

# THE REALTOR®



September/October 2017

Official Publication of Long Island Board of REALTORS®

LIRealtor.com

## LIBOR Annual General Membership Meeting Scheduled for Tuesday, October 24, 2017

The Long Island Board of Realtors®, Inc. (LIBOR) will hold their Annual General Membership Meeting on Tuesday, October 24, 2017 at the Melville Marriott in Melville. The Melville Marriott will serve as the main meeting location and will host the Association update combined with a special featured program, details to be announced.

Voting for the election of Officers and Directors will also take place at the Melville Marriott. Realtor® members in good standing are eligible to vote. Voting polls open at 9:00 a.m. (registration starts at 8:30am) and close promptly at 2:00 p.m. Additional voting sites will be posted on LIRealtor.com.

The LIBOR Nominating Committee, chaired by LIBOR's immediate Past President Mary Alice Ruppert, will meet on September 12, 2017, in West Babylon; to report on the proposed slate for 2018 LIBOR leadership. For a list of all of the nominees and petitioners, and to view all proposed Bylaw Revisions to be voted on at the LIBOR General Membership Meeting on 10/24/17, visit [LIRealtor.com/member-area](http://LIRealtor.com/member-area) — under the "Official Notice" tab.

Charlotte Van der Waag is the incoming LIBOR President, who will serve the Board in 2018. Charlotte began her real estate career and became a member of LIBOR in 1986, she is recognized as an expert in the Long Island Real Estate Market. Charlotte is acknowledged for her professionalism, integrity and personal commitment to her family, community, company, and agents she manages at Coach Realtors® of the Willistons.

Prior to her real estate career, Charlotte practiced



**Charlotte Van der Waag**  
*Incoming LIBOR President*

as a Registered Nurse working in local hospitals for over 16 years. She taught in the Maternal Child Health Program at Long Island Jewish Hospital for approximately five years. Thus, the teacher in her took root.

In 1997, Charlotte purchased the office she began her career in. This brought her business to a higher level and moved her into the area of ownership as well as management. In 2002, she partnered with Larry Finn, Coach Real Estate Associates in the Williston Park Office of Coach Realtors® and continues to train and manage approximately 45 agents.

Aside from her earned designations, Charlotte has been involved with both LIBOR, as well as the Women's Council of Realtors® (WCR) for approximately 15 years. She knows the value and importance of giving back to her fellow Realtors® and community. She serves as a Director for both the Long Island Board and New York State Association of Realtors®. She was recognized as "New York State Member of the Year" for WCR in 2009 and "Broker of the Year" for LIBOR in 2013. Charlotte is currently serving as LIBOR President-elect and prior to that she served as LIBOR Nassau County Vice President and Secretary in 2015.

Charlotte's involvement with Coach Realtors®, LIBOR and WCR, has enabled her to develop her entrepreneurial skills, network with agents throughout the United States and give back to those organizations that have given so much throughout her career.

In addition to her successful Real Estate Career, Charlotte is most proud of her family including her husband, three daughters and 11 grandchildren. ●

**FOR A LIST OF ALL OF THE NOMINEES AND PETITIONERS, AND TO VIEW ALL PROPOSED BYLAW REVISIONS TO BE VOTED ON AT THE LIBOR GENERAL MEMBERSHIP MEETING ON 10/24/17, VISIT [LIREALTOR.COM/MEMBER-AREA](http://LIREALTOR.COM/MEMBER-AREA) — UNDER THE "OFFICIAL NOTICE" TAB.**

## President's Message

By David Legaz  
LIBOR President

### National Association of REALTORS® Has Dedicated the Month of September as REALTOR® Safety Month

The core components of REALTOR® Safety are:

**Knowledge** - to help remind us to know the dangers we face every day

**Awareness** - to be aware of our surroundings

**Empower** - ourselves with precautions and preparations so that we can avoid risky situations

My #1 goal as LIBOR President is to help our members understand the daily risks we face, which can mean the difference between life and death. The US Dept of Labor states that we have a "High Risk Occupation." Did you know that there are more real estate professionals killed every year than NYPD Officers?

The standard safety advice for real estate agents is to always meet new prospective clients in a neutral place, such as their brokerage office, or to bring someone with them to appointments. Those are both great ideas and often unrealistic. Let's face it, many real estate agents do not vet strangers before meeting them in homes for fear of losing a sale.

This is why I am excited to see so many agents activate their Real Safe Agent app. This app, a free LIBOR Member benefit, is based in behavioral science. It helps agents vet unknown clients and allows us to leverage our own community to share information and help agents out if they feel unsafe - all without jeopardizing a sale.

The best part of this Real Safe Agent app is its collaborative and community effort. Remember, after your showing you are requested to rate how comfortable you were on this appointment.

Please visit [LIRealtor.com/Safety](http://LIRealtor.com/Safety) for my complete article on Realtor® Safety, with step by step instructions on how to activate and use your Real Safe App.

## From Where I Sit

By Joseph E. Mottola  
LIBOR Chief Executive Officer

In enlightened Realtor® and MLS organizations, Revenue doesn't determine Services. The Market determines Services. When our local housing market crashed a few years ago, we did not cut Services because more than ever Agents could not afford to be deprived of Services when they most needed them.

MLS reduced Agent Subscriber fees and LIBOR subsidized dues taking money from Reserves in excess of 2.3 million dollars. As the market slowly improved, Revenues increased due to membership increasing and Budgets were formulated, which were designed to replenish those Reserves.

Economists continue to forecast good markets for the next two to three years. We find our New Agent classes full and increasing number of Agents are taking CE courses, especially those keyed to technology and Risk Management.

Realtors® are "bottom line" oriented people. Both Boards of Directors approved the 2018 Budgets and the "bottom line" is going up \$15.00 to \$635.00, including the absolutely critical RPAC investment, so we can better protect our industry from onerous legislation.

However, we are using the increase to introduce new technology products insuring your personal safety and enhancing your business capabilities. Through the emerging science of "predictive analytics", you will have a product that will target which homes are most likely to be put up for sale at 18, 12, and six months. This will enable you to identify the market area you determine by zip code or town or even neighborhood. These new and other new products will be featured at the Tech Fair in October.

Realtors® also know that cash flow is important to their personal finances. Some years ago, we also changed our billing cycle so you will receive your bills and have until Sept 30th to pay them. We timed it this way because this is the time of year when Realtors® have the most closings.

Your Leadership, Realtors® like yourselves, are very attuned to your best interests and work closely with Staff to provide you with the best Services, both in products and responsive Customer Service and both areas are constantly being reviewed and improved. ●

# Questions On Current Issues

By Cathy Nolan

Goldson, Nolan & Connolly P.C.

## Q. Can I say “pay stubs required” in my rental ads?

Only if you want to face a fair housing violation complaint! Source of income is a protected class in the City of New York, Nassau and Suffolk Counties. If you write an ad such as the one you suggest, the Human Rights Commissioner will see it as a rejection of people on programs, retirees, people who live on their savings or have trust funds, etc. Be careful!

## Q. If I am working with a buyer, is the buyer my client?

A. If you and the buyer agree to buyer agency, the buyer is your client. Otherwise, you are working for the seller, who is your client. The buyer, in that case, is your customer.

## Q. Can I call a seller directly if the listing agent does not call me back?

A. No! Speak to your broker and have your broker call the listing agent's broker. If you still do not get satisfaction, file an Ethics complaint under Article 3, for the agent's failure to cooperate with another agent.

## Q. An agent said she was working for the seller, but she was the buyer. Is that correct?

A. If an agent is the buyer, that agent must be a buyer's agent.

## Q. My buyer had an accepted offer, but then the seller took a higher offer. My buyer already had the contracts and the attorneys were negotiating because of the engineer's report. Didn't I earn my commission?

A. Your buyer rescinded the offer the minute re-negotiations started, so there was no meeting of the minds and you did not earn a commission.

## Q. My buyer went to an Open House and bought the house from the listing broker. He said the listing broker told him he could only buy through him. Is that allowed?

A. No, but did you check that story with the listing broker?

## Q. If a seller calls me to list his house when he is listed with another broker, can I speak to him?

A. Yes, but you cannot interfere with the agency relationship he has with his broker. If he wants to list with you, you can take the listing, but it must be dated for the day after it expires with the present agent.

## Q. Can I advertise an open listing?

A. Not unless your broker and the seller both allow it.

## Q. Can I advertise another broker's listing?

A. Only if the other agent, his broker and your broker allow it!

## Q. Do I have to keep documents on deals that die?

A. For three years, dead or alive!

## Q. Does a short sale seller have to pay income taxes on the amount of debt that is forgiven by the bank?

A. Yes, as of January 1, 2017, unless the government passes other legislation.

## Q. Can a seller decide not to sell to a buyer after the seller's attorney has sent contracts to that buyer?

A. The seller can change his mind up until he signs and returns the signed contracts to the buyer, since he is not obligated to the buyer without having returned the contract, although the seller may owe a commission to the broker.

## Q. Does a landlord have to lower the rent if a Section 8 Tenant wants the apartment but the voucher is for less than the landlord is asking?

A. No, the landlord can rent to someone who can afford to pay what he is asking or the tenant can ask the Section 8 program to reconsider and raise the amount of rent the tenant can pay. ●



## LIBOR EDUCATION HOT TOPICS



Plan Your Education  
Plan Your Growth  
PLAN YOUR SUCCESS!

### NEW

**EARN YOUR CIPS DESIGNATION HERE THROUGH LIBOR THIS OCTOBER:** That's right! The Certified International Property Specialist, CIPS, designation course series will be offered right here through LIBOR in co-sponsorship with NYSAR. Now is your chance to join the elite group who have earned this designation and are successfully working and profiting in the global business marketplace. Approved for 12 NYS CE Credits

You will learn how to:

- \* Effectively Serve Clients from around the world in your local market!
- \* Connect with immigrant buyers and foreign investors in your local market
- \* Get the Tools to serve foreign-born buyers, in terms they will understand
- \* Learn to research, analyze and apply market information; how to build relationships; and how to facilitate transactions with clients from these areas.

Instructor: Ron Phipps, CIPS - 2011 NAR President  
Location: Jackson Heights RSC  
Date & Times: Oct 16–Oct 20 - 9:00am– 5:00pm each day  
Tuition: \$650 Members (This pricing reflects the \$100 Savings when buying the whole series at one time)

Register by Phone **800-239-4432 EXT. 219.**

### NEW

**ALL INCLUSIVE ONLINE CE COURSE PACKAGES:** LIBOR 22.5 Hour Online CE Courses Contain All You Need to Renew Your License!

22.5 Credits Now Include 3 Hours Fair Housing, 1 and 2 hours of Agency and also Satisfy the NAR 2.5 Ethics Training Requirement Needed Every 2 Years..

If you are too busy to attend class, LIBOR offers 22.5 hours of continuing education online for your convenience. Access courses from home, office or any mobile device!

Choose from several discount "All INCLUSIVE" packages. Special LIBOR member discount pricing.

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## GOVERNMENT AFFAIRS

# A Brief History of Cease and Desist

*By Timothy Lachapelle as Legislative Liaison  
Long Island Board of Realtors, Inc.*

**1989** The State Legislature designated Queens County as a "Cease and Desist Zone" (C&D Zone) to curb real estate solicitation practices, allowing homeowners to add their names and addresses to a C&D list, and giving them the option to opt out of receiving real estate solicitations at their homes.

**1991-2002** The New York State Association of REALTORS (NYSAR) filed a lawsuit in Federal Court to overturn the State Legislature's designated C&D Zones. The litigation and appeal process lasted until 2001 when the U.S. District Court found the C&D unconstitutional. However, in 2002 the U.S. Court of Appeals reversed that ruling and restored C&D.

**August 2010** The New York State Department of State (DOS) designated Bayside, Bellerose, Queens Village and Whitestone as Cease and Desist Zones

**November 2014** Cease and Desist Zones expired in Queens.

**January 2015** Sen. Avella introduced legislation to make the entire borough of Queens a C&D Zone. He later amended the Bill so that the Zones are effective for 10 years rather than 5.

**January 2016** David Weprin became the Assembly Co-Sponsor of the Queens C&D Bill.

**September 2016** The DOS held hearings in Queens to determine if brokers were engaging in blockbusting or redlining. REALTORS® attended these meetings, gave honest testimony regarding standard solicitation practices used by professionals nationwide, and insisted that they do not engage in blockbusting or redlining.

**July 2017** The DOS announced the implementation of a Cease and Desist Zone in portions of Queens.

**Present Day** The Long Island Board of REALTORS® (LIBOR) intends to use the 45-day comment period to reinforce our position that the burden was not met to establish a C&D zone. Whether or not the proposed zones are implemented, LIBOR opposes the legislation to make the C&D Zones effective for 10 years. Most importantly, since 2011, the Department of State has had little or no reported violations of C&D zones by real estate licensees. Home prices are up 38% since 2012. In Senatorial District 11 where the entire proposed C&D Zone is, prices are up 44%. ●