



TALKING POINTS OCTOBER 2021

ALEXA

The association is now offering a new communications feature to share the latest news and information from Arizona REALTORS®. Alexa's Flash Briefing will give members updates about forms and business tools, as well as events and classes!

For information on how to download the Flash Briefing go to aaronline.com and type "Alexa" in the search bar, it should be the first search result listed "Alexa Joins the AZ REALTORS Team".

CODE OF ETHICS DEADLINE

The National Association of REALTORS® requires members to complete ethics training of not less than 2.5 hours of instructional time within a three-year cycle. The current cycle ends on **December 31, 2021**.

ARIZONA HOUSING FUND

CONSUMER FLYER: A consumer directed flyer is available on aaronline.com. To make it easier for consumers to understand what the Arizona Housing Fund is and how it works, we now offer two flyers, including a "client match" flyer stating, "**Your agent will match your contribution to the Arizona Housing Fund at closing.**" Both flyers give agents the opportunity to upload their logo.

- The goal of the Arizona REALTORS® is to give every buyer and seller the opportunity to voluntarily donate \$25 (or more) to the Arizona Housing Fund at close of escrow to help the homeless.
- Rental communities are actively promoting the Rental Application Program.
- Two Minute Video:
<https://drive.google.com/file/d/1BQf449zmVOU56uQ2tImJOTF-5-Pw7sIS/view>
- A simple one-page Escrow Donation Form, which can be branded with your logo: <https://arizonahousingfund.org/join-us/>
- Numerous brokerage firms and title companies have become Fund partners: <https://arizonahousingfund.org/>

100% of every dollar in the Fund goes directly to the qualifying nonprofits.

LEGISLATIVE & POLITICAL AFFAIRS

RAPAC REMINDER: “RPAC’s mission is to identify candidates for elected office on the local, state, and national levels who will work with REALTORS® to promote and protect the American Dream of property ownership. Candidates who receive support from RPAC ***are not selected based on their political party or ideology, but solely on their support of real estate issues.***”

TOUR OF THE STATE CAPITOL: Government Affairs Director Matt Contorelli’s video gives members a unique glimpse behind the scenes of the state capitol. You will be able to see where the laws affecting our industry are made and hear about how the Arizona REALTORS® are working with elected leaders from across the state to advance and defend REALTOR® Party Issues.

The video can be found on the Arizona REALTORS YouTube channel.

***If there is time you may want to play the video during the meeting/event it is 3:10 minutes long:** <https://www.youtube.com/watch?v=2eUJdsJPaQ&t=2s>

LEGISLATIVE SESSION: This legislative session the Arizona REALTORS® Legislative agenda will be focused on furthering legislative policies and ensuring that landlords, tenants, and private property owners are protected when COVID-19 relief legislation is drafted.

So, what are the REALTORS® doing for you?

- [HB2085](#) (Chaplik) *real estate; employees; rent collection*: Codifies state law to allow a person who is not a real estate licensee to collect in-person rent for the use of real estate and related fees as part of the person's clerical duties if the person works for a real estate broker or real estate salesperson, the rent collection is on behalf of the licensee, and the person provides a receipt when rent is paid. **Signed by the Governor 2/12.**
- [SB1310](#) (Shope) *Special Plates; Real Estate*: Establishes a REALTOR® Specialty License Plate, that will also support affordable housing efforts in the state. **Signed by the Governor.**
- [SB1377](#) (Leach) *Civil Liability; Public Health Pandemic*: If the Governor declares a state of emergency for a public health pandemic, a person or "provider" (defined) that acts in good faith to protect a person or the public from injury from the pandemic is not liable for damages in any civil action for any injury, death or loss to person or property that is based on a claim that the person or provider failed to protect the person or the public from the effects of the pandemic, unless it is proven by clear and convincing evidence that the person or provider failed to act or acted with willful misconduct or gross negligence. The Arizona REALTORS® ensured REALTORS® are protected under the definition of Providers. **Signed by the Governor 4/5.**

We may not always agree with legislators, but your investment in RAPAC has allowed us to foster long-lasting relationships with elected leaders and find solutions when we do disagree. For more information on bills visit www.AZleg.gov.

RISK MANAGEMENT

****RVPs, please ask if there are any Risk Management concerns in the region****

Please notify General Counsel Scott Drucker of any risk management issues your members are experiencing in your region.

FORMS:

On June 1st, a revised Additional Clause Addendum was released along with a revised Counter Offer.

On October 1st, the following three revised forms will be released: (i) H.O.A. Condominium / Planned Community Addendum; and (ii) Multiple Counter Offer; and (iii) Vacant Land/Lot Seller's Property Disclosure Statement.

H.O.A. Condominium / Planned Community Addendum

The Arizona REALTORS® H.O.A. Condominium / Planned Community Addendum identifies four fees payable upon close of escrow and allows the buyer and seller to decide who will be responsible for paying which fees. Line 31 also allows the seller to identify any other HOA fees that may be payable upon close of escrow. However, the Addendum does not currently address the possibility that additional fees may exist that are not identified by the seller on page one of the Addendum.

To cover this issue, the following two lines will be added to the Addendum:

75. Any additional fees not disclosed on page 1 and payable upon close of escrow shall be paid by: Buyer Seller Other _____

76. _____

By way of these lines, the parties can now negotiate and document which party pays any fees not previously identified by the seller on page one of the Addendum.

Multiple Counter Offer

The Multiple Counter Offer to be released on October 1, 2021, evidences a substantive change to lines 40 through 42 which currently state, "Signature by Seller below and delivery to Buyer or Buyer's Broker as indicated above creates a binding agreement. Seller revokes all other counter offers by separate notice and agrees to sell the Premises to Buyer subject to the terms and conditions contained herein."

Effective October 1, 2021, the above-referenced lines under the Section titled "Seller Final Acceptance" will be revised to state:

40. Signature by Seller below and delivery to Buyer or Buyer's Broker as indicated above creates a binding agreement. Seller
41. agrees to revoke all counter offers previously conveyed to other prospective buyers by separate notice and agrees to
42. sell the Premises to Buyer. Except as modified by this Multiple Counter Offer, all other terms and
43. conditions of the above referenced Offer/Counter Offer(s) shall remain unchanged and deemed accepted.

The primary reason for the revision is to help ensure that a Counter Offer not yet accepted is revoked by the seller before entering into a contract with the buyer. Otherwise, the seller can find themselves in the problematic position of having sold the Premises to more than one buyer.

Although the new verbiage achieves the same result, a secondary reason for the revision is that it emphasizes the fact that any previous terms and conditions not modified by this Multiple Counter Offer shall remain unaffected and considered to be accepted. In the event that agents currently insert verbiage into the Multiple Counter Offer stating that all other terms and conditions remain unchanged, that will no longer be warranted.

Vacant Land/Lot Seller's Property Disclosure Statement

Because the Vacant Land/Lot Seller's Property Disclosure Statement was last updated in February 2008, the Risk Management Committee decided that the form had grown stale and needed to be updated. That update turned out to be quite substantial and impacts every page of the form, including a revised Advisory page that more closely mirrors the Residential SPDS Advisory Page.

Members looking to learn about the changes should view the article and FAQs that will be published in the Voice on Tuesday, September 28th.

Current Revision Workgroups: Two forms are currently being revised by a workgroup: (i) the Residential BINSR; and (ii) the Solar Lease/Loan Assumption Addendum.

A workgroup has also been formed to draft a new Vacant Land/Lot Listing Agreement. This workgroup will be chaired by Beth Adams.

AIR/CRE Forms Update: The Arizona REALTORS® maintains an agreement with the AIR Commercial Real Estate Association which gives members the ability to purchase AIR commercial real estate forms at a discount. In September 2020, AIR released new commercial forms that have been "localized" for Arizona and reflect Arizona law. These revised forms have been well received by the Association's commercial practitioners.

PROFESSIONAL STANDARDS:

For the second quarter of 2021, our Professional Standards program received 57 ethics complaints and held 14 ethics hearings. We also received 6 arbitration requests in the second quarter and held 2 arbitration hearings.

PROFESSIONAL & BUSINESS DEVELOPMENT

PROFESSIONALISM: We are rolling out a new professionalism campaign:

Professionals. . . That Is Who We “R” in the coming weeks. The campaign will consist of a series of articles and video snippets. <https://www.aaronline.com/professionalsthats-who-we-r/>.

FORUMS: The Arizona REALTORS offer two monthly virtual forums –

- **Broker-to-Broker Forum** which is scheduled for the 2nd Wednesday of each month from 10:00 a.m. – 11:15 a.m. **and the**
- **Property Management Forum** which is scheduled for the 2nd Thursday of each month from 12:30 p.m. – 1:30 p.m.

Both forums provide an opportunity to stay abreast of hot topics and issues pertaining to legal/regulatory and industry updates.

- Attendance at these forums is free.
- Registration links can be found on the Arizona REALTORS® events calendar.

BUSINESS TECHNOLOGY & COMMUNICATIONS

HOUSING REPORTS: Arizona REALTORS® was the first state association to gain access to the RPR to create a Housing Report of market activity. This was accomplished through cooperation with all of Arizona’s MLS boards. **Our website now includes an Arizona Housing Report button on the homepage so members can access the latest report, updated monthly.**

Additionally, NAR will use these reports for policy and advocacy activities before Congress. The up-to-date, targeted information will allow NAR staff, FPCs and Arizona REALTORS® staff to provide real-time examples of market activity, helping to enhance NAR and Arizona REALTORS® policy positions and priorities.

AUTHENTISIGN: On of July 6th, Arizona REALTORS® members were given exclusive access to the new experience. Lone Wolf re-designed the entire app and introduced a new, modern look and feel—so you can complete your transactions faster than ever. Chose Authentisign 2.0 within the Authentisign platform to start using today.

Highlights you will love:

- Complete signings 60% faster with an all-new workflow
- Deliver a simple and intuitive signing experience to your clients
- Correct rejected signatures with new insights and signer feedback

What’s new?

- A simple, intuitive interface: all the tools you need in one place, easily drag, drop, delete and rotate pages, and more.
- Faster than ever: the new framework, combined with a more efficient workflow, also allows you to complete signings in less than half the time. New signing templates allow you to save default annotation properties and create automatic signature blocks. Plus, with an active sync with Transactions (TransactionDesk Edition) you only have to enter contact information once.

New insights: Now you can quickly correct rejected signatures and have access into insights, so you know why a signature was not accepted.

ZIPFORM® MEMBER BENEFIT: Effective December 31, 2021, the National Association of REALTORS® (NAR) Lone Wolf Transactions zipForm® Edition (zipForm) free member benefit is scheduled to end and will not be renewed.

On January 1, 2022, zipForm® will convert to an optional yearly subscription plan. For members who do not wish to subscribe to zipForm®, NAR recommends saving all zipForm® transactions as a PDF before access to the zipForm system ends on December 31, 2021.

The Arizona REALTORS® currently licenses its forms to zipForm®, enabling members to access updated versions of the Association's forms. zipForm® has expressed that it will continue with this licensing agreement in 2022, giving members who have purchased a subscription plan the ability to continue accessing the most recent Arizona REALTORS® forms.

In addition to TransactionDesk® and zipForm®, members can also access Arizona REALTORS® forms by purchasing subscriptions to other platforms such as: Brokermint, DocuSign, dotloop, SkySlope, and Jointly.

For zipForm® pricing or additional information, member support can be reached at (800) 383-9805.

For information on NAR member benefits and future plans for zipForm®, please contact NAR at (800) 874-6500.

ESIGN: On May 1st, 2021, the Arizona REALTORS® eSign member benefit program made the following changes.

- Accounts used by members were converted to **free, limited use** accounts, which will continue to allow members to access all of their files and current signing sessions.
- The free plan offers 5 signing sessions per month; however, each session will only allow 1 document and 1 signer per session.
- Discounted rates for unlimited use access for Arizona REALTORS® members will be available starting at \$120 per year for individual users. Bulk and Broker accounts will also be available.
- **Arizona REALTORS® will continue to provide unlimited use of the Lone Wolf Transactions – Authentisign program as a member benefit.**

TRANSACTION DESK TRAINING: The state association offers various training options:

- **Live In-Person classes –**
Due to COVID-19 concerns, live classes have been canceled to ensure the health and safety of Arizona REALTORS® members and staff. For information on alternative training email support@aaronline.com.
- **Live/Recorded webinars –**
Classes are scheduled every Thursday at 10:00 a.m. OR Noon (start times alternate weekly). Call 480-304-8930 to register.

Visit www.aaronline.com/efficient-business-tools/transactiondesk/ to view our recorded webinars and tutorials.

The TransactionDesk webpage has more details. Additionally, there is a Project page (<https://www.aaronline.com/transactiondesk-projects/>) which lists the current issues that are being addressed by TransactionDesk and/or the association.

DIVERSITY/EQUITY/INCLUSION & FAIR HOUSING

Local Associations can contact ChristinaSmalls@aaronline.com for assistance with forming a Diversity Committee, scheduling events, and applying for NAR grants.

MEMBER RESOURCE GUIDE

Have you seen this year's Arizona REALTORS® Membership Guide?

The annual guide provides an update of the services and resources available to members. You can access the guide at: <https://www.aaronline.com/about-us/benefits/>

REALTOR® VALUE FLYER

The Professional & Business Development and Business Services & Technology Committees collaborated to create an online tool that can be used by members to articulate the REALTOR® Value to the consumer.

- The new value proposition flyer, "**A REALTORS® Value To You,**" can be found on the "Business Tools" tab at the top of the www.aaronline.com homepage.
- Members can use the Arizona REALTORS® branded version or follow the directions on the webpage to upload their brokerage logo.

MEDIA

REALTORS IN THE MEDIA: Arizona REALTORS® are featured in news stories around the state. Go to <https://www.aaronline.com/media-contacts-coverage/> for articles, interviews and videos.

REMINDERS

MEETING/EVENT SPEAKERS

The state association has compiled a list of speakers which includes leadership and staff. The list is posted on the association website's Staff Directory page and Leadership & Volunteers page.

Attendees:

If you wish to have a member of leadership speak at your association/brokerage please contact them directly.

2021 STATE ASSOCIATION EVENTS - SAVE THE DATE

OCTOBER

Wednesday, 13th -

Friday, 15th

Arizona REALTORS Leadership Conference

Embassy Suites by Hilton Phoenix/Scottsdale

13th – Executive Committee Meeting

14th – Leadership Conference & Installation Dinner

15th – Regional Caucuses and Board of Directors Meeting