day?

Kelly: We are just beginning an unprecedented year in the state Legislature. Republican Majority Leader John Flanagan in the Senate and Democratic Speaker Carl Heastie in the Assembly are entering their first full year as leaders in their respective conferences. They are involved in budget hearings and negotiations with Gov. Andrew Cuomo as we speak. By the time Lobby Day arrives it will be prime time for the Legislature to focus on other items including our priorities.

The new leadership dynamic should continue to encourage an open dialogue between legislative leaders and NYSAR, along with our members. We were fortunate to have Senate Majority Leader Flanagan speak at length during our Lobby Day last year. We look forward to continuing a working relationship with state lawmakers from both sides of the aisle on behalf of our members.

ay 2016



NYSR: What are a few of the legislative priorities for NYSAR this year?

Kelly: We're focusing on key priorities to help make buying and selling homes easier and more affordable. One priority is to implement a program authorizing a first-time home-buyer savings account that would be able to grow tax-free, similar to an individual retirement account. An individual would be allowed to deposit up to \$5,000 per year (couples up to \$10,000) into a bank account designated only for costs associated with buying a first home in New York State. That principal would also be deductible from their state income taxes annually.

We are also fighting to bring greater transparency to the process of purchasing a cooperative apartment by requiring a timeline for cooperative boards to act on applications and for them to provide a written statement of reason when withholding consent to a purchase.

Additionally, we are looking to implement a change in continuing education requirements that would include increasing

the study of the agency law by requiring two hours of agency related coursework in the licensee's initial two-year licensing term. The coursework would be part of the 22.5 hours of continuing education required for renewal of a real estate license in New York State.

NYSR: Are there any incentives available for members and local boards to get to Lobby Day?

Kelly: NYSAR helps cover some of the costs for members making the trip to Albany on Lobby Day. We'll provide several incentives including:

- Covering 50 percent of the cost of mass transit or a car rental to get to Albany.
- Reimbursing up to \$75 per member for travel or lodging expenses related to Lobby Day.
- Providing breakfast, lunch and snacks during Lobby Day.
- Preparing talking points to use during Lobby Day meetings.

For more information about NYSAR's 2016 Lobby Day, email mkelly@nysar.com or visit NYSAR.com. ●

Spring/Summer National Designation 2016 Course Schedule



GRADUATE REALTOR® INSTITUTE (GRI)
7.5 hours CE each - \$125 each for members

GRI-1 Ethics

June 8.....Albany.....Jim Pugliese

GRI-2 Business

April 6.....Buffalo.....Joe Whittington
Apr 21.....Binghamton.....Jeremias Maneiro
June 7.....Syracuse.....Russ Romano

GRI-3 Agency

Aug. 3.....Staten Island.....Al Fazio, Esq.

GRI-4 Legal

April 20.....Woodbury.....Al Fazio, Esq.
May 4.....Rochester.....Jim Braman, Esq.

GRI-5 Buyers - Satisfies NYS Fair Housing requirement.

April 13.....Syracuse.....Jeremias Maneiro
April 19.....Bronx.....Russ Romano
May 18.....Buffalo.....Joe Whittington
June 27.....Woodbury.....Don Scanlon

GRI-6 Sellers

April 1.....Jackson Heights.....Linda D'Amico
April 12.....West Nyack.....Nick Gigante
April 20.....Bronx.....Russ Romano
May 17.....Poughkeepsie.....Randy Templeman

GRI-7 Property

Aug. 10.....Staten Island.....Nancy Mosca

GRI-8 Technology

April 14.....Canton.....Jeremias Maneiro
May 25.....Albany.....Jeremias Maneiro



ACCREDITED BUYER REPRESENTATIVE (ABR)

ABR Required Course

15 hours CE - \$295 for members

May 17-18.....Bronx.....Roseann Farrow



CERTIFIED INTERNATIONAL PROPERTY SPECIALIST (CIPS)

Global Real Estate: Local Markets

6.5 hours CE - \$150 members

April 12.....Staten Island.....Roseann Farrow
May 2.....West Babylon.....Roseann Farrow

Global Real Estate: Transaction Tools

6.5 hours CE - \$150 members

April 13.....Staten Island.....Roseann Farrow
May 3.....West Babylon.....Roseann Farrow

CIPS Theater – Staten Island

No CE credit - \$150 each for members

May 31.....Americas.....David Lauster
June 1.....Europe.....David Lauster
June 2.....Asia/Pacific.....David Lauster

CRB – Power Negotiator's Handbook

No CE credit - \$150 each for members

March 31.....Staten Island.....Diane Disbrow



GREEN – THE SUSTAINABLE PROPERTY DESIGNATION

7.5 hours CE - \$150 each

Green Day One:

April 19.....Rochester.....Randy Templeman

Green Day Two:

April 20.....Rochester.....Randy Templeman



RESORT & SECOND HOME PROPERTY SPECIALIST

Vacation, Investment & Luxury Properties Required Course (ABR Elective)

7.5 hours CE - \$150 members

May 23.....Riverhead.....Roseann Farrow



SELLER REPRESENTATIVE SPECIALIST (SRS)

SRS Required Course (ABR Elective)

15 hours CE - \$295 members

June 1-2.....White Plains.....Roseann Farrow
June 8-9.....Buffalo.....Randy Templeman
June 14-15.....West Babylon.....Roseann Farrow



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SRES Required Course (ABR Elective)

12 hours CE - \$295 members

June 14-15.....Bronx.....Don Scanlon
July 18-19.....Goshen.....Roseann Farrow
Aug. 17-18.....Riverhead.....Don Scanlon

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Thank you to the RPAC Major Investors from New York for going above and beyond with your support of RPAC. RPAC investments are used to support federal, state and local lawmakers who share the REALTOR® commitment to promote homeownership and private property rights.

For more information on RPAC or the Major Investor Installment Plan, please visit the RPAC page of NYSAR.com or contact NYSAR's Political Affairs Coordinator Derick King at 518-463-0300 x238 or dking@nysar.com



NAR President's Circle Members are RPAC major donors who contributed an additional \$2,000 in personal contributions.

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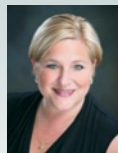
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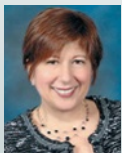
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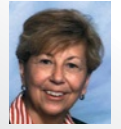
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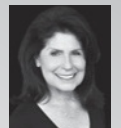
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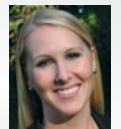
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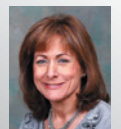
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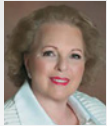


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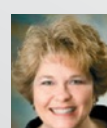
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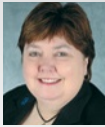


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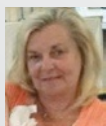
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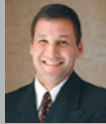
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due diligence to settlement and record retention, licensees are equipped to practice with confidence.

In GRI-5 Buyers, REALTORS® learn how to best serve buyers from listing to closing, while assuring they are in compliance with local, state and federal Fair Housing Laws. Participants prepare presentation packages that describe their agency representation options, required disclosures and the buying process. From qualifying the buyer, explaining financing and stressing the need to use other qualified professionals to safely showing property, writing an offer, negotiating and closing, attendees are able to walk today's buyer through the buying process with the utmost competence.

This course also satisfies the fair housing training requirement for license renewal.

For representing sellers, GRI-6 Sellers, delves into each step of the process from the listing proposal through to closing, including Fair Housing compliance. Participants prepare listing presentation packages that describe their agency representation options, required disclosures and the selling process. From CMA, pricing and positioning discussions to marketing and safely showing property, participants build the skills to represent sellers competently, ethically and legally as they negotiate on their behalf and walk them through the sales process.

In GRI-7 Property, students compare and contrast residential property options with ownership rights and taxes in mind. The impact of land use restrictions and zoning considerations for new construction is discussed along with energy efficiency

options and environmental hazards. This course focuses on all facets of determining value including AVMs and appraisals. It also explores the home inspection as a means of paving the way for a smoother transaction and the licensee's role in that process.

GRI-8 Technology is the first day of NAR's two-day e-PRO certification course, so REALTORS® can earn dual credit. This course, vital to today's REALTOR®, explores the many transaction management and automation tools to manage a mobile real estate business. It also focuses on Internet advertising and social media tools to maximize your exposure. But with these valuable tools also comes some increased risk, so this course helps participants to minimize those risks. REALTORS® wishing to earn the e-PRO certification must complete the second day online.

As you'll find, each of these courses provides REALTORS® with the tools they need to avoid or prevent legal, ethical and competency complaints. At the same time, they also demonstrate: how to make better use of time and other resources; how to elevate your level of service; and how to be more productive. All this leads to greater success!

The upcoming course schedule can be found in this issue or visit NYSAR.com/education to see the full list of upcoming GRI courses around the state. If you need advice on where to start, call NYSAR's Education Department at (800) 239-4432 and speak with one of our knowledgeable staff members. For information about available GRI course scholarships, visit the New York State Real Estate Education Foundation at NYSREEF.org. ●

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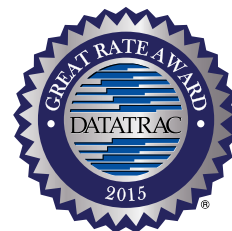
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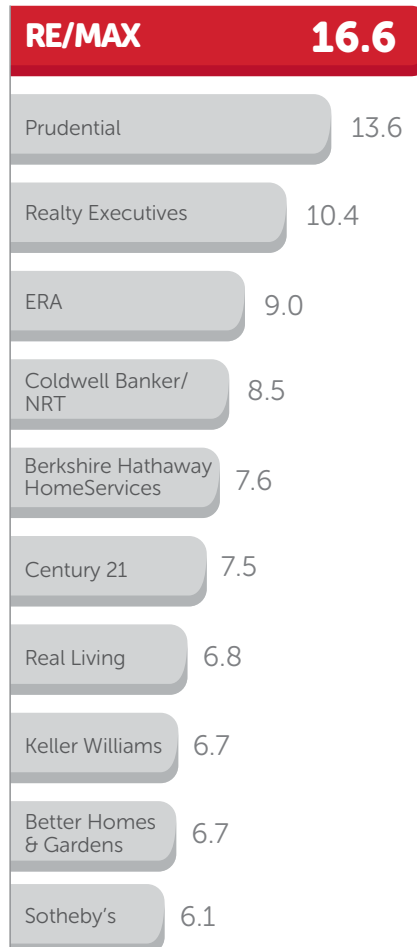
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