



## **NOVEMBER 2023** **TALKING POINTS**

### **Real Estate Education and Mentorship Program –**

In October 2021 the Arizona REALTORS® and Arizona State University (ASU) entered into a Memorandum of Understanding (MOU) to partner in a Real Estate Education and Mentorship Program.

The purpose of the Program is to help educate ASU students enrolled in one of ASU’s real estate programs about becoming a real estate licensee, becoming a REALTOR®, increasing professionalism and growing the pipeline of talent into the real estate profession as a career, furthering the mission of the Arizona REALTORS®.

The Program is still small, but the 2022-2023 class was very successful and the students found the Program beneficial. We are now embarking on the 2023-2024 Program and our first class was held Monday evening, September 11<sup>th</sup>. All our AAR Mentors for this semester participated in the Program last semester as well. Mark Stapp, ASU Executive Director, MRED/Fred E. Taylor Professor in Real Estate <https://search.asu.edu/profile/1207501> and Wimberly Doran, ASU Assistant Director of Real Estate Programs <https://search.asu.edu/profile/335974> are heading up the program for ASU.

Monica Schulik, Arizona REALTORS® Director of Association Relations and Brittnei Matt, Senior Director, Education Programs are working with Michelle Lind on the program for AAR.

### **IN THIS ISSUE:**

<b>Legislative &amp; Political Affairs –</b>	<b>pages 2-5</b>
<b>Risk Management –</b>	<b>pages 6-7</b>
<b>Professional &amp; Business Development –</b>	<b>page 8</b>
<b>Business Technology &amp; Communications –</b>	<b>pages 9-11</b>
<b>Equity, Diversity &amp; Inclusion –</b>	<b>page 12</b>
<b>General Information –</b>	<b>pages 13-14</b>



## **RAPAC –**

“RAPAC’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.**”

### **RAPAC 2023 Fundraising Goals (Current Totals in parentheses) –**

- **Overall Fundraising Goal: \$1,299,900 (\$999,009)**
- **Major Investor Total: 340 (265 with 8 additional pledges)**
- **Participation Total: 37% (27.55%)**
- **President’s Circle Total: 34 (56)**

### **RAPAC SUCCESSES –**

- **Candidate Endorsements Success:** 52 of 57 RAPAC endorsed candidates won their legislative race in the General Election for a **91% success rate.**
- **RAPAC Voted “Best PAC”** in the state of Arizona by industry partners and elected officials for the **third year in a row** at the “Best of the Capitol” event.
- **Successful Local Association Events:** BHCMVAR, TAR, SAAR, PAAR, WMAR, GVSAR, YAR, WeSERV have already completed successful Major Investor events.

SAAR and Phoenix REALTORS® held successful dues billing raffles to increase fair share participation and encourage members to step up to a major investor level.

NAAR, LHAR, Phoenix REALTORS®, PAAR all completed successful auctions using our GiveSmart platform.

YAR, NAAR, and TAR all completed a phone bank over the summer and early fall.

**RAPAC Fundraising working group:** This new group is comprised of local association staff, major investors, RAPAC Trustees, and corporate ally partners to focus solely on how to increase fundraising for RAPAC across Arizona. The first meeting was held in August.

For now, it is only a work group, but may eventually turn into a permanent subcommittee and report to RAPAC Trustees.

**NEW RAPAC Major Investor Newsletter:** Our new monthly newsletter will be sent out on the last Friday of every month to all Major Investors as a one stop shop for LPA information, including priority registration, policy updates, endorsements, fundraising events, etc.

**ONLINE Member Investment Look Up Tool:** Members can now easily look up their Y-T-D RAPAC investments by clicking the tab on the LPA Homepage of the Arizona REALTORS® website: <https://www.aaronline.com/voice-at-the-capitol/>

**REALTOR® PARTY CORPORATE ALLY PROGRAM:** We can now accept Corporate Ally investments into the REALTOR® Party via online webform on our website <https://www.aaronline.com/realtors-issues-mobilization/>.

### **THE 2023 REALTOR Party Video – “The Corporate Ally Program and You”**

Debuted at the 2023 REALTOR® Caucus; Matt, and Tim, with the help of some of your Line Officers and other REALTORS®, present a fun and informative run-down of how brokers, affiliates, and others can get their business involved in the REALTOR® Party.

*\*If there is time you may want to play the video during the meeting/event it is 2:13 minutes*

The video can be found on the Association’s YouTube channel: <https://youtu.be/6luGf3sWZzg>

The Government Affairs team is happy to come speak at any brokerage office or affiliate office to promote and answer any questions on the Corporate Ally Program, or the REALTOR® Party and RAPAC.

For more information on RAPAC and the REALTOR® Party, please contact Arizona REALTORS® Director of Legislative and Political Affairs, Tim Beaubien at: 602-248-7787 ext. 1457 or [timbeaubien@aaronline.com](mailto:timbeaubien@aaronline.com)

### **REALTOR® Day at the Capitol**

- Returning to Wesley Bolin Plaza at the Arizona Capitol
- **Tuesday, January 9, 2024**
- Registration
  - Live for Major Investors Friday, November 17<sup>th</sup>
  - Live for all members Tuesday, November 21<sup>st</sup>

### **2023 LEGISLATIVE SESSION WRAP-UP – THE LONGEST SESSION**

After 204 days, 1,675 introduced bills, 211 bills passed, and a record-setting 143 bills vetoed, the first regular session of the fifty-sixth legislature adjourned sine die on Monday, July 31, 2023, at 5:16 p.m. This session marked the longest in Arizona’s history. On that day, the months of dedicated work by the Arizona REALTORS® lobbying team paid off and two very important bills reached Governor Hobbs’ desk:

**SB1131**, which repeals Arizona’s regressive residential rental tax (Rental TPT) statewide; and

**SB1102**, a highly contested plan to refer the expiring Proposition 400 transportation tax to the 2024 ballot for approval by Maricopa County voters. The Governor signed both into law, despite having previously vetoed earlier versions of both bills.

**RENTAL TAX:** Repealing residential rental tax in Arizona has been a legislative priority for the Arizona REALTORS® for over a decade. Arizona law permits city governments to impose Rental TPT on properties rented for residential purposes for 30 or more consecutive days. Arizona is one of only two states to allow TPT collection on residential rental properties, which not only negatively impacts housing affordability, but has also hurt REALTORS® engaged in property management. SB1131 does not apply to commercial or short-term rental properties and will take effect on January 1, 2025. The timeframe was set at the request of the Governor's office to allow cities more time to adjust for changes in revenue.

**PROP 400:** SB1102 seeks to continue the tax that has helped support Maricopa County Infrastructure for the past 40 years, for another 25 years. If approved by voters, Prop 400 will generate over \$20 Billion, but the rules of where the monies can go will be stricter than ever. 40.5% of the funds will go to freeways and roads, 22.5% into arterial projects, and 37% into public transit if approved by voters. However, no tax revenue will be used for light rail expansion projects, a compromise reached between the Governor and legislative Republican leadership. The bill does allow capital costs, as well as maintenance and operation of public transportation and capital rehabilitation spending for existing light rail systems. No more than 3.5% of the 37% of public transit funds can be used for light rail rehabilitation. Even though the Prop 400 bill the Legislature passed doesn't include money to expand light rail, the county can still expand using other funding. One area where the light rail will not be expanded to is a Capitol loop project that the city of Phoenix and the Maricopa Association of Governments had been planning for years to extend light rail service in Phoenix to Interstate 10. The bill states no light rail projects will be built near 17th Avenue on the east, Adams Street on the north, 18th Avenue on the west, and Jefferson Street on the south, effectively killing the Capitol loop project. This is just a glimpse into how heated the Prop 400 negotiations got.

**Legislative Priorities:**

- SUPPORT eliminating residential rental tax.
- SUPPORT responsible solutions to the housing crisis.
- SUPPORT substantive water conservation and management policies that will ensure Arizona's long-term water supply.
- OPPOSE efforts to deteriorate construction defect laws.
- OPPOSE efforts to cap or limit the number of short-term rentals while engaging solutions to challenges cities face due to the growing industry.
- Engage legislation on HOA regulation and accountability.
- Fight against unfunded mandates that could increase licensure fees.
- ADVOCATE for responsible water policy.

- ALWAYS protect private property rights and opportunities to widen the opportunities for housing and homeownership.

**Legislative Wins:**

- **Arizona REALTORS® nominations and victories at the Arizona Capitol Times “2023 Best of the Capitol Awards”**
  - Tom Farley, lead political strategist, won “Toughest Lobbyist to Go Against”
  - Matthew Contorelli, Government Affairs Director, nominated for “Best Lobbyist”
  - Willetta Partners, our contract lobbyist firm, nominated for “Best Lobbying Firm”
  - HMA nominated for “Best PR Firm”



***\*\*Please ask if there are any Risk Management concerns in the region\*\****

*Please notify Jan Steward, Director of Risk Management of any risk management issues your members are experiencing in your region.*

## **FORMS –**

**Forms Release Dates** – The forms release dates are on or about February 1<sup>st</sup>, July 1<sup>st</sup>, and November 1<sup>st</sup> unless there is a change in law that necessitates an earlier release.

**Breeze Fillable Platform Update** – Breeze was contracted to create and maintain fillable formats of 11- Association forms. To date, 9- forms have been finalized with 2 forms remaining which should be available soon.

### **Revised Forms Released November 1, 2023 –**

1. Residential Lease Agreement
2. Move-in/Move-Out Condition Checklist
3. A redlined version of the revised Residential Lease Agreement can be found [here](#) and a redlined version of the Move-In/ Move-Out Condition Checklist form can be found [here](#).

**Vacant Property Deed Fraud** – Vacant Property Deed fraud is rampant in Arizona. Please stay aware, watch for red flags, access the resources provided to you on the state association’s website (articles, “Mack in a Minute” video and “Title Talk” video), and contact authorities if you become aware of this scam.

**PROFESSIONAL STANDARDS** – For the third quarter of 2023, we received **64** ethics complaints and **8** arbitration requests. In total, we held **16** hearings.

**NAR CLASS ACTION LITIGATION** – Although you do not need to present this as a talking point, you may begin to get questions on three large antitrust class action lawsuits that NAR is defending. They are:

- *Moehrl v. NAR* (Norther District of Illinois)
- *Sitzer/Burnett v. NAR* (Western District of Missouri)
- *Gibson v. NAR* (Western District of Missouri)

Please note the same plaintiffs’ lawyers are representing the sellers/plaintiffs in all three lawsuits. The *Moehrl* case is not yet set for trial, but the *Sitzer/Burnett* jury ruled against NAR, Berkshire Hathaway and Keller Williams on October 31, 2023 (note Anywhere Real Estate and

RE/MAX had settled all three lawsuits prior to trial for \$83.5M and \$55M). The jury awarded \$1.785B in damages, with statutory triple damages bringing the total judgment to \$5.4B. NAR will appeal the decision and it will take years before appeals are exhausted. It is unknown whether the plaintiffs will seek an injunction to end or alter the participation rule that requires listing brokers to offer unilateral compensation to buyer's agents in the MLS. However, even if such an injunction is requested, it would take several months to be approved by the Court at a minimum. NAR President Tracy Kasper has produced a video and written on the topic which can be found at:

[Post-Verdict Guidance from NAR President Tracy Kasper](#)

<https://www.nar.realtor/breaking-news/update-in-case-of-burnett-v-nar-et-al>

The *Gibson* case was filed on October 31, 2023, by the same plaintiffs' attorneys and listed defendants are NAR, Compass, eXp, Redfin, Weichert, Untied, Howard Hanna and Douglas Ellman.

NAR's position on these lawsuits is that they fail to recognize the pro-consumer, pro-competitive benefits of the MLS and the jury verdict will be overturned. The MLS system creates a highly efficient residential real estate market that fosters cooperation between brokers to the benefit of consumers. Commission structures (including how the listing broker pays the buyer broker) ensure greater access for a large community of home buyers who might otherwise be priced out of the market, which also would limit options for sellers. For these reasons, NAR does not believe an injunction ending the partition rule will be sought or accepted by the Court.

Due to these lawsuits, it is more important than ever to use Buyer Representation Agreements. NAR has produced a Window to the Law video on this topic that can be found at: [Window to the Law: The Benefits of Using a Buyer Representation Agreement \(nar.realtor\)](#).

Additionally, REALTORS®, as well as their clients, should educate themselves by visiting the following two websites:

- [competition.realtor](https://www.competition.realtor)
- [www.realestatecommissionfacts.com](https://www.realestatecommissionfacts.com)



**BROKER FORUMS** – If you are a broker or manager, you don’t want to miss our monthly virtual Broker Forums. They are held the third Wednesday of every month via Zoom from 10:00 - 11:15 a.m. Registration links are on the AARonline.com [calendar](#).

**PROFESSIONALISM** – The Arizona REALTORS® professionalism campaign: R.I.S.E (REALTORS® Inspiring Service Excellence) “honor roll” recognizes members who went out of their way to do something extraordinary.

**ACTION STEP:** Encourage your members and agents in your office when they have a positive interaction to let us know via our online form which can be found on <https://www.aaronline.com/r-i-s-e-honor-roll-program/>.

**We recognize our extraordinary members every month.**

**EDUCATION** – The market has shifted, but the risks remain the same.

- Learn to manage your risk through the **rCRMS** program. With a shifting market comes dusting off some of your skills and techniques that you may not have used in the last two years.
- Enhance your knowledge and skills through the **GRI** program.
- If you work in property management, the **CRPM** certification program should be in your business plan.

Instructors for all our programs go through a vetting process and have a proven track record for their instructor skills and knowledge level. All these programs are delivered virtually via Zoom, or your association can work with us to bring live classes to your area.

**VIDEO LIBRARY** –

“Contract Conversation” / “Title Talk”: <https://www.aaronline.com/contract-conversations-title-talk/>

“Mack in a Minute”: <https://www.aaronline.com/increase-knowledge/new-broker-programs/broker-university/legal-snippets/>





## **HOUSING REPORTS**

Arizona REALTORS® was the first state association to gain access to the REALTORS® Property Resource (RPR) to create an Arizona Housing Report of market activity. This was accomplished through cooperation with each Arizona MLS. **The association's website includes an "Arizona Housing Report" button on the homepage so members can access the latest report and archived reports. The reports will be updated monthly.**

The housing report lists Sales, Listings, Median Sales Price, inventory and much more! We have recently added a Housing Report archive to provide historical data. Custom reports are available by request. Available reports include: by Congressional District, by state Assembly, by County or by State Senate District. Please contact [danpemberton@aaronline.com](mailto:danpemberton@aaronline.com) for more information.

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.

## **BREEZE -**

The Breeze platform simplifies the process for sellers who would prefer to complete an electronically fillable disclosure form, all while ensuring that appropriate safety protocols are in place to mitigate any risk on the part of the listing agent. The Breeze platform is a free benefit, available to all members. The platform is available while using any computer or mobile device.

Current Breeze forms include:

- Residential Sellers Property Disclosure Statement (SPDS),
- Disclosure of Information on Lead-Based Paint Hazards (LBP),
- Domestic Water Well/Water Use Addendum (DWW),
- Vacant Land/Lot Seller's Property Disclosure Statement (SPDS)
- Affidavit of Disclosure, (AOD),
- Commercial Seller's Property Disclosure Statement,
- Residential Lease Owner Property Disclosure Statement (RLPDS),
- Disclosure of Information on Lead-Based Paint Hazards (DLPR) and
- Notice/Disclosure (ND).

**Coming soon**, H.O.A Condominium/Planned Community Addendum (CCA) and the Residential Income Property Addendum (RIP)

**PHOTOFY** – Another great member benefit is Photofy! The Photofy app allows you to easily personalize social media graphics with your photo or logo and contact information; then share them on your social media accounts. Photofy is pre-loaded with ready-to-share videos and graphics with suggested copy to accompany them.

Register now at <https://aardownload.com/3lrEY8o> for free access to Photofy's exclusive platform for Arizona REALTORS® members and start leveraging Photofy on your social media platforms. The Photofy app is available in the App stores for your Android or iOS mobile device.

If you need additional assistance, video tutorials are available on the association's website. If you have questions or need support assistance, please contact:

<http://support.photofy.com> **OR** [Support@aaronline.com](mailto:Support@aaronline.com)

**TECH HELPLINE** – Tech Helpline is a member benefit included in your association dues that provides general tech support for: computers, tablets, printers, scanners, smartphones, and so much more!

Tech frustration? Help is now a finger-tap away. Tech Helpline has introduced a new mobile App. Tech Helpline's new app works on all mobile devices. Find it in Google Play or Apple's App Store.

The app gives users three options:

- Directly call a Tech Helpline analyst **or**
- Chat via the app
- Choose to "open a case." The analyst who works on the case will then email a response.

To use Tech Helpline, call **1-866-232-1791** and provide the support analyst with your NRDS number. Your 9-digit NRDS number can be found on:

- the mailing label of your REALTOR® Magazine
- your NAR Membership identification card; **OR**
- the [www.nar.realtor](http://www.nar.realtor) webpage:
  - <https://bit.ly/3cKwGrI> = <https://login.connect.realtor/#!/forgotmember>

You can call Tech Helpline for help with questions ranging from Email access and Browser issues; to Operating systems and Viruses & Antivirus Software.

**Tech Helpline hours are:**

Monday - Friday from 7:00 a.m. to 6:00 p.m.

Saturday from 7:00 a.m. to 3:00 p.m.

**TECH MARKETPLACE** – The Tech Marketplace is an Arizona REALTORS® member resource where you will find a variety of applications, software, products, and services. The Tech Marketplace is pleased to announce our newest member resource, DO AudioTours™. The platform is an audio tool to amplify real estate listing photos. This tool delivers an audio description plus closed captioning, multi-language support, and ADA-friendly components that provide additional information for consumers and allows agents to differentiate themselves through the power of voice.

You can find the Tech Marketplace on the Arizona REALTORS® website at the following link: <https://www.aaronline.com/efficient-business-tools/tech-marketplace/>.

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

- **Live In-Person classes** – We offer live in-person Transaction Desk/Authentisign training classes. Live training is available for groups of 12 or more either at Broker offices or at Local Associations. Email [support@aaronline.com](mailto:support@aaronline.com) for additional information.
- **Live/Recorded webinars** – Zoom classes are scheduled every Thursday at either 10:00 a.m., Noon, 2:00 p.m., or 3:00 p.m. (start times alternate weekly). Call 480-304-8930 to register. Visit [www.aaronline.com/efficient-business-tools/transactiondesk/](http://www.aaronline.com/efficient-business-tools/transactiondesk/) to view our recorded webinars and tutorials.

In addition to TransactionDesk®, members can also access Arizona REALTORS® forms by purchasing subscriptions to other platforms such as:

- zipForm®
- Brokermint
- DocuSign
- dotloop
- SkySlope
- Jointly

Our latest forms vendor, Total Brokerage, is expected to be active sometime in the 1<sup>st</sup> quarter of 2024. **Propy has given us notice they intend to discontinue providing forms effective 12/2023.**

**EMERGENCY FORM ACCESS** – Arizona REALTORS® has developed a webpage that will be activated in the unlikely event that our TransactionDesk forms provider experiences an outage. This webpage contains the complete Arizona REALTOR® library of forms, accessible via [www.aaronline.com](http://www.aaronline.com) after login. The web address will be displayed on our home page if an outage occurs.



**LOCAL ASSOCIATION SUPPORT** – Local Associations can contact [ChristinaSmalls@aaronline.com](mailto:ChristinaSmalls@aaronline.com) for assistance with forming a Diversity Committee, scheduling events, and applying for NAR grants.



The Arizona REALTORS® Equity, Diversity & Inclusion Committee has officially launched the **“Diversity in Real Estate Scholarship Program”**!

With this scholarship program, our hope is that students graduating from high school who may think a real estate career is out of reach for them financially, see this as an opportunity to get started on their path into this great profession.

The committee would be so appreciative if you would circulate the scholarship flyer to your brokerages, schools in your area, or to any graduating seniors that may benefit from this opportunity. We want as many students as possible to know this opportunity exists and encourage them to apply. **The class of 2024 application deadline is December 31, 2023.**



**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](http://www.aaronline.com) homepage.
- Members can use the Arizona REALTORS® branded version or follow the directions on the webpage to upload their brokerage logo.



**ARIZONA HOUSING FUND** - Update on the Arizona Housing Fund (AHF).  
<https://arizonahousingfund.org/>

The Arizona Housing Fund continues to do well and grow. Last year, the Fund granted \$850,000 to four non-profits; and the balance has grown steadily since then and is currently at \$650K. Since inception the Fund has had over 4,500 individual donations.

The Arizona Housing Fund will have a new batch of grant requests to look at shortly and the Advisory Board (of which Michelle Lind is a member) will be scheduling a meeting soon to discuss the new grant requests. Pat McNamara at Local Initiatives Support Corporation (LISC) <https://www.lisc.org/phoenix/what-we-do/affordable-housing/> is underwriting the new requests for the 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.**



**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.