

# NEW YORK STATE REALTOR®

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

JULY/AUGUST 2015



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# NEW YORK STATE REALTOR®

NEW YORK STATE ASSOCIATION OF REALTORS®, INC.



## CONTENTS

- 4** President's message
- 5** From the CEO's desk
- 6** New York news briefs
- 10** Legal Line: *Licensees should display license type on all business cards*
- 12** Lobby Day 2015 fuels tax cap victory
- SAFETY FIRST for REALTORS®
  - 15** September is REALTOR® Safety Month
  - 16** REALTORS® need to make safety a priority
  - 19** Apps help you stay safe while showing houses
- 20** What REALTORS® need to know: *Consumer Financial Protection Bureau delays RESPA/TILA changes until October 3*
- 22** RPAC of New York thanks its 2015 major investors
- 25** Late Summer/Fall 2015 national designation course schedule
- 26** Advertiser.com

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# President's *message*



Mike Smith  
2015 NYSAR President

I'd like to start this column with a huge "thank you" and congratulations to you, our NYSAR members, for making Lobby Day a great success. With all the instability and fluctuating political landscape in Albany, you showed up and made your message clear to our political leaders and your local representatives. Lobby Day only works when each of you show up and share the voices of your customers and clients in support of reasonable policies and property tax relief. Our Government Affairs Director Mike Kelly and his entire department set the table, but you are the ones who walk the talk for us. Thank you one and all!

In this issue, NYSAR is providing information we can all use to help us practice our profession safely and I encourage you to read the articles starting on page 15.

Safety is too important to be an afterthought, but, so far, it appears that is how many REALTORS® deal with it. They pull up in front of a vacant house with an overgrown lawn and obviously unsecured windows and then they think about the caller they are meeting for the first time at this poorly maintained gem. Reflexively, they check their cell phone for the time to see they are three minutes early, but there are no bars on the reception meter and no calling service. Too late: A car has pulled behind them, blocking the driveway.

Crime against REALTORS® is not new. A 1992 made-for-TV movie, "With Murder in Mind," recounts an attack against a western New York REALTOR® and her client that occurred four years earlier. The assailant escaped. The client was mortally injured and the agent, Gayle Wolfer, survived multiple gunshot wounds. An additional twist came six months later when Wolfer saw her attacker riding a horse at the Erie County Fair and had him arrested.

We might feel that cell phones, security cameras and GPSs have made us smarter and safer than we were in 1988, but the murder of REALTOR® Beverly Carter in Arkansas last September tells us differently. As I am writing this, there is a new report about two REALTORS® working in Florida who were robbed at gunpoint in separate incidents,

perhaps by the same suspect. More details will have emerged by the time you read this.

NYSAR has placed a priority on bringing all of us safety training and information. In February, we offered a free three-hour continuing education course led by a safety expert. This video is available to all members on NYSAR.com. While you won't be able to earn CE, you will learn tips you can employ to enhance your safety. During the fall meetings, we will offer another safety related course.

Many local boards are offering safety courses and you can read about those on page 15.

In an effort to increase safety awareness among new licensees, NYSAR is seeking a regulatory change that would result in one hour of education in "licensee safety" to be added to the 75-hour real estate qualifying course. The required coursework for property insurance would be reduced by one hour to accommodate the change.

We don't have to solely focus on "stranger danger" when we consider REALTOR® safety. Do you have the most basic plan for having someone else know your itinerary for the day, and a backup plan for checking your well-being? Have you slipped and fallen at a vacant property while alone? Is that building you are inspecting stable? Are you showing a rural property where hazards like old wells with fragile coverings lurk?

Are you aware of the presence of venomous snakes in many upstate wooded areas? And smaller still, Lyme disease is already affecting many REALTORS® and the ticks that carry the disease are rampant this year. REALTOR® safety includes checking after a walk through a well-landscaped lawn, not just a hunting camp.

It is up to each of us to plan for safety the way we plan for everything else that REALTORS® do. The result of good planning may make the difference as to who steps out of that car that parked behind you. Is it a stranger with bad intent, or is it another agent who is making sure you are safe? It is entirely up to you.

A handwritten signature in black ink that reads "Michael Post". The signature is written in a cursive, flowing style.

# From the *CEO's desk*



Duncan MacKenzie  
NYSAR Chief  
Executive Officer

Not long ago, “disintermediation” was a popular buzzword for industries and even trade associations like the three-tiered REALTOR® family. A new term now making the rounds is “pivoting” and takes place when there is a significant change in direction that has or will take place. During the NAR meetings in Washington, D.C., the board of directors approved a major pivot for the REALTORS® Property Resource (RPR).

What will be known as “Project Upstream” is a partnership between NAR’s wholly owned subsidiary RPR and UpstreamRE, LLC, which is a consortium of brokerages nationwide representing real estate companies of all sizes and business models. The goal is to leverage the significant RPR technology platform to create a new single entry point for real estate firms to distribute their real estate-related data. In the most basic terms, listing property information from participating firms will first be entered into a database to be built on RPR’s Advanced Multi-list Platform (AMP). From there the data can flow to wherever the broker wants to send it. A broker inputting data through a single data distribution system using the Upstream platform can designate and control where his or her listings are distributed including: multiple listing service(s); a franchise system; syndication services such as realtor.com; broker back-offices; and vendors to give a few examples. The broker and only the broker will be in control of where his/her data goes.

Managing massive amounts of listing data including the initial input and recurring edits is a major cost for many brokerages. One of the big goals of Project Upstream is to make data management more efficient. The significant resources available through RPR and the fact that many if not all of the UpstreamRE companies are REALTOR® members made this a logical partnership.

There is a lot of information in the blogosphere about this project. A good resource to learn more about this can be

found on REALTOR.org (<http://www.realtor.org/videos/rpr-introduces-project-upstream>) and on the WAV Group’s website (<http://waves.wavgroup.com/2015/05/14/project-upstream-revealed/>).

Some guesswork at future pivots is the topic of the ominous sounding D.A.N.G.E.R. report (<http://www.dangerreport.com/>) that was also unveiled in Washington. D.A.N.G.E.R. stands for Definitive Analysis of Negative Game Changers Emerging in Real Estate. The project was funded by NAR and conducted by the well-known Stephan Swanepoel. The information for the report was collected from a number of sources including interviews with 74 industry leaders and survey data gleaned from thousands of REALTORS®.

The following is written in the opening memo of the report penned by the NAR leadership team: “The challenges we (REALTORS®) face every day are a mix of age-old questions of survival and trailblazing into the unknown. We need to account for both.” Contained within its 164 pages are updates, reality checks and prognostications involving five key segments of the REALTOR® world: agents; brokers; NAR; state and local associations; and MLS.

Interestingly, the report does not offer solutions. Undoubtedly a good idea if only so as not to taint the creative minds that will solve any or all of the potential dangers lurking ahead. It’s meant to be thought provoking and it certainly hits the mark. I’m not sure the report’s outing of these dangers now eliminates them as Black Swans. The goal I believe is not to identify every danger, but to sharpen our collective thought-making so that we are better able to address the biggest pivot ahead, which is likely to be the one we haven’t even conceived of yet.

A handwritten signature in black ink, appearing to read "Duncan MacKenzie" with a stylized flourish at the end.

**“One of the big goals of Project Upstream is to make data management more efficient.”**

# New York *news briefs*

## Enrollment for NYSAR's dental plan is now open

The open enrollment period for NYSAR's dental plan will run through August 31, and there's never been a better time to re-evaluate your dental and vision coverage. Administered by USI Affinity and underwritten by MetLife, the NYSAR dental plan offers: options for a range in coverage and cost; third straight year of no rate increases; coverage for individuals and families; freedom to visit any dentist, in or out-of-network; and coverage for orthodontia.

Through this new partnership with MetLife, vision coverage is now being offered as a standalone option in addition to being an optional rider on the dental policy. Vision highlights include: one of the largest networks of ophthalmologists, optometrists and opticians in the nation; low out-of-pocket costs by using the MetLife network of private practice providers; and a generous reimbursement schedule for services obtained at out-of-network locations. Visit [MyREALTORInsurance.com/nysar](http://MyREALTORInsurance.com/nysar) for more information or call 888.834.3713 to speak with a benefits' counselor.



## 2016 NYSAR committee sign up available in July

NYSAR committee sign up will be available online only between July 1 and July 31. You may select up to six of the more than 25 NYSAR committees available in 2016—three termed/closed committees and three open committees/forums/working groups. Volunteers are asked to be sure they will be able to attend the association's 2016 business meetings, which are February 8-11 in Albany and September 25-28 in Verona, before committing to serve.

For information and to sign up, visit [NYSAR.com](http://NYSAR.com).

## Apply for a NYSREEF scholarship by July 31

Any individual who has at least one year of experience in real estate sales, is licensed and practicing in New York State, and holds primary REALTOR® membership in New York State is eligible for one of the National Association of REALTORS® designation program scholarships offered by the New York State Real Estate Education Foundation (NYSREEF). Scholarship awards are not based on need. Applicants should show positive motivation toward real estate education and proven interest in furthering their real estate career.

Scholarships are awarded annually in March and in October. Applications for October awards are due by July 31. Individuals are eligible to receive only one scholarship per year. Each application must be supported by two letters of recommendation and must include a letter from the applicant describing their need, how the scholarship will benefit them and their future goals relating to the use of the scholarship.

For more information, visit [www.nysreef.org](http://www.nysreef.org).

## NYSAR Fall Business Meetings to begin October 4

The New York State Association of REALTORS® will hold its annual Fall Business Meetings October 4-7 at the Turning Stone Resort & Casino in Verona, NY.

In addition to the various committee meetings and working groups, the event will feature the General Session led by NYSAR President Mike Smith.

NYSAR encourages all members to participate as many of the sessions do not require official committee service. For more information or to register for the meetings, please visit [NYSAR.com](http://NYSAR.com).

## Registration for the 2015 REALTORS® Triple Play and Trade Expo opens in September

Registration for the 2015 REALTORS® Triple Play and Trade Expo, set for December 7-10, 2015 in Atlantic City, NJ, will open in September.

Triple Play 2015 will feature: up to 18 hours of CE credit and flexible scheduling; exciting new speakers; an opening day session about changes to RESPA/TILA; access to information from all sessions; two full days with vendors in the Trade Expo and vendor presentations in the Trade Expo Theatre; networking events; shopping and restaurant discounts; and more. You'll get all this at the low price of \$79 (when you register online during the early-bird registration period). Plus, you won't want to miss the new ED Talks featuring Stefan Swanepoel, Steve Harney, Terry Watson, Rossi, Jackie Leavenworth and Allan Dalton.

The event will also include the YPN Party for all ages on Monday, a reception for NYSAR members and the Icebreaker Reception on Tuesday, and the RPAC High Rollers' Suite on Wednesday.

All CE credit is free with registration. Again this year, for an additional \$39, REALTORS® can take advantage of Registration PLUS, which provides guaranteed seating for 18 hours of CE credit and a private lounge to purchase refreshments and lunch.

Visit [www.realtorstripleplay.com](http://www.realtorstripleplay.com) for more information or to register in September.

## 14th annual New York State Commercial Real Estate Conference a success!

The 14th annual New York State Commercial Real Estate Conference was held June 8-10 at the Turning Stone Resort and Casino in Verona, NY.

The event featured: The full-day, pre-conference session “More Transactions from Real Estate Marketing Sessions;” updates from commercial institutes; a legislative update from NYSAR Director of Government Affairs Mike Kelly; the “Identifying Strategic Partnerships: A REALTOR® guide to community resources” keynote; a full-day marketing session; and several continuing education credit courses.

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

For more information, please visit [www.nyscar.org](http://www.nyscar.org).

## Join the REALTOR® Party network with mobile alerts

Tens of thousands of REALTORS® now receive REALTOR® Party mobile alerts directly to their phone, giving them exclusive opportunities to take action on important real estate issues. Don't miss out—join the network by texting “NY REALTORS” to 30644. The National Association of REALTORS® will send you short text messages when they need you to respond to a Call for Action (usually only three to five times per year). Message and data rates may apply, and you can unsubscribe at any time. For questions about the REALTOR® Party mobile alerts, contact [comments@realtoractioncenter.com](mailto:comments@realtoractioncenter.com).

## Local boards kick-off RPAC fundraising season

Local REALTOR® boards and associations throughout New York State have been hard at work hosting an array of successful RPAC fundraising events.

NYSAR's two largest local boards, the Long Island Board of REALTORS® and Hudson Gateway Association of REALTORS®, both kicked-off the Spring RPAC fundraising season with exceptional events.

Congratulations to the Long Island Board on raising \$25,000 for RPAC during their signature “Day at the Races” fundraiser. The day was complete with gourmet lunch, silent auctions and live auctions by Matthew Arnold in a private room with sweeping views of Belmont Track, and great fun in the name of RPAC. Thank you to all 225 attendees who contributed to this successful event.

Congratulations to all who made Hudson Gateway's first-ever “Mr. Legs” Pageant a huge success! The event raised an amazing \$17,340 for RPAC. Thanks to HGAR President Drew Kessler for hosting a great event. Congratulations to “Mr. Legs” 2015, Sander Koudijs of the Great American Title Company, for his unique costume. Thank you to all the contestants and those who contributed to the event's success by investing in RPAC. ●



*RPAC of NY Regional Trustee Liz English, left, and LIBOR member Kate Koplinka-Conquest support RPAC by attending LIBOR's Day at the Races.*



*NYSAR President-elect Linda Bonarelli Lugo and Past President JP Endres compare strategies during the LIBOR Day at the Races.*

# Inside the *numbers*

**61**

By this age, the majority of people feel free to choose where they most want to live, according to a study by Merrill Lynch. Two-thirds of the retirees surveyed say they are now living in the best home of their lives.

**57**

The percentage of buyers and sellers surveyed by Redfin that say the technology their real estate agent uses is important to them.

**7.3 million**

The estimated number of potential boomerang buyers now looking for a second chance at homeownership, according to RealtyTrac. Boomerang buyers are former homeowners who lost their home to a foreclosure or short sale.

**94**

The percentage of homeowners and potential buyers that say homeownership is a critical piece to their long-term financial planning, according to a Berkshire Hathaway HomeServices' Homeowner Sentiment Survey.

**43**

The percentage of potential homebuyers that feel getting a mortgage will be easier this year, according to a recent national survey from Chase Bank.

**38**

The percentage of REALTORS® that have participated in a self-defense class, according to the 2015 National Association of REALTORS® Member Safety Report. For more information on REALTOR® safety, turn to page 15. ●

## 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](http://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](http://NYSAR.com).*

**August 4**

Antitrust

**August 18**

Responsibilities of a Listing Agent

**September 8**

Commission Issues

**September 22**

Preview of the 2015 Fall Business Meetings

**October 13**

Environmental Issues

**October 27**

Agency – Common Pitfalls



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



# SAVE THE DATE

December 7-10, 2015 | Atlantic City Convention Center, NJ

Triple Play 2015 will feature:

All new ED Talks with: Stefan Swanepoel, Steve Harney, Terry Watson, Rossi, Jackie Leavenworth and Allan Dalton

- Exciting new speakers.
- Free CE credit.
- Flexible education scheduling - build your own!
- Pre-convention designation courses.
- Opening day session about changes to RESPA/TILA.
- Vendor presentations in the new Trade Expo Theatre.
- Morning coffee with exhibitors.
- YPN, Icebreaker and State Receptions.



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\*When you register online  
between 9/15 and 10/15.

Hosted by the New Jersey,  
New York State and  
Pennsylvania associations  
of REALTORS®





## Legal *Line*

# Licensees should display license type on all business cards

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

**T**he New York State Department of State (DOS), Division of Licensing Services promulgated new advertising regulations that took effect on January 2, 2014. As with any new law, rule or regulation, there is always some initial confusion as to what is permitted or prohibited. This was true with the advertising regulations as well. While most of these “issues” were resolved (such as what is required on For Sale signs or directional signs), one issue has yet to be resolved.

When the advertising regulations were finalized in 2012, there was a requirement that all business cards containing the name of a licensee must also include the real estate license type held by that individual (licensed real estate broker, associate broker or salesperson). Even before the new advertising regulations were even discussed, this had been a requirement. According to the “Advertising Guidelines” published by the DOS in 1994, license type was required on business cards as can be seen in the following excerpt:

“Business Cards: Categories of information: A business card should include the following information exactly as stated on the license: The individual’s

full name; type of license held (broker, associate broker, salesperson); licensed name of firm; firm’s business address.”

When the new advertising regulations were first being discussed, it was agreed that this requirement would survive the amendment and be part of the new advertising regulations. All parties that contributed to the development of the new advertising regulations thought it was extremely important that a licensee disclose their license type on business cards for the benefit of the public at large.

When the advertising regulations were submitted to the governor’s office for approval, some amendments were made by the governor’s staff. An unintended consequence of the governor’s amendments was the omission of requiring license type on business cards. This was not an intentional act by the governor’s office. As a result, the advertising regulations were published without requiring license type to appear on all business cards.

When the issue was first discovered, it was brought to the attention of DOS. It was believed that this could be resolved with an opinion letter. After further research, an opinion letter would not “fix” the issue. NYSAR proposed an

amendment to the advertising regulations including license type on all business cards. The amendment is as follows:

“19 NYCRR 175.25(d)(2) Business Cards. Notwithstanding subdivision (c) of this section, business cards must contain the business address of the licensee, *license type* and the name of the real estate broker or real estate brokerage with whom the associate real estate broker or real estate salesperson is associated. All business cards must also contain the office telephone number for the associate real estate broker, real estate salesperson or team.”

As can be seen, “license type” has been inserted into the requirements of business cards. The amendment was approved by the New York State Real Estate Board and DOS during its April 30, 2015 meeting. NYSAR does not expect any opposition to the amendment from the governor’s office or the public.

Licensees should be including license type on all business cards going forward as the newly approved amended advertising regulations require it. For more information on complying with the advertising regulations, please visit the Legal section of NYSAR.com. ●

*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.*



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# Lobby Day 2015 fuels tax cap victory

By Michael Kelly  
NYSAR Director of Government Affairs

**E**ach year brings a whole new set of obstacles to navigate in Albany's legislative and political process. Not to be outdone, 2015 has proven to be one of the most tumultuous years in recent memory in New York's capital. Regardless of the political upheaval or legislative quagmire of the day, there's one constant that can be counted on year after year: NYSAR's REALTOR® Lobby Day in Albany.

It's that track record and the efforts of the more than 250 REALTOR® "Lobbyists for a Day" on June 9 that resulted in a four-year extension of New York's Property Tax Cap during the final hours of the 2015 legislative session. REALTORS® spent Lobby Day speaking with their lawmakers about the about the real-world benefits of

New York's Property Tax cap to our state's homeowners along with other key issues. Our association was a key advocate for this regulator of property tax increases when first signed into law in June 2011. We lobbied for the program's extension as it has proven to be successful in curbing excessive property tax increases.

NYSAR is extremely fortunate to have a membership that understands the importance of participation in our governmental process. Politically, we are engaged through RPAC and several other federal and state campaign initiatives. Legislatively, we're constantly focused on priorities relating to private property rights, restraint of real estate taxation and license law matters, among others. Each year, Lobby Day presents our members with the opportunity to

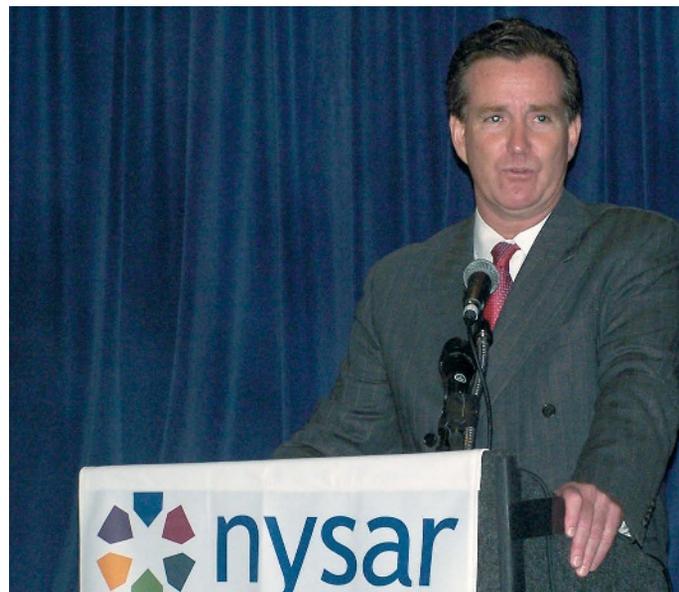
come to Albany and convey our common principles on matters before the New York State Legislature and the governor. Why? Because our members understand that "if you're not at the table before government, you're probably on the menu."

New York REALTORS® are the conduit between NYSAR's legislative priorities and state lawmakers because you bring real world examples about the impact these issues have on homeowners and the industry. REALTOR® Lobby Day helps turn these issues from a statement in a position paper to a real-world story so that legislators may understand the effects of their policies and laws more clearly.

Throughout the year our members engage with state lawmakers in a variety of ways by responding to Calls for



NYSAR Political Affairs Coordinator Derick King, right, helps Elmira-Corning Regional Board of REALTORS® Executive Officer Lori Shaylor, left, ECBOR President Cathy Weil and Hudson Gateway association member Russell Wooley sign in.



New York State Senate Majority Leader John Flanagan addresses the key issues of importance to REALTORS® including the extension of the property tax cap.

## “New York REALTORS® are the conduit between NYSAR’s legislative priorities and state lawmakers...”

Action, attending lawmakers’ town hall meetings or even having the lawmaker attend a REALTOR®-sponsored event. These are all terrific opportunities to connect with an elected official, but I’d argue that nothing beats an issue-based, face-to-face meeting between a REALTOR® constituent and a lawmaker in the Albany office. Lawmakers truly appreciate people from their community coming to New York’s capital to make their opinions heard.

In addition to the Property Tax Cap, our members also pushed for passage of legislation that would place a definition of a real estate “team” in New York’s real property law. While a definition for a “team” currently exists in real estate regulation, the addition of the definition to statute would provide the real estate marketplace with clarity and direction with regard to the use of real estate teams.

For many years, NYSAR and its membership have been combating illegal discrimination in the real estate transaction. To that end, REALTORS® spoke on Lobby Day in support of legislation

that would add greater transparency and predictability to the process of purchasing a cooperative apartment. We continue to have concerns that the current process to purchase a co-op provides an opportunity for illegal discrimination to occur, as there is no requirement for a co-op board to respond to prospective applicants.

The issue of residential fire sprinklers has also been a high priority for NYSAR over the last several years. While NYSAR opposes a statewide mandate requiring the installation of fire sprinkler systems in one- and two-family homes and townhomes, we do support initiatives to incentivize and educate consumers regarding these systems. During Lobby Day, NYSAR members advocated for a bill that would provide a personal income tax credit for property owners who decided to install a fire sprinkler system in their home. Importantly, this legislation maintains the tenet of consumer choice.

NYSAR members also spoke with legislators about an issue that continues to be an inhibitor to homeownership

for many first-time homebuyers—New York’s highest-in-the nation closing costs. In the past, NYSAR has supported measures such as a first-time homebuyer savings account that would grow tax free, similar to an individual retirement account. REALTORS® took advantage of these meetings to highlight the need to re-examine this challenge, not only for the benefit of the home buying public, but for the betterment of our communities and New York State as a whole.

My sincere thanks and appreciation goes out to each and every REALTOR® who participated in Lobby Day this year. Without you, the day isn’t a success and it’s much harder to deliver our message to legislators. Thank you! If you couldn’t make it to Albany this year, I encourage you to become engaged through your local board and join us in 2016. I can assure you, there will be a whole new list of issues that we will need to educate state lawmakers about. We need your help to do that, so please get involved. Lobby Day videos are available in the NYSAR.com Media Center. ●



*REALTORS® listen to New York State Senate Majority Leader John Flanagan talk about his support for this year’s key real estate and homeownership issues.*

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# September is REALTOR® Safety Month

By Priscilla Toth  
NYSAR Director of Education

**T**o remind REALTORS® to be aware of the dangers they face in showing property, the National Association of REALTORS® (NAR) has dedicated September as REALTOR® Safety Month. The association has created an expanded toolkit to empower practitioners to avoid risky situations.

The toolkit, available at [www.realtor.org/safety](http://www.realtor.org/safety), includes videos, articles and archived webinars. Safety tips are now also distributed every Monday by NAR via its Facebook, Instagram and Twitter accounts on topics such as open house safety, garage safety, cyber security, home security and more.

NAR also introduced a new three-hour course in May called, "Real Estate Safety Matters." Course materials are available to associations and brokerages at no cost. The course includes safety protocols for showing properties, understanding physical and instinctual responses to threats and attacks, and various safety tools and systems currently available.

In February, NYSAR offered a three-hour continuing education course to members at no cost. The course, presented by personal security expert Robert Siciliano, illustrated how to avoid risky situations by developing safer business practices and demonstrated how to escape from an attacker if the need ever arose. The video of this class is

available at [NYSAR.com](http://NYSAR.com). Of course, the benefit of these lessons requires the regular practice of self-defense techniques. NYSAR will follow up with a self-defense awareness class in October during the Fall Business Meetings at Turning Stone. Visit [NYSAR.com](http://NYSAR.com) for details.

Many local boards around the state are using the month of September to bring members up to speed on the latest procedures to alleviate risk and help protect themselves, their clients and property. Here is just a sampling of upcoming real estate safety courses being held throughout the state:

- September 1 – Mohawk Valley Association of REALTORS®, Utica.
- September 16 – Clinton County Board of REALTORS®, Plattsburg.
- September 16 – Ulster County Board of REALTORS®, Kingston.
- September 22 – Columbia-Greene Association of REALTORS®, Hudson.
- September 28 – Long Island Board of REALTORS®, Woodbury.
- October 1 – Greater Rochester Association of REALTORS®, Rochester. ●



**SAFETY FIRST**

# REALTORS® need to MAKE SAFETY A PRIORITY

By Ciara Hassenpflug  
NYSAR Communications Coordinator

**F**orty percent of real estate professionals have experienced a situation that made them fear for their personal safety or the safety of their personal information, according to the 2015 National Association of REALTORS® *Member Safety Report*.

“We are an industry that is a prime target for safety concerns,” said Jim LaValley, principal broker/owner of LaValley Real Estate in the Adirondacks and a self-defense and self-assertiveness teacher. REALTORS® are too quick to go at a moment’s notice without much thought, he said, often finding themselves with complete strangers in empty houses.

The tragic story of Arkansas REALTOR® Beverly Carter is one that all REALTORS® should take notice of and learn from. Carter went missing last September after meeting a supposed prospective buyer at a vacant home. Five days later, her body was found in a shallow grave about 20 miles away. The alleged killer who posed as the buyer has been charged with capital murder.

NAR’s *Member Safety Report* also stated that 46 percent of real estate brokerages have standard procedures for agent safety in place. For brokers, LaValley said, it is very important to have an office plan in place, no matter if you live in an urban or rural area. “Your safety has no boundaries,” he said. All safety plans should include:

*“We train ourselves to read people, so we need to trust our gut instinct. If you feel uncomfortable, there is good reason.”*

buddy programs; signals when you are uncomfortable; check-in programs; contact information for spouses/family members/friends; regular discussions about safety; a network with other agencies; and more, he said.

“In our craft, people can easily take advantage of us. We have to be aware. When you go on a worksite, you wear a hardhat. Why wouldn’t you protect yourself [as a REALTOR®]?” said miriam treger, manager and associate broker at Realty USA in Buffalo.

She explained that her office’s safety plan was inspired by the popular Beach Boy’s song “Help Me Rhonda.” If an agent is out and feels uncomfortable when with a client, they can call the office and say something along the lines of: “Hi, it’s miriam. Can you tell Rhonda I’m still at 123 Main Street and I’ll call her in 10 minutes?” treger said this lets the office know to be on alert and also exactly where the agent is located. If the agent doesn’t check back in within 10 minutes, the police can be called. “It still sounds like a normal conversation to the client,” said treger of the beauty of the plan.

Creating a culture of safe routines in their offices is one that Miguel Berger, a broker with Better Homes and Gardens Real Estate Tech Valley in

Loudonville, takes seriously. He admits that REALTORS® put themselves in dangerous situations every day of the week by showing houses to strangers, riding in cars with them and more without giving a second thought as to what could happen. “In the world we live in, we need to think about what’s more important—our safety or the next sale.”

Feeling responsible for the safety of his agents, Berger has had a safety procedure in place for the past six years. “We strongly encourage our agents to first meet the prospect in the office and make sure they are a real person.” He also has his agents fill out emergency contact information, license plate numbers, primary care doctor information and more.

As you go through your daily routine, it’s important to keep in mind safety tips for each situation you are faced with. Meeting a client for the first time? Have a coworker join you and meet in a public place. Showing a listing? Make sure your office knows where you are, what time the appointment is and check in immediately after. Running an open house? Know where your exits are, let the potential buyers lead the way, and have your cell phone at-the-ready.

“How sad is it that we can’t show a basement or go up in an attic?” said

treger. “But that’s the way it is.” At open houses, she requires visitors to sign in. If they refuse, she says that she’d be happy to meet them at another time with their agent for a private showing. “You can say that way they will have more time in the house and put it to their benefit,” she said. “But stand your ground.”

“I can’t express enough the importance of recognizing early warning signs,” said LaValley. Situations such as the party in question wanting to meet alone, asking personal questions, requesting odd hours and seeming distracted might not seem concerning when considered alone. However, when more than one of these occurs, it’s time to be on alert. “When I have studied cases that resulted in a very unfortunate conclusion, there were signals well ahead of the attack that if properly identified, could have prevented the outcome,” he said.

LaValley added that when it comes to online REALTOR® safety, it’s a two-way street. It’s important to be aware of what information you post about yourself, being careful not to post too many personal details. On the other side, he suggests using online resources to your advantage when researching a client before meeting them.

treger said that while they run background checks on everyone who works in their office, down to the cleaning people, online research can give a good gauge of potential clients. “If you Google someone and nothing shows up, if there’s no online footprint at all, that’s weird,” she said. Sites such as Whitepages and Spokeo can also be used for a quick Internet check.

LaValley said it’s difficult to say what the number one safety tip to remember is because every situation is different. However, he said if there was one to rely on, it would be listening to your internal instinct. “We train ourselves to read people, so we need to trust our gut instinct. If you feel uncomfortable, there is good reason.”

For more information on REALTOR® safety including sample office plans, videos, webinars and more, visit [www.realtor.org/safety](http://www.realtor.org/safety). ●

**“I can’t express enough the importance of recognizing early warning signs... Situations such as the party in question wanting to meet alone, asking personal questions, requesting odd hours and seeming distracted might not seem concerning when considered alone. However, when more than one of these occurs, it’s time to be on alert.”**

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# APPS help you stay safe while showing houses

By J. Austin Moran  
NYSAR Director of Information Technology

**F**requently, we hear of crimes being committed against real estate professionals. Criminals are watching for opportunities to prey upon unsuspecting REALTORS® by monitoring your social media posts so they know when you are staging your next open house, or perhaps they are calling on you to meet them at one of your listings. Working alone, you may enter a home and find squatters, drug dealers, disgruntled former homeowners or even abandoned pets.

The real estate and rental and leasing occupation has seen an average of 75 deaths a year from 2003 to 2009, according to the Bureau of Labor and Statistics. Real estate professionals are starting to better prepare to ensure their own safety. While it is always a good idea to meet new clients at your office and to ask for a copy of their driver's license, there are also a number of mobile apps that can help alert colleagues, friends and law enforcement in the event you find yourself in a dangerous situation.



## CIRCLE OF 6

Circle of 6 can be your first line of defense. The application—one of two winners of the 2011 White House Challenge—allows users to let a select group of people know they are in trouble so they can send help right away.

Through the application, users can send directions to their exact location. The application can also connect users to emergency numbers if they're ever in a bind. This application is likely best used if and when a person feels like he or she is heading into a risky situation. The application is free and available on both iPhone and Android devices. <http://circleof6app.com>



## BSAFE

Bsafe isn't just an application; this all-in-one safety tool essentially creates a community of people working together to keep each other safe. It allows any user to have a group of guardians tagging along with them everywhere they go. It's all encompassing, too. From the application you can share your location with friends, activate a fake phone call to break up an awkward (or potentially dangerous) moment and send alerts to your safety network if you need immediate assistance. It even has a flashlight. Bsafe is a free application available for both iPhone and Android devices. <http://getbsafe.com>



## KITESTRING

Kitestring is probably the most practical tool, though using it will require some advance planning. It's a web-based tool that you set to check in on you over a certain period of time. Before showing a home, meeting a new client or holding an open house, go online and tell Kitestring how long you're going to be out (or how often you want to be checked up on). The site will text you to make sure you're safe. If you don't respond in a timely manner, an alert is sent to your designated emergency contacts letting them know to reach out. Kitestring is available at <https://www.kitestring.io>. Sign up is free, but free users can only designate one emergency contact and are only allowed to activate the service eight times per month. Unlimited usage is \$3 per month.



## REALALERT

RealAlert features include: calling 911 in one tap; alerting a friend; sounding an alarm; saving details about suspicious persons; and locating the nearest hospital. The app was created by Austin, TX real estate agent Michelle Jones and also includes a flash light. Available for \$1.99 for iPhone and Android. <http://www.realalertapp.com/>



## SAFETREK

SafeTrek enables users to be proactive in their safety by bridging the gap between doing nothing and calling 911 in an unsafe situation. By holding down the SafeTrek safe button, a user is able to passively connect to police. If nothing unexpected happens, a user simply inputs their unique 4-digit pin to cancel an alert from being sent. If a situation takes a turn for the worse, the user simply releases the safe button and is connected to police. Available for iPhone and Android for \$1.99. <https://www.safetrekapp.com/>



## REACTMOBILE

ReactMobile turns your smartphone into a lifeline. The app offers a "Follow-Me" feature that lets you share your location with friends and family so they can track your whereabouts in real-time and follow you to safety. The app also allows the user to send email and text alerts, while providing automatic 911 dialing support. Available for iPhone and Android for free. <https://reactmobile.com/> ●

# What REALTORS® need to know: Consumer Financial Protection Bureau delays RESPA/TILA changes until October 3

By Ken Trepeta  
National Association of REALTORS® Director,  
Real Estate Services

**T**he Consumer Financial Protection Bureau (CFPB) announced in June that it would delay the implementation of the Truth in Lending Act and Real Estate Settlement Procedures Act Integrated Disclosure (TRID) regulation until October 3.

National Association of REALTORS® President Chris Polychron lauded the two-month implementation delay from the original August 1 effective date. “NAR has long advocated the need to avoid implementing the new regulation during the peak summer selling season,” he said. “We will continue to work with CFPB to minimize any possible market disruptions or uncertainty that could develop following the implementation.”

REALTORS® will still need to be prepared for the October 3 implementation.

Under the TRID, there will no longer be Good Faith Estimates (GFEs) or Truth in Lending disclosures. Those two forms have been combined into a single “Loan Estimate”

or “LE.” It is not really an estimate in many respects, as lenders will be held to the exact number for even more of the charges listed and have to come in within 10 percent on many of the others. Also, the estimate must be given within three days after these six items of information are collected: the consumer’s name; income; Social Security number; address of the property; estimated value of the property; and the loan amount. Pre-approvals will still be possible and there should be little change to that process. If a prospective buyer actually has a property address at the time of pre-approval and gives over the other five items, then an LE must be issued as well.

The other major form change is that the HUD-1 Settlement Statement is being replaced by the “Closing Disclosure” or “CD.” In many ways the CD will rehash the items on the LE so a consumer can compare. It will also serve the functions of the HUD-1 as a settlement statement. Perhaps the most impactful change is that it must be delivered to the consumer a full three days prior to closing and if there are changes during that the three-day period, the closing could be delayed.

The CFPB tried to give industry leeway by saying that only a change in major loan terms would trigger a new

three-day waiting period. However, the bureau also made it clear that lenders would essentially be liable for the documents including the CD. Lenders are taking a conservative approach for good reason: a loan that has a potential RESPA/TILA error will at a minimum be difficult to sell on the secondary market. So lenders are going to want to make sure there is no chance of this and will therefore want to approve last minute changes.

Real estate and other industry professionals should no longer seek to make last minute changes at the closing and if a change needs to be made, they should notify the lender and other settlement service providers immediately. They should prepare their clients for this as well. A good rule of thumb is that if you want to close on October 30, make sure everything is ready on October 23. Some may point to the “bona fide financial emergency” exception and feel this is a way around the three-day rule or other delays. It is not. The bona fide emergency must be a serious emergency – not losing a locked in interest rate for example, but rather more like one will be bankrupt if the deal does not close. And one will have to put it in writing in one’s own words, not a form letter. Even then, it will have to be approved by the lender

and given the way loans are actually made and closed, the ultimate lender will not likely be present at the closing so this approval (and approval of any other changes for that matter) may not come quickly if it comes at all.

It is also a good idea to add 15 days to the expected closing time and add appropriate time to contingencies and other deadlines. So if you close in 30 days normally, count on 45. If it is 60, then make it 75. We hope and expect that after people get used to the changes, the process will move more quickly again and things will be more flexible. Until then, it is best to give yourself and everyone else in the transaction a little extra time to be safe.

The bureau wanted to make more dramatic changes to the settlement process, but heeded many of the warnings of the National Association of REALTORS® and others. Nevertheless, the changes they did make will transform the settlement process and require adaptation and planning to avoid a bumpy transition. NAR is continuing to work to educate our members and their customers. We are also working with the bureau and industry to ensure that clarifications and corrections are made as we implement this important new rule. Visit [www.realtor.org/respa](http://www.realtor.org/respa) for the latest information including webinars, videos and other useful materials. ●



“Real estate and other industry professionals should no longer seek to make last-minute changes at the closing...”

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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



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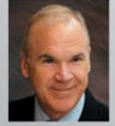
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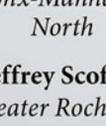
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## Late Summer/Fall

# 2015 national designation course schedule

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**GRI-1 Ethics** – Capitalize on what sets REALTORS® apart from real estate licensees. Satisfies NAR's ethics training requirement and a must for Professional Standards Committee members.

Oct. 8.....Hudson.....Don Cummins, Esq.  
Nov. 5.....Staten Island.....Don Cummins, Esq.

**GRI-2 Business** – Run your business like a professional practice and gain market share.

Oct. 28.....Albany.....Jim Pugliese  
Nov. 10.....White Plains.....Nick Gigante

**GRI-4 Legal** – Operate your business without the risk of claims, fines and lawsuits.

Aug. 11.....West Babylon.....Al Fazio, Esq.  
Sept. 17.....Binghamton.....Jim Braman, Esq.

**GRI-5 Buyers** – Demonstrate your value to buyers from listing to closing. Satisfies the NYS Fair Housing training requirement.

July 21.....West Babylon.....Don Scanlon  
Aug. 25.....Rochester.....Russ Romano  
Oct. 8.....Albany.....Jim Pugliese

**GRI-6 Sellers** – Represent seller clients in a way that keeps them coming back.

Sept. 10.....Rochester.....Lin Fields  
Sept. 17.....Jackson Heights.....Nick Gigante  
Sept. 22.....Canton.....Lin Fields  
Oct. 15.....Binghamton.....Lin Fields  
Nov. 5.....Syracuse.....Lin Fields

**GRI-7 Property** – Learn about all the factors impacting value and close more deals.

Sept. 23.....Buffalo.....Joe Whittington  
Oct. 19.....Jackson Heights.....Roseann Farrow  
Oct. 20.....Rochester.....Joe Whittington

**GRI-8 Technology** – Discover the latest tools to streamline your business and exceed client expectations.

Sept. 17.....Syracuse.....Randy Templeman  
Oct. 21.....Buffalo.....Jeremias Maneiro  
Oct. 21.....Poughkeepsie.....Randy Templeman  
Oct. 29.....Corning.....Randy Templeman  
Nov. 2.....Woodbury.....Jeremias Maneiro  
Nov. 5.....Rochester.....Jeremias Maneiro

continued on page 26

Course Schedule continued from page 25

ACCREDITED BUYER REPRESENTATIVE

**ABR Course** - Become a proficient and profitable buyer's rep, serving with quality, fidelity and confidence.

15 hours CE - \$295 for members  
 Sept. 29-30..... Rochester.....Roseann Farrow  
 Oct. 1-2..... W. Babylon.....Linda D'Amico

CERTIFIED INTERNATIONAL PROPERTY SPECIALIST

**Global Real Estate: Local Markets**

Connect with foreign and immigrant buyers who continue to invest heavily in the U.S. market.

6.5 hours CE - \$150 members  
 Sept. 28..... Jackson Heights.....David Lauster

**Global Real Estate: Transaction Tools**

Get the tools to serve foreign-born buyers, in terms they'll understand.

6.5 hours CE - \$150 members  
 Sept. 29..... Jackson Heights.....David Lauster

**The Americas and International Real Estate**

No CE - \$150 members  
 Sept. 30..... Jackson Heights.....David Lauster

**Europe and International Real Estate**

No CE - \$150 members  
 Oct. 1..... Jackson Heights.....David Lauster

**Asia/Pacific and International Real Estate**

No CE - \$150 members  
 Oct. 2..... Jackson Heights.....David Lauster  
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RESORT & SECOND HOME PROPERTY SPECIALIST

**Home Sweet (Second) Home: Vacation, Investment & Luxury Properties Course**

7.5 hours CE - \$150 members  
 Oct. 13..... Ithaca.....Roseann Farrow

SELLER REPRESENTATIVE SPECIALIST

**SRS Course**

15 hours CE - \$295 members  
 Nov. 17-18..... Goshen.....Roseann Farrow  
 Nov. 18-19..... Binghamton.....Randy Templeman

SENIORS REAL ESTATE SPECIALIST

**SRES Course**

12 hours CE - \$295 members  
 July 29-30..... White Plains.....Don Scanlon

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