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# NEW YORK STATE Realtor®

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

Four rules to know  
before you post,  
like or share | 11

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maximize success  
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## SOCIAL MEDIA SMARTS

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## PRESIDENT'S MESSAGE

Dawn Carpenter, CPM

# Your Legal Questions... Answered

Among the many NYSAR membership benefits, the Legal Hotline — staffed by NYSAR General Counsel S. Anthony Gatto, Esq., and Associate Counsel Liz Celeone, Esq. — is one of the most utilized. Anthony and Liz answered more than 6,330 questions last year at no cost to the member.

With hourly attorney rates ranging from \$200 to \$750 an hour depending on where you are, one call to the free Legal Hotline will save you more than twice the cost of your annual NYSAR dues. And with no limit on how many times you may call with a real estate-related question, members using this service can save hundreds, if not thousands, of dollars on attorney fees. That's not to mention the intangible benefit of knowing that you are following the letter of the law as you work with your clients and customers.

Questions relating to contracts, license law and commissions were the most common reasons for members to call the Hotline last year. Other common topics include disclosures, agency and fair housing. When you call the Hotline, you'll receive one-on-one legal answers from Anthony or Liz.

The Legal Hotline is available Monday through Friday from 9 a.m. to 4 p.m. by calling 518-436-9727. If our attorneys are busy helping other members, you can leave a voicemail, and they will return your call by the end of the next business day. If you haven't taken advantage of the NYSAR Legal Hotline, I encourage you to make it your first call the next time you have a real estate-related legal question.

Your access to legal information is not limited to the Legal Hotline. There is a wealth of legal resources waiting for you



**You have real estate-related legal questions. The NYSAR Legal Hotline has the answers you need!**

in the Legal section of NYSAR.com. These range from legal FAQs and the Broker's Reference Manual to recent court and New York State Department of State rulings and sample legal forms. You will also find Legal Update videos covering many key real estate and license law topics in the Media Center. These are great tools to use during office and board meetings.

NYSAR Radio, our internet-based show, covers key legal topics and provides you an opportunity to call in with questions. These shows typically cover some of the areas that members commonly inquire about during Hotline calls including agency, advertising, disclosures and more. See page 14 for the schedule of upcoming shows.

Four times each year, the Legal Department produces the NYSAR *Legal Lines* publication, which covers court and DOS decisions of importance to our industry. And last but not least, every issue of *New York State REALTOR®* features at least one legal article to help educate the membership about important real estate legal topics. In this issue, Anthony covers advertising rules and regulations that apply to social media. (See page 11.)

Please take advantage of all the legal resources NYSAR provides to help you operate your business within the laws, regulations and Code of Ethics that govern our industry. In addition to being the right thing to do, it helps keep us all on the path to long, successful careers.

A handwritten signature in black ink that reads "Dawn Carpenter".





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## FROM THE CEO'S DESK Duncan MacKenzie, RCE

# A Plan to Succeed

Rarely does one plan to fail. Instead, one is more likely to have failed to plan. This is not the case with NYSAR and your local boards since each of us has developed and approved strategic plans. These documents help guide association leadership as we navigate the

challenges and opportunities that an active market and regulatory environment present.

NYSAR will undertake its next strategic planning session in August with an eye toward creating a path for the association over the next three years. Our current plan, which is available for viewing at [NYSAR.com](http://NYSAR.com), was adopted in 2014 and expires at the end of 2017.

As often happens with multi-year plans, a disruptor occurred during the term of our current plan. In 2015, the National Association of REALTORS® released its D.A.N.G.E.R. report, which outlined possible threats to our members and our associations in the future. The report, written by Stefan Swanepol, caused quite a stir and has been a guiding document for many associations, including NYSAR.

In 2016, NYSAR compared our strategic plan against the D.A.N.G.E.R. report to see where we were aligned and where we deviated. For the most part, NYSAR was at least mindful of, and often already addressing, the relevant sections of the D.A.N.G.E.R. report. If you have not looked at the



D.A.N.G.E.R. report, I highly recommend adding it to your reading list.

The new plan will be crafted over three days through the hard work of our Organizational Planning Committee. This 37-member body is comprised of REALTORS® from every region and differing brokerage sizes.

We have residential and commercial representation, property management and international specialists along with a wide demographic makeup. The goal is to have a diverse group of members who can share a full range of experiences and perspectives.

Our plan facilitator has already begun to compile information, and NYSAR will be reaching out to members for perspectives that will be added to the discussions in August. The committee will craft a draft plan, which will then go to the NYSAR Board of Directors for final review.

The committee certainly does not have a crystal ball from which to look into the future. The plan will not be so specific that it would prevent NYSAR from adapting when faced with the inevitable disruptions that will occur over the next three years. What the plan will do is re-think our priorities and set SMART (Specific, Measurable, Agreed to, Realistic and Time-based) goals.

Strategic plans are an important tool for associations like NYSAR and your local board. If done correctly, strategic plans are living documents that provide a compass for our programs and operations while also allowing associations to be nimble and adaptive.

The one mistake that can happen is if the plan is completed and then put on a shelf to languish. NYSAR, through the Organizational Planning Committee and Board of Directors, is committed to following the guideposts of our new plan with the purpose of supporting your business success.

A handwritten signature in black ink, appearing to read 'Duncan MacKenzie', written in a cursive style.



# YOUR **inbox**

## CHANGE MAKERS

**SERVICE** | Join a NYSAR committee this year and make a difference in your career and business.

**I**F REAL ESTATE IS YOUR LIVELIHOOD AND you're passionate about your business, NYSAR encourages you to get involved and help guide the future of your state association. Give your time, talent and expertise by assisting the association as it strives to meet the needs of its more than 53,000 members. Don't sit back and

leave it up to someone else. This is your association — make your voice heard!

Committee service gives you the opportunity to network with your peers from across the state as you work together to accomplish the association's goals. It will also give you a much deeper understanding of our industry's issues and the value of being a REALTOR®, and can prepare you for a role in leadership.

You may select up to six of the more than 25 NYSAR committees available in 2018: three termed/closed committees and three open committees/forums/working groups. With everything ranging from Communications, Marketing and Technology to Legislative

Policy and Professional Standards, you will be able to select a committee that suits your interests.

All members are invited to be active committee members. There are no restrictions based on age, industry experience or any other qualifier you might believe applies.

Volunteers are asked to be sure they can attend the association's 2018 business meetings, which are Feb. 4–8 in Albany and Sept. 29–Oct. 3 in Verona, before committing to serve.

Committee sign-up will be available online only July 1–July 31.

**READY TO STEP UP?**

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



**30 UNDER 30 | Congratulations to Raymond Lord, Douglas Elliman Real Estate, East Hampton, NY, for winning the National Association of REALTORS® 30 Under 30 Class of 2017 Web Choice Award. He collected the most votes during the online voting period, guaranteeing him a spot in this year's class. According to the award criteria, he exemplifies the ingenuity, dedication and prowess that is raising the bar in real estate today.**

**EVENTS | NYSCAR to sponsor annual REALTORS® Commercial Real Estate Conference June 5-7**

The 16th Annual New York State Commercial Real Estate Conference will be held Monday, June 5, through Wednesday, June 7, 2017, at the Turning Stone Resort & Casino in Verona, NY.

The events will kick off with a full-day pre-conference CCIM session on June 5 with "Splitting Profits in Commercial Real Estate," followed by an open-house reception where you can meet the NYSCAR officers and staff, and ask questions about your membership. The following days include: updates from the New York State Certified Commercial Investment Member (CCIM) chapter and the Society of Exchange

Counselors (SEC); a legislative update from NYSAR Director of Government Affairs Mike Kelly; a keynote reception with the president of the New York State Distillers Guild and the owner of a local distillery; a full-day marketing session; and several continuing education credit courses including agency.

This event is sponsored by the REALTORS® Commercial Alliance, which includes NYSCAR, the CCIM chapter and the SEC.

**REGISTER TODAY!**

➔ For more information or to register for this premier event, please visit [nyscar.org](http://nyscar.org).



**EDUCATION DESTINATION**

Commercial REALTORS® will gather at Turning Stone Resort for education and deal-making.



## AWARDS | Nominate an outstanding REALTOR®



### NOMINATE BY JUNE 16

To learn more about the REALTOR® of the Year and Community Service Awards, visit NYSAR.com.

NYSAR is currently seeking nominations for the 2017 REALTOR® of the Year Award and the Community Service Award. The nomination deadline for both awards is June 16.

The ROTY award recognizes the outstanding personal leadership skills and the industry and civic commitment of one NYSAR member. This award will be presented during the NYSAR

Fall Business Meetings.

NYSAR will also recognize up to three REALTORS® for activities supporting their community with the Community Service Award.

## TRAINING | NYSAR prepares local board and association leaders to work with the media



**ON THE RECORD** Elmira-Corning Board of REALTORS® President-elect Michelle Costanza, left, practices a TV interview with “reporter” Ron Kermani of the Kermani Agency.

During April, NYSAR provided spokesperson training to more than 40 current and future local board/association leaders who, by virtue of their office, will serve as spokespersons.

This training, provided as a free service to local boards/associations, covered the basics of radio, television and print interviews, REALTOR® talking points and an overview of online reputation management. This year’s program provided attendees the opportunity to participate in mock television interviews, which were recorded and critiqued to assist each member in improving their skills.

NYSAR thanks the following boards/associations for hosting spokesperson training sessions this year: Ithaca, Mohawk Valley and Staten Island.

## FOUNDATION | Support NYSAR’s Housing Opportunities Month and help a first-time homebuyer

The NYSAR Housing Opportunities Foundation will conduct its eighth annual Housing Opportunities Month fundraiser during June to raise awareness about affordable housing needs in New York State and the foundation’s

mission of assisting first-time homebuyers in achieving the American dream of homeownership. Keep an eye out for communications from NYSAR on how you can participate.

The foundation is a 501(c)(3) charitable organization

assisting moderate-to low-income individuals and families to become homeowners — utilizing a variety of means including public-private

partnerships, education, counseling and financial assistance to both individuals and organizations whose activities facilitate homeownership.



### LEARN MORE

Visit [NYSARHousingFoundation.com](http://NYSARHousingFoundation.com) for information on our programs and services.



## YOUR calendar

**JUNE**  
**08** Digital Marketing Basics for REALTORS® webinar, 2:30 p.m.



**15** NYSAR Legal Update webinar, 2:30 p.m.

**20** NYSAR Radio: Mythbusters, 10 a.m.

**JULY**  
**18** NYSAR Radio: Disclosures Other Than Agency, 10 a.m.

**29** 10 Ways to Earn More Business Than Your Competition webinar, 2:30 p.m.

**AUGUST**  
**15** NYSAR Radio: Environmental Issues, 10 a.m.

### WANT TO KNOW MORE?

➔ For additional information about calendar events, visit [NYSAR.com](http://NYSAR.com).



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Visit [NYSAR.com](https://www.nysar.com) for 24/7 access to NYSAR's legal resources.



Connect with us!





# YOUR business



## 4 MUST-KNOW RULES OF SOCIAL MEDIA

**LEGAL LINES** Find out what advertising regulations apply when posting online.



**By S. Anthony Gatto, Esq.**  
NYSAR GENERAL COUNSEL

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.

**L**ICENSEES ARE OFTEN CONFUSED ABOUT WHAT IS permissible when advertising properties or their licensed services on social media websites. Frequently, members inquire as to whether the advertising regulations are applicable to social media, and if so, how? Many Legal Hotline callers are surprised to learn the same advertising regulations that apply to a website also apply to social media. Although licensees

often access social media sites through an app on their smartphone, the backbone of that app is an internet-based service, which is treated the same as a website.

Advertisements can take many forms from a simple posting on a social media website to a paid post done through a third-party advertiser. Licensees sometimes ask whether an item they post would be deemed an advertisement. In order to clarify this question, NYSAR has provided a simple definition for real estate advertising: "Anything done by a licensee where the intent is to promote your ability to provide licensed services as a means to solicit potential consumers to utilize your services is an advertisement."

Licensees must abide by all laws, rules and regulations pertaining to advertising. In New York State, the advertising regulations can be found in 19 NYCRR§175.25. The regulations were promulgated in order to clarify what is permitted and what is prohibited. The New York State Department of State (DOS) has the authority to discipline brokers and licensees for "misleading advertising" pursuant to Real Property Law §441-c(1)(a), as well as any violation of 19 NYCRR§175.25.

### ADVERTISING RULES APPLY

**1** Licensees should always remember that pursuant to 19 NYCRR§175.25(c)(1): "Only a real estate broker is permitted to place, or cause to be placed, advertisements. Advertisements shall indicate that the advertiser is a real estate broker or provide the name of the real estate broker or real estate brokerage and (i) either the full address of the real estate broker or real estate brokerage or (ii) the telephone number of the real estate broker or brokerage."

As it has already been established that social media advertising is the same as web-based advertising, this 19 NYCRR§175.25(d)(3)(b) requirement is applicable to social media pages: "Every page of such a website shall include the information required by these rules and regulations." Therefore, a licensee must include the name of their brokerage and their broker's business address or telephone number on all social media pages they use for

advertising purposes. Licensees should not place this information behind a tab or require a user to press an "about" button that leads consumers to the information. The information should be provided on the home page and any other pages used for advertising purposes, and be readily apparent so members of the public understand it is a social media site of a real estate broker or their associated licensee.

19 NYCRR§175.25(d)(3) also requires that "a link to the broker or brokerage website with whom the associate broker, salesperson or team is associated is required on the homepage of the associate broker, salesperson or team website unless the broker or brokerage does not have a website." Licensees must make all best efforts to comply with these requirements. Such compliance should be open and obvious, and not camouflaged or presented in such a way to minimize the link to your broker's website or social media site. It should be permissible for a licensee to include either the link to the broker's social media or website (if they have one).

### RULES AROUND SHARING

**2** When using a social media site, licensees need to be aware that the same rules apply to properties that appear on social media that are not listed with your brokerage. Many social media sites permit the user to "share" or otherwise disseminate information from another user's social media page/post or from a third-party source. Such "sharing" must be viewed in the same manner as cutting and pasting another brokerage





listing, and placing it in your print or website advertisement. You are prohibited from advertising a property unless it is listed with your brokerage.

Pursuant to 19 NYCRR§175.10: “A real estate broker shall never offer a property for sale or lease without the authorization of the owner.” Through the use of the listing agreement, the owner also delegates their permission to advertise and the discretion of how to advertise to the listing broker.

If the listing agreement contains such language, the listing broker may give permission to another brokerage to advertise the property conditionally or unconditionally. It is recommended that such permission be done in writing (an email will suffice) in the event the granting of permission is ever questioned.

As can be seen, just because a listing broker (or an associated licensee) places a listed property on a social media site, it does not give every other brokerage (or their associated licensees) permission to share that listing. It is possible (with the knowledge and consent of their seller) that a listing broker would want other brokerages to share the listing and such permission can be given in the original post. The listing broker would need to include language in the original post giving other brokerages permission to share the listed property on their social media page conditionally or unconditionally.

Such permission must be clear as to what permission is given. For instance,

## **Just because a social media site permits you to “share” information, it doesn’t give a licensee the right to utilize the feature contrary to the established advertising regulations.**

a listing that appears on a social media site states: “Cooperating brokers have permission to share this listing on their social media page.” This permission is limited to the cooperating broker’s social media page only. Brokers that state: “This listing may be shared by any cooperating broker” place no limitation on how the listing is advertised by a cooperating broker.

This means that the cooperating broker is free to place an advertisement using any medium. This may not have been the intent of the listing broker and may not be the understanding of the sellers either. This could also apply to a group or page where joining the group or page requires the subscriber to agree to such terms for properties posted in the group or page.

Just because a social media site permits you to “share” information, it doesn’t give a licensee the right to utilize the feature contrary to the established advertising regulations found in 19 NYCRR§175.25.

Ignorance of the law and regulatory requirements will not only subject the licensee to discipline from the DOS, as the broker is also liable pursuant to 19 NYCRR §175.25(b)(1), which states: “Only a real estate broker is permitted to place or cause to be published advertisements related to the sale or lease of property.” Since only a broker is permitted to place advertisements, and the broker has the duty to review and approve all advertisements, the broker has exposure to liability when an associated licensee does not comply with the advertising regulations.

**91%**  
**OF ALL REAL ESTATE PROFESSIONALS USE SOCIAL MEDIA TO SOME EXTENT.**

Source: 2016 data from software company Contactually



## Tune in to NYSAR Radio

NYSAR Radio is a free internet-based live call-in show hosted by NYSAR's Director of Legal Services S. 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.

**JUNE 20**  
Mythbusters

**AUGUST 15**  
Environmental  
Issues

**SEPTEMBER 19**  
Commission  
Issues

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).

## ABIDING BY COPYRIGHT LAW

**3** Licensees should also be cognizant of the law relating to the copyright of photographs. There always seems to be some confusion as to the legal use of photographs that were published to the MLS or some other electronic medium such as a social media site for dissemination to the general public for the listing of real property. Presumptively, the individual who takes the photograph owns the copyright to that photograph. The rights can be assigned in whole or in part, limited or unlimited, to any third party by the owner. The owner can also give a third party the authority to assign the right of the photograph to another individual or entity.

The presumption of ownership of a copyrighted photograph may be modified by an agreement. For instance, when a user submits a photo to a social media site, they have already agreed in the Terms of Use to assign certain rights to the social media site in order for them to display the photo to other users

**Licensees who wish to publish photographs they did not take are prohibited from using such photographs. You must contact the individual who took the photograph to determine if such rights can be assigned to your brokerage.**

of the social media site. Another method is when a broker includes language in the agreement with the associated licensee that the licensee assigns the broker some type of right to use the photograph. The terms of this agreement vary greatly from full ownership to a limited ownership where it can only be displayed for that listing. Licensees who wish to publish photographs they did not take, or do not have the rights to use the photograph assigned to them, are prohibited from using such photographs. You must contact the individual who took the photograph to determine if such rights can be assigned to your brokerage.

It should also be noted that the DOS has also taken a position on the use of copyrighted materials and passed a regulation specifically addressing the matter. Pursuant to a provision found in the advertising regulations at 19 NYCRR§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." Therefore, a licensee who uses or reproduces a copyrighted photograph without permission, will not only be liable under copyright law, but will also face discipline from the DOS.

## CODE OF ETHICS RULES

**4** As a REALTOR®, you are also bound by the Code of Ethics. Article 12 of the Code states: "REALTORS® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing and other representations. REALTORS® shall ensure that their status as real estate professionals is readily apparent in their advertising, marketing and other representations, and that the recipients of all real estate communications are, or have

been, notified that those communications are from a real estate professional."

Furthermore, under Article 12 of the Code, Standard of Practice (SOP) 12-4 states: "REALTORS® shall not advertise nor permit any person employed by or affiliated with them to advertise real estate services or listed property in any medium (e.g., electronically, print, radio, television, etc.) without disclosing the name of that REALTOR'S® firm in a reasonable and readily apparent manner either in the advertisement or in electronic advertising ..."

It should be noted that SOP 12-4 contains another provision that is not permitted in New York. This provision would permit the information to be provided "via a link to a display with all required disclosures." While this may be

permitted under the Code, it is not permitted under New York Law and that portion of SOP 12-4 does not meet the regulatory requirements set forth in New York's advertising regulations (19 NYCRR§175.25).

Licensees utilizing social media as an advertising medium and paying for such advertising should know how their advertisements are going to be displayed. A licensee entering into an agreement with a third party to place advertisements via social media that do not comply with the advertising regulations, runs the risk of being subject to a disciplinary action by the DOS.

Licensees placing an advertisement of any kind should be aware as to how and where the final advertisement is going to appear and how the public is going to view it.

As was mentioned previously, only a real estate broker is permitted to place, or cause to be placed, advertisements and as such, any advertisement placed by an associated licensee of that broker is the same as the broker placing the advertisement, thereby exposing the broker to potential discipline by the DOS.

As a best practice, brokers should implement a strong advertising policy including proper practices for social media advertising that are compliant with the license law and the Code of Ethics, as well as copyright law. 🌟

**LEGAL HELP AVAILABLE WHEN YOU NEED IT**

➔ The Legal Hotline, free for NYSAR members, is available Monday through Friday, 9 a.m. to 4 p.m., at (518) 436-9727.

**LEGAL | NYSAR Legal Update videos reduce your risk**

Members, brokers and local associations can ensure they follow the letter of the law and industry regulations by watching the Legal Update videos available at NYSAR.com.

Featuring NYSAR General Counsel S. Anthony Gatto, Esq., these videos are created twice each year to give members the latest information on topics ranging from New York State Department of State and court decisions to agency, document retention and more.

In addition to being an educational tool for individual REALTORS®, the short videos provide useful content for office and association meetings.

The videos are available in the Media Center at NYSAR.com. 🌟

# REAL ESTATE PROS DO IT SMARTER PHOTOGRAPHY & VISUAL MARKETING SERVICES



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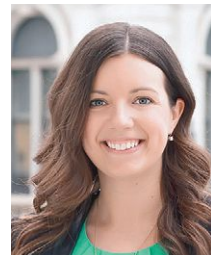
**A**S YOU'VE SCROLLED through your social media feeds lately, chances are you've noticed it isn't just static photos and pre-recorded videos anymore. Your friends, family and colleagues are embracing live video, and if you want to humanize your brand, you just might want to join them.

According to TJ Doyle, director of executive and digital communications at the National Association of REALTORS®, you should think of live video as a way to story-tell and build relationships on social media. "In the real estate industry, that is really another way of saying brand building," he said. Live video's ability to let you interact and connect in real time means you can both maintain and build new relationships quickly and efficiently, he said.

Doyle suggests experimenting with different platforms based on your comfort level and where your audience is. However, he said it's likely that everyone's largest audience will be on Facebook.

Catie Delf, a licensed real estate salesperson with Keller Williams Realty Capital District, started using Periscope, Twitter's video platform, but quickly found she was just talking to the internet and not a particular audience. "Very few people saw my video," she said. "I learned that I needed to be on a platform where people already knew and liked me before doing a broadcast."

She switched to Facebook Live and has found it to be the most successful for her. "I get more than 300 views for every live feed that I do, and people interact with my posts," she said. In some cases it makes her more recognizable as a REALTOR® with her friends, and they remember she's in real estate when talking with others. "I've gotten more referrals from friends since I started using live video."



**By Ciara Hassenpflug**  
NYSAR  
COMMUNICATIONS  
COORDINATOR

### AN AUTHENTIC PLATFORM

"My goal with live video is to help brand myself as an expert in real estate based on the topics I talk about," said Jeremias Maneiro, associate real estate broker of RE/MAX Realty Group in Rochester. It helps him be authentic so his followers get to know him as a person and get a sense of his personality, he added.

Authenticity is something Doyle also strongly recommends. He said to be transparent, and don't try to fake it on live video. "The audience will know."

"Live video is so authentic because you can't do a second take," Delf said. "You have the opportunities like tripping up the stairs or having true reactions to things that show people who you really are and make them like you."



## TOP TIPS FOR SUCCESSFUL LIVE VIDEO

Joseph Sinnona, associate real estate broker with Verdeschi Realty in Long Island, took a video course with Maneiro that prompted him to use the medium more in his business. “I use it as a means of communicating with clients and as a branding source,” he said.

Sinnona uses video for breaking news that he feels needs to be reported on, such as flood insurance, and during live events as well. In December, he used live video during a Christmas light show parade in his area and got more than 2,500 views. PBS MetroFocus shared the video, garnering him an additional 850 views.

### THE LEARNING CURVE

As with most things in life, there’s a learning curve with live video. For even the most tech-savvy agents, there might be some bumps in the road the first time recording yourself. “I did a Facebook Live home tour in landscape mode,” Maneiro said. “When [the feature] first came out, they only broadcast in portrait so my whole video was sideways.”

Maneiro’s tips for creating quality live video include plugging in a hard-wired microphone for quality audio (he uses a simple lavalier mic that plugs into the headphone port of his phone), looking into the lens and keeping the camera higher than eye level. Try not to sound scripted and make sure to smile.

Sinnona advises being aware of your background in videos and making note of the lighting and the angle that you are holding the camera. Selfie sticks can help a lot. He also suggests keeping your videos two minutes in length or less, or you might lose your audience, and posting



#### From Jeremias Maneiro

Plug in a hard-wired microphone, look into the lens and keep the camera higher than eye level.



#### From Joseph Sinnona

Be aware of the background and lighting in your videos.



#### From Catie Delf

During live video broadcasts, address questions posted by viewers in real time.



### LEARN MORE

Want to learn more about using live video? Visit [NYSAR.com/livevideo](http://NYSAR.com/livevideo).

between 3 and 5 p.m. or 7 to 9 p.m. when there is more viewership.

Delf said it’s important to remember that during a live video broadcast people can comment as they watch, so say hello and answer their questions in real time. “That’s one of the best parts about live video.”

Another tip that might be common sense but should still be mentioned: Don’t try and broadcast if the internet isn’t strong in the area you are in. “If it isn’t, stop the [live stream] and just record it and post later,” Maneiro said. He also warns not to do videos in listings showing other people without their permission and always make sure to credit whose listing it is, if it isn’t yours. “If it’s a listing that is coming soon, make sure to say that you are not precluding anyone else from showing it.”

Doyle said to remember that when you stream live, whatever the platform, you are going live on the internet. “In theory, the whole world can see what you are doing.” Unless people give you permission, be hesitant to stick a camera in their face, he said.

### GETTING VIEWERS

To increase the chances of his followers tuning in on Instagram, Maneiro promotes that he will be going live beforehand. If they miss it, they won’t be able to see it again on that platform. He’ll also promote ahead of time if he’ll be at an event he’s live broadcasting from that he thinks people would prefer to see in real time rather than watching a playback.

Maneiro said he gets more viewers that way on Instagram, but not necessarily on Facebook. “It’s more compelling on Facebook if it’s impromptu and unexpected, like a breaking news story on TV.”

For Maneiro, the response has been overwhelmingly positive. “There are going to be people who watch but never engage, but when you see them in person, they tell you how much they love your videos.” Based on viewer requests, he plans to start doing a live technology Q&A soon.

Sinnona said he’s listed and sold a few homes last year that were a result of Facebook Live videos. “It’s given viewers the opportunity to see me in a whole different light, rather than using flyers or other promotional items I used to use when I first started.”

In order to comply with New York State law, licensees should make sure the information required under the advertising regulations is present on that licensee’s social media homepage. When conducting a live stream or recorded video, licensees must identify themselves and the name of their brokerage at the beginning of the recording. 🌱



# Before Liftoff

**MARKET TRENDS** | REALTORS® should be aware of rules, privacy issues before incorporating drones into their practices.

By **Lesley Walker** NAR SENIOR COUNSEL

**W**HEN THE FEDERAL Aviation Administration (FAA) issued its much anticipated “Small Unmanned Aircraft Rule” (sUAS Rule), they gave drone users, and want-to-be users, the green light to begin using drones for their business needs.

Beginning on Aug. 29, 2016, real estate professionals could start incorporating drones as a tool in their real estate practices. With drone technology becoming cheaper and easier to use, real estate professionals had long envisioned the myriad ways drones could elevate the services they provide to clients. And since prior to the issuance of the sUAS Rule, the commercial use of drones was prohibited without first obtaining a Section 333 exemption – a lengthy and cumbersome process – most real estate practitioners’ hands have been tied. Until now.

## **ANOTHER TOOL FOR YOUR ARSENAL OF SERVICES**

Provided that drone users adhere to the sUAS Rule’s set of operational and safety requirements, real estate professionals may now put drones to use, for example, to capture aerial images and videos, and elevate their ability to market and showcase a property’s unique features, such as vast acreage or waterfront views.

In addition, drones present the possibility to assist with other facets of real estate, including the assessment of property damage in connection with insurance claims and even during the home inspection process.

As time goes on, and the use of drones becomes more commonplace, the variety of ways drones are used will surely increase. Drones will likely become

an indispensable part of the arsenal of services real estate professionals provide to their clients.

Before liftoff, real estate professionals should be attuned to the variety of legal issues and risks drone use poses, including how to comply with the operational and safety requirements of the sUAS Rule.

## **ENSURING SAFE SKIES**

First, the sUAS Rule requires that the person operating the drone either have a remote pilot airman certificate with a small UAS rating (sUAS Certificate) or be under the direct supervision of a person that holds an sUAS Certificate. The good news is that obtaining an sUAS Certificate is less time consuming and less expensive than the FAA’s previous requirement that a drone user hold a private pilot’s license, which means that the gateway for lawfully operating a drone is easier.

The rule also contains practical requirements about where, when and how a drone may be flown, all aimed at furthering the FAA’s interest of safety and the protection of national airspace. The sUAS Rule limits the size of a drone and anything attached to a weight under 55 pounds. Since drones often have cameras attached to them, particular attention should be paid to the drone’s total weight.

The sUAS Rule limits operations to daylight hours only, which means nighttime operations are not permitted under the rule. The FAA has limited the maximum speed (100 mph) and altitude (400 feet above ground level) at which a drone may be flown. However, if the drone is flown within a 400-foot radius of a structure’s uppermost point, it would be permissible under the rule.

Some people have thoughts of drones buzzing around the sky above them and are concerned about safety issues. The FAA addressed this, in part, by prohibiting drone operation from being conducted over





**VIEW FROM THE SKY** Drones can help you market a property's unique features. But be aware of safety rules and privacy concerns.

individuals not involved in the operation, unless such individuals are under a covered structure or inside a stationary vehicle.

### ADDRESSING PRIVACY CONCERNS

The FAA has stressed that its mission is the protection of national airspace and safety, and that is exactly what the terms of the sUAS Rule aim to accomplish. As such, the FAA did not address the privacy concerns that drones pose, leaving these issues to be addressed by state and local privacy laws.

Drones are often used to capture images and other data. Therefore, a legitimate concern exists that a drone may be used to intentionally or inadvertently capture images or information where a person has a reasonable expectation of privacy.

Drone users should be aware of the privacy issues surrounding drone use and exercise caution before capturing or disseminating images taken with a drone. Users should also be familiar with the patchwork of state and local laws that

**55**  
THE MAXIMUM  
NUMBER OF  
POUNDS THAT  
A DRONE  
CAN WEIGH  
INCLUDING THE  
CAMERA.

may further limit or address drone use within a particular locality.

Acknowledging the privacy issues surrounding this new frontier, the National Telecommunications & Information Administration (NTIA) developed a set of voluntary best practices aimed at not only promoting responsible drone use, but also at heightening a drone user's sensitivity to the privacy concerns posed by these devices. Included in the NTIA's voluntary best practices, for example, is a practice that encourages drone users to make a reasonable effort to provide prior notice of a drone operation to an individual who may be affected by the operation, and another practice that urges drone users not to gather private information about people or to keep such information for any longer than is necessary.

Overall, being familiar with the NTIA's best practices will attune drone users to the sensitive issues and significant responsibility that come with drone operation, as well as help drone users avoid the potential legal ramifications of drone use. 🌱



NYSAR.COM

### Find help for buyers with new web tool

Down Payment Resource is a free tool that connects you and your buyers to available homeownership programs that can help with the down payment, closing costs and tax credits. You can search by neighborhood, city or county, or by a specific property address. You can make the search even more precise by entering household and professional information. Share program results and next steps with your buyers. Find the tool in the Industry Resources section of NYSAR.com.

# YOUR ROAD TO SUCCESS

**EDUCATION** | Earning the GRI designation can help you gain a foundation of credibility and confidence.



**By Priscilla Toth**  
NYSAR  
DIRECTOR OF  
EDUCATION

**A**s you build your real estate career, NYSAR offers a variety of professional development options that will help you gain the skills you need to grow. After learning the basics, it's important to gain a solid foundation, establish your credibility and build your confidence.

Earning a Graduate of the REALTOR® Institute (GRI) designation is a proven way to build your career. By taking a series of eight one-day, state-specific courses, you'll be on

your way to earning the prestigious GRI designation and showing clients your commitment to excellence.

Not only will you get in-depth training from experienced practitioners, but you'll be able to:

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#### UPCOMING COURSES

The calendar at NYSAR.com has the complete schedule of upcoming GRI courses. For more information, visit the Education section.

**"There's no doubt that the GRI has enabled me to achieve great success in growing my business over the past 11 years."**

—Kathie Spangler, Saratoga Springs, NY



**"I purposely took courses outside of my immediate area for the beneficial networking and referral opportunities."**

—Aldo Iemma, Brooklyn, NY



**"I had a great experience and would recommend the GRI program to everyone. There are even scholarships available from the NYS Real Estate Education Foundation (NYSREEF.org) to help pay for it!"** —Michael Seabridge, Ballston Spa, NY

## EDUCATION | Apply for a NYSREEF scholarship by July 31

Any individual with at least one year experience in real estate sales, who 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 a proven interest in furthering their real estate career.

Scholarships are awarded twice a year: in February and October. Applications for October awards are due July 31. Individuals are eligible to receive only

one scholarship per year. Each application must be supported by two letters of recommendation and 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, please visit nysreef.org. ✿





YOUR  
**voice**

# TAX CODE ON THE TABLE

AT THE CAPITAL | REALTORS® prepare to focus on federal issues.



# W

HILE THE DEBATE REGARDING CHANGES TO THE AFFORDABLE Care Act dominated Washington early in the year, the federal government will turn next to two REALTOR® top priorities for 2017: tax reform and re-authorization of the National Flood Insurance Program.

For many years, the National Association of REALTORS® (NAR) and NYSAR have conveyed to lawmakers the importance of federal taxation policies related to housing and commercial real estate. The consistent message from Congress: While housing taxation policy is “being looked at,” support for reduction or elimination of the mortgage interest deduction (MID) or the deductibility of property taxes did not have traction. Times have changed.

Near the top of the agenda for the Trump Administration and Congress is tax reform. House Republicans recently proposed their blueprint, which nullifies the benefit of the MID and the other tax



**By Michael Kelly**  
NYSAR DIRECTOR  
OF GOVERNMENT  
AFFAIRS

incentives of owning a home. Specifically, the plan calls for the standard deduction to almost double from current levels.

On its face, increasing the standard deduction sounds like a good idea, but this change would marginalize the value of the MID once the tax benefit of the standard deduction exceeds that of itemized deductions.

Just as concerning is that the proposal eliminates deductions for state and local taxes including property taxes. This would have a devastating impact on New York’s housing values because of our high property tax burden. New Yorkers could also see





tremendous increases in their overall tax liability if the ability to deduct property taxes is eliminated.

While NYSAR continues to fight for the NY First Home program, which would incentivize home-ownership for first-time homebuyers in New York, frustratingly, Congress is considering changes to federal tax policy that would negate this effort. While we understand the intent of the blueprint is to simplify the tax code, it would have disastrous ramifications for homeowners, sellers and buyers.

### CONGRESS MUST ADDRESS FLOOD INSURANCE

The one issue that Congress must take up and enact is the extension of the National Flood Insurance Program (NFIP). The NFIP was created because of the shortage of affordable coverage in the private market. It also reduced the number of uninsured properties that otherwise would be rebuilt using taxpayer-funded disaster relief after major floods.

In 2012, with the support of the National Association of REALTORS®, Congress passed the

# \$1.26 TRILLION

The property values covered by the \$5.2 million National Flood Insurance Program policies in force nationwide in 2015.

Biggert-Waters Act that reauthorized the NFIP through Sept. 30, 2017. Necessary amendments to this program were approved in 2014 with the passage of the Homeowner Flood Insurance Affordability Act. These included:

- Repealing FEMA's authority to raise premium rates at the time of property sale.
- Restoring grandfathering so properties built to code in one flood zone wouldn't be re-rated in another simply because of a FEMA map change.
- Resetting flood insurance rates one time back to pre-Biggert Waters levels and refunding overcharges.
- Limiting future premium increases to 18 percent annually for newer properties and 25 percent for older ones.
- Adding a \$25/\$250 surcharge to NFIP policies until property owners begin paying full-risk rates.
- Establishing the Office of the Flood Insurance Advocate to help property owners with faulty flood maps and insurance rate quote concerns.

NAR expects the 115th Congress to move quickly toward reauthorization with the House likely to consider legislation first. REALTORS® are lobbying Congress to ensure these key components are included in a final NFIP authorization:

- Five-year authorization to avoid a shut-down of the program and the loss of real estate sales as happened in 2010.
- Determination of how much reinsurance the NFIP will be required to purchase.
- Clarification regarding how a phase-out of NFIP would be structured for properties outside of the coverage scope for NFIP.

Without the NFIP, millions of homeowners and small businesses in more than 20,000 communities nationwide will not be able to obtain a mortgage or insurance to protect their property against flooding, the most expensive and common natural disaster in the U.S. In 2015 there were \$5.2 million NFIP policies in force nationwide, covering a staggering \$1.26 trillion in property.

NAR and NYSAR will continue to urge Congress to fully reauthorize and reform the NFIP before the current authority expires on Sept. 30, 2017. NYSAR members can engage their members of Congress and assist in efforts to oppose changes to the tax code that would do harm to the housing market – and conversely support legislation that would reauthorize the NFIP by responding to Calls for Action from NAR and NYSAR, which will launch later this year. 🌸

### FLOOD INSURANCE

The National Flood Insurance Program (NFIP) will expire Sept. 30, 2017, if Congress doesn't fully reauthorize and reform it. The program reduces the impact of flooding — like from Hurricane Sandy, the aftermath of which is pictured here — on private and public structures.





# WITH ONE VOICE

**LOBBY DAY** | REALTORS® take their message to state Legislature: Pass the NY First Home proposal.



**TARGETED EFFORT** Above: NYSAR members Greg Sokol, Laird Klein, NYSAR President Dawn Carpenter and John Vernazza discussed the importance of NY First Home with New York State Assemblywoman Nicole Malliotakis (center). Left: New York State Assemblyman Stephen Hawley showed his support. Below: NYSAR members and staff converged at the state capitol in Albany to lobby for the passage of NY First Home.



**By Jared Burns**  
NYSAR  
LEGISLATIVE AFFAIRS  
COORDINATOR

**O**n March 1, REALTORS® took to the capitol with one message: Pass the NY First Home proposal so that New Yorkers have access to the tools they need to achieve the dream of homeownership. With NYSAR President Dawn Carpenter at the helm, REALTORS® focused their efforts on one-on-one meetings with state lawmakers to explain the real-life need for NY First Home.

The lobbying effort paid dividends practically overnight. Sponsors of the bill in the state Assembly more than doubled, while nearly half of the Assembly Democratic Majority delegation signed a letter to include NY First Home in this year's state budget.

The state Senate included NY First Home in its one-house Budget Resolution, signifying that its leaders would have liked it included in the final state budget. Ultimately, it was not included in the late budget.

NY First Home would help first-time homebuyers overcome the biggest obstacle they face: saving for down payment and closing costs. NY First Home would allow New Yorkers to deposit up to \$5,000 (\$10,000 for couples) annually into a special savings account dedicated to paying the costs associated with the purchase of a first home in New York State. Participants would receive a state income tax deduction on the principal investment, and any gains would not be subject to state income taxes.

Gov. Andrew Cuomo has also taken aim at boosting first-time homebuying in New York State through his proposed Graduate-to-Homeownership initiative, which will provide low-interest, down-payment loans for recent upstate college graduates who buy a home near campuses. As helpful as that may sound, it excludes many New Yorkers and does not encompass the broad-based approach needed to provide the real help NY First Home would offer.

Passage of NY First Home will be a top priority during NYSAR's Lobby Day on May 23. We will build on the high level of support shown by the public, lawmakers and the thousands of REALTORS® who have taken action by writing their representatives. 🌟



## TAKE ACTION

If you have not asked your lawmaker to support the NY First Home proposal, please do so by visiting the Take Action page at [nyfirsthome.com](http://nyfirsthome.com).



# I invest in RPAC

to help more New Yorkers become homeowners

*RPAC is fighting to help make the American Dream attainable for New Yorkers who are struggling to overcome the biggest barrier to homeownership: saving for the down payment and closing costs. I invest in RPAC because I know it is helping New York State's REALTORS® advocate for NY First Home, a tax-free savings account program for our state's first-time homebuyers. I encourage my REALTOR® colleagues to make an investment in RPAC and the future of homeownership today.*

*The REALTORS® Political Action Committee makes it possible for us to advocate for homeownership.*

*In addition to NY First Home, my RPAC investment is supporting:*

**Transparency and fairness** in the co-op application process.

**The preservation of** the property tax deduction and the Mortgage Interest Deduction (MID).

## Moses Seuram

Secretary/Treasurer, New York State Association of REALTORS®

Keystone Realty USA, Queens, NY



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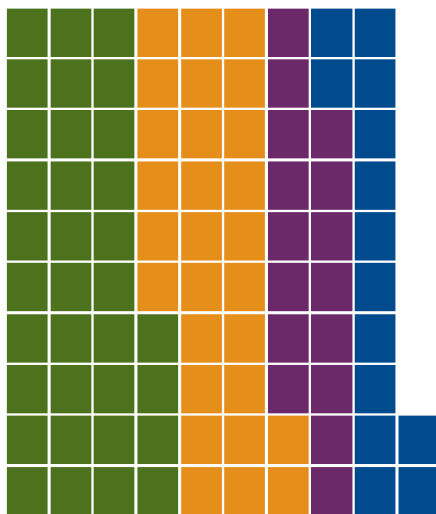
For more information on RPAC: RPAC of New York [Facebook group](#) [www.NYSAR.com/government-affairs/rpac](http://www.NYSAR.com/government-affairs/rpac)  
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## TALKIN' 'BOUT GENERATIONS

The National Association of REALTORS® annual Home Buyers and Sellers Generational Trends Report offers a look at the similarities and differences among the various generations of buyers and sellers.

### OVERALL HOMEBUYING TREND



**Millennials/Gen Yers**  
(age 36 and younger)  
Represents largest share,  
**34 percent** of homebuyers

**Gen Xers**  
(age 37-51)  
Represents **28 percent**  
of homebuyers

**Younger Baby Boomers**  
(age 52-61)  
Represents **16 percent**  
of recent buyers

**Older Baby Boomers**  
(age 62-70)  
Represents **14 percent**  
of recent buyers

### COMMON TRAITS AMONG GENERATIONS



The first step taken was to look online for properties. They searched for 10 weeks and looked at a median of 10 homes. Eighty percent of buyers purchased their home through an agent.

### MILLENNIALS/GEN YERS

**66%**

First-time buyers



Increasingly buying in suburbs

### GEN XERS



Highest income of all generations



Represent the highest median price and largest median home size

### YOUNGER BABY BOOMERS



More likely to buy a multi-generational home for children over 18 living at home and caretaking for aging parents

Longest projected time in home at 20 years

### OLDER BABY BOOMERS



Move the longest distance at a median of 25 miles



Least likely to make compromises on their home purchase





## You have a voice.

NYSAR boldly champions your interests at the state Capitol – so that you can focus on your clients and career.

### Get involved to advance REALTOR® interests by:

- Investing in the REALTORS® Political Action Committee (RPAC).
- Responding to Calls for Action.
- Participating in the annual REALTOR® Lobby Day.

Visit **NYSAR.com** for full details about NYSAR's legislative advocacy efforts and more.



Connect with us!



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- ▶ The support to succeed



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