

Trends & Training for Industry Leaders





VHDA Plus Second Mortgage

The **VHDA Plus Second Mortgage** eliminates the down payment requirement for qualified first-time homebuyers. To see if you're eligible, contact a VHDA-approved lender to discuss program details and requirements. To find a VHDA lender near you, visit vhda.com/FindALender.





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- Maximum second mortgage is 3-5% of the purchase price (determined by credit score and VHDA first mortgage).
- 30-year fixed rate loan.
- Covers entire down payment.
- Qualified buyers with credit scores of 680 and higher can also finance a portion of their closing costs into the second mortgage.
- ► The **VHDA Plus Second Mortgage** may be paired with other acceptable non-VHDA down payment assistance programs (certain restrictions apply).
- **B** Borrowers who qualify for this program are also eligible for a VHDA Mortgage Credit Certificate, or MCC. An MCC is a dollar-for-dollar credit against your federal tax liability. (Borrowers must apply for an MCC through an approved MCC lender and receive an MCC commitment/approval prior to closing.) For details, visit vhda.com/MCC.

Eligibility Requirements:

- Income of all first-time borrowers and additional persons on title can't exceed VHDA standard program limits. See vhda.com/LoanLimits.
- **B** Borrowers must have 1% of the purchase price in reserves/funds at closing or a combination of the two.
- ► Eligible for purchase transactions only.
- Requires repayment but has no prepayment penalty.
- May only be paired with eligible VHDA first mortgage products.

More Information:

For details about the VHDA Plus Second Mortgage and a complete list of program requirements, please call 877-VHDA-123 or visit www.vhda.com/HomebuyerPrograms.

> The information contained herein (including but not limited to any description of VHDA and its lending programs and products, eligibility criteria, interest rates, fees and all other loan terms) is subject to change without notice.







STEVE MURRAY

What's Working and What's Not in Real Estate Today





WHAT'S WORKING & WHAT'S NOT IN RESIDENTIAL REAL ESTATE TODAY?

A presentation by REAL Trends to members of the Virginia REALTORS®

What's working and what's not in residential realty today?

- Key questions
 - What are the major challenges in the brokerage business for today and tomorrow?
 - How and where can realty firms best compete in the new landscape?

What are major challenges

Declining commission rates

Declining gross margin

Reduced productivity per agent

A sense that "industry" has lost control

What are major challenges

Profit margins shrinking somewhat on a transaction basis

 New competitors have access to substantial capital, technology and valuations beyond what realty firms have

 Markets are screwy – little inventory, sky high demand, interest rates rising, prices of homes going through the roof

Words of cautionand hope

- Consumers still overwhelmingly want to use agents to buy and sell
- Consumers still prefer to use an agent they know
- The decline in the commission rate is offset by the prices of the homes we are selling in most markets
- While national average Gross Margins have shrunk significantly the national average Profit Margin hasn't moved nearly as much

Really key questions

- How do some firms make more money than others of equal size and characteristics?
- How are some firms increasing productivity while most don't?
- What is the impact on realty firm profit when engaged in core services such as mortgage, title insurance, property casualty insurance and property management?

Really key answers

• The realty firms who achieve the highest profit margins, the highest productivity and the highest success in core services tend to be those who FOCUS on achieving these goals to the sacrifice of all other goals

 Not market share; not the number of agents; not the number of offices

 From Ninja Leadership "what the mind can conceive, you can achieve"

Some fundamentals

- Fix your eyes on a goal
 - How will you measure success for your firm?
 - What matters to you Income, Equity or Satisfaction
 - What opportunities exist in your market?

- Get your hands on some leadership inspiration and follow carefully –
 most of us are not born with the knowledge to know how to be great
 leaders although we do have personal characteristics that lead to
 being one
 - Maxwell
 - Lencioni
 - Collins
 - Ninja

 Establish your company dashboard so that you can measure success and progress towards your goals – the information is there but is worthless if you don't look at it and react accordingly

- Each companies dashboard will be different from another's
- Use that information to be more precise about the actions and investments you make

Understand the most important factor of our industry for the last 40 years

• "He who has the relationship with the consumer profits the most"

• Is it any wonder that agents are now receiving more than 85% of the commission dollar on a national basis

 What are you going to make it easier to do business with your firm for your agents and your clients and consumers?

Really doing

What are others doing? Like OpenDoor, Offerpad, Zillow, Redfin, etc.

Fundamentals of Core Services

- Given that brokerage profit margins are under pressure, and that consumers want more simplified process, entering the mortgage and other settlement services makes perfect sense
- MSA's
- Joint Ventures
- Mortgage brokerage
- Advertising/service relationships

What is happening to brokerage?

• The trend of the last 40 years shows:

Declining commission rates and Gross Margins

 The entry of various forms of new competition and new ways of paying and employing real estate agents (hint: mostly cheaper brokerage services)

What is happening to brokerage

 Broker owners have trained their agents to be mercenary – not the other way around

 How much time do you spend developing the talent for your new and experienced agents? How much do you invest of yourself in their success? How much of what you do really impacts their bottom line?

What is happening to brokerage?

These factors explain the advent of agent teams

 These factors explain the advent of HomeSmart, Realty One Group and eXp and their peers

 These factors explain why most Zillow Premier agents spend more with Zillow than their own brokerage firm – remember that both provide services to agents – and one is winning that battle

What is happening to brokerage?

 Broker owners decry the lack of professionalism but don't support their feelings with their own actions most of the time

• It is someone's else's duty (Realtors®, etc.?)

 But the only one who can solve this and the other challenges is the broker owners



THE TRUSTED SOURCE

COMMUNICATIONS & RESEARCH

REAL Trends 500

The Thousand & America's Best - Top Agents & Teams

Online Performance Study

Game Changers | Valuation Guide | Successful Teams

REAL Trends Newsletter | Update | Blog | TechTouch

LORE Magazine

Gathering of Eagles | Leadership Institute

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COMMUNICATIONS & RESEARCH

Organizational Assessment

Management Assessment

Technology & Marketing

Brokerage Performance

Valuation Services

Benchmarking Services

Business Planning

Strategic Planning

Mergers & Acquisitions

Business Accelerator

JAY MITCHELL Involvement in Advocacy



Your Involvement in the REALTOR® Party



Jay Mitchell
Virginia REALTORS® President

Building a Culture of Advocacy





Increase our Call For Action Participation Rate Above 20%





Join Broker Involvement



realtorparty.realtor/brokersjoin

Join NAR's Broker Involvement Program

Sign Up For Mobile Alerts





Contribute to



And encourage others to join as well.

Why be involved?

- Fighting for reforms and long-term fixes to the National Flood Insurance Program.
- Stopping state level taxes on real estate transactions or new taxes on business services.
- Defeating local sign ordinances that could cost you \$200 per day fees.
- Protecting your business is our priority.

Remember:

- ✓ Vote
- ✓ Act
 - Text "REALTOR" to 30644
 - Respond to Calls for Action
- ✓ Invest in RPAC

Our Best Asset is



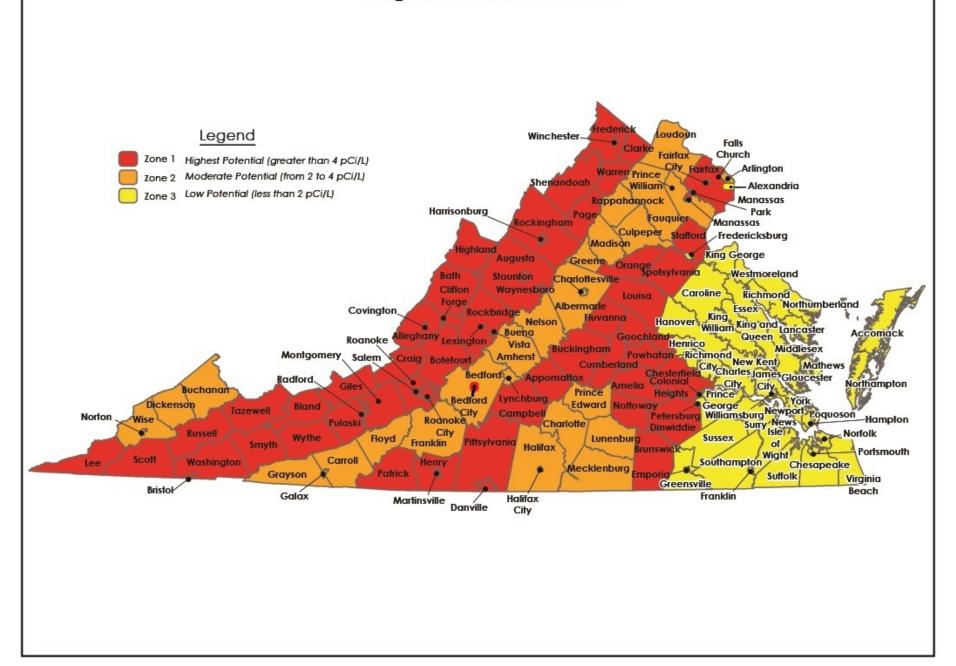


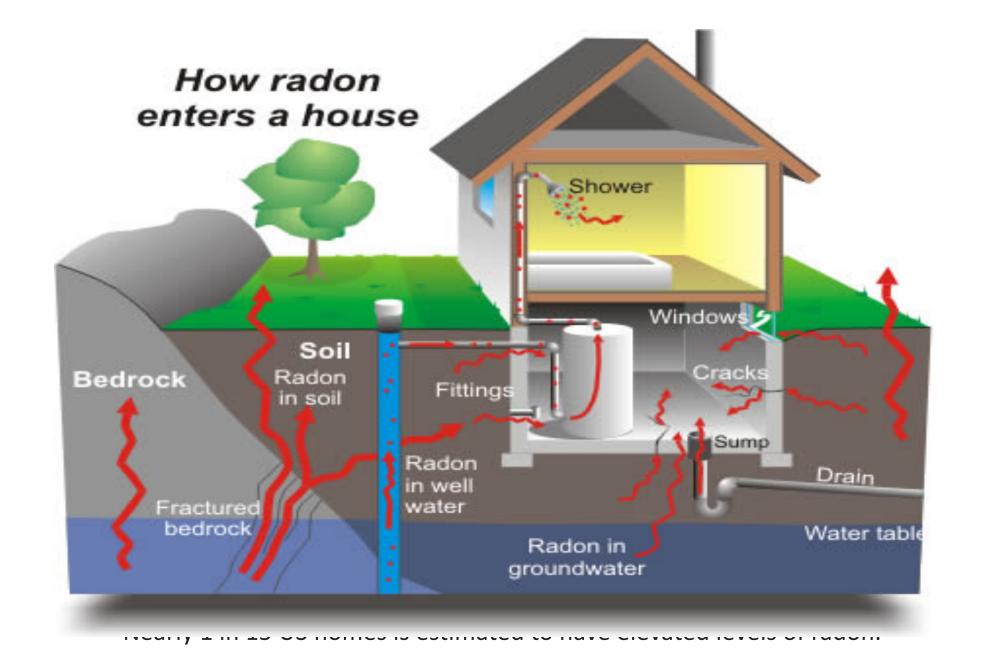
YOU!

For more information, email: Advocacy@VirginiaREALTORS.org



Virginia - Radon Zones





Radon and the Law in Virginia:

- NO state or federal law currently REQUIRES radon testing prior to a sale nor does any law require mitigation if the radon levels are found to be elevated. <u>It is entirely negotiable between the parties involved!</u>
- Real estate sales contract paperwork may include a radon test/mitigation contingency clause.
- VA law requires that all professional radon testers and mitigators operating in the Commonwealth must be <u>currently</u> certified and listed by either <u>National</u> <u>Radon Proficiency Program (NRPP) (www.nrsb.org</u>) or the <u>National Radon</u> <u>Safety Board (NRSB) (www.nrpp.info)</u>.
- VA law requires that all radon mitigators who charge \$1000 or more for a mitigation job must possess a VA Contractor's License. A Radon Mitigation Contractor (RMC) specialty may be obtained after 5 yrs. of experience. Contractors are licensed by the VA Dept. of Professional & Occupational Regulation (www.dpor.virginia.gov)

Further Information

- <u>Va. Dept. of Health Division of Radiological Health</u>:
- Office: 804-864-8150 Toll free in VA: 800-468-0138

Website: www.vdh.virginia.gov & find Radon in "Health Topics A-Z"

- <u>USEPA Radon publications</u> available at: <u>www.epa.gov/radon/publications-about-radon</u>
 - "Home Buyer's & Seller's Guide to Radon"
 - "Consumer's Guide to Radon Reduction"

Bulk quantities can be purchased at: www.aarst.org/bookstore

- <u>Current radon mitigation standard referenced in the Virginia Code</u>: ASTM E2121-13 available for purchase at: <u>www.astm.org/Standard/standards-and-publications</u>
- Toll free EPA national radon hotlines:

1-800-SOS Radon

Spanish 1-800-725-8312

Safe Drinking Water 1-800-426-4791



Trends & Training for Industry Leaders



STEVE MURRAY

Effective Realty Leadership





EFFECTIVE REALTY LEADERSHIP

A presentation by REAL Trends to members of the Virginia REALTORS®

Effective Realty Leadership

Communicate a vision for what you believe

Communicate horizontally and vertically

Build a sense of community and give to it

Have standards and hold your people accountable to them

Effective Realty Leadership

- Communicate a vision for what you believe
 - What kind of firm are you trying to build?
 - What do you want it to look like, how will success be measured
 - What kind of people do you want working with your firm? (Lencioni's Humble, Hungry and Smart from Ideal Team Player)
 - What role will you play?
 - Where do you think the best opportunities lie in the future?

Communicate horizontally and vertically

Most realty leaders are very good at giving direction and commands

Few listen with equal skill

 Set up opportunities not only for the owner to share information with the people of the company: let the people of the company share information, ideas, thoughts, with each other

Build a sense of community and give to it

Part One the building

• If the only glue you have with your sales agents and employees is their split or paycheck don't be surprised when that is the only topic they are interested in when it comes to decide whether to stay or not

 Find and develop ways to make it more about relationships, trust, empowerment, involvement and excitement

Build a sense of community and give to it

Part two give to it

 In our research on why agents join a company and stay with a company agents said overwhelmingly that they want to be with a realty firm that gives back to the communities where they do business – that if a brokerage doesn't, and it is only about making a living, they certainly would think about going elsewhere

Have standards

- Standards are not just about production
 - They include behavioral standards
 - They include relationship and communication standards
 - They include integrity standards
 - They include sales volume and customer service standards
 - Key you must communicate them and enforce them otherwise no one will believe you

Have standards

• Steve's favorite story on standards

 Group of successful brokerage firms decrying the lack of professionalism in the industry for an entire morning;

 Answer: Since these are the leading brokerage firms in that market, why don't they take the lead and stop hiring them!!



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Business Accelerator



Trends & Training for Industry Leaders



LEIGH BROWN

Creating a Culture of Political Advocacy





Trends & Training for Industry Leaders



CONTINUING EDUCATION

2018 Broker Updates and Resources



- 2018 Legislation & Forms Update
- Broker Supervision Requirements
- Broker Resources
- Legal Hotline Trends
- Flood Update
- Q&A





2018 General Assembly Session

- Jan. 10, 2018-March 10, 2018
- Over 3,700 bills & resolutions introduced
- Laws became effective July 1, 2018*





Virginia REALTORS® Legislative Agenda

ALL 11 VR BILLS PASSED

- 80 Active Positions
 - 33/39 Passed
 - 26 Defeated
 - 15 Amended





Virginia Code § 54.1-2100

Virginia REALTORS®

Translation of RE Docs (HB439/SB528)

- Translator OR translation service
- No violation of duties
- Not liable for inaccuracies
- Cannot charge a fee for the referral





Escrow (HB864/SB514)

- Written Notice of Disbursement
- Clear terms of the Contract
- Option for 15-day Protest Period





Broker Education (HB864/SB514)

- 2 hrs Broker supervision
- 1 hr Real estate related financing (PL)
- Technical changes





Virginia Code § 54.1-2100 – Teams HB 862 / SB 758

Virginia REALTORS®

Definitions

"Real estate team" means two or more individuals, one or more of whom is a real estate salesperson or broker, who (i) work together as a unit within the same brokerage firm, (ii) represent themselves to the public as working together as one unit, and (iii) designate themselves by a fictitious name.





Definitions

"Supervising broker" means a real estate broker who has been designated by a principal broker to supervise the provision of real estate brokerage services by associate brokers and salespersons assigned to a branch office or a real estate team.





License Requirements

- Business Entity Salesperson License
 - Groups of Individuals
 - Acting as a team
- Branch Office





Duties of Supervising Broker

- Ensure compliance with laws & regulations
- Ensure teams/business entities operating under law & regulations
- Ensure brokerage agreements include the name & contact information of supervising broker



Broker Supervision



Broker Supervision

Each place of business and each branch office shall be supervised by a supervising broker. The supervising broker shall exercise <u>reasonable</u> and adequate supervision of the provision of real estate brokerage services by associate brokers and salespersons assigned to the branch office.



1. Being available to all your licensees at reasonable times to review and approve all documents, including leases, contracts, brokerage agreements, and advertising





2. Ensuring the availability of training opportunities and that the office has written procedures and policies that provide clear guidance in the following areas:



- a) Escrow
- b) Fair Housing Law
- c) Advertising
- d) Negotiating & Drafting Legal Documents
- e) Unlicensed Individuals
- f) Agency Relationships
- g) New Laws or Regulations
- h) Disclosures
- i) Competency



3. The availability of the supervising broker in a timely manner to supervise the management of the brokerage services





4. The supervising broker ensures the brokerage services are carried out competently and in accordance with the laws and regulations.





5. Ensure compliance by all licensees assigned to the branch office, including but not limited to ensuring the licensees have an active, current license





Reasonable & Adequate Supervision

6. The supervising broker undertakes reasonable steps to ensure <u>only</u> licensees undertake activities requiring a license





Licensed Activity

- Showing property
- Holding an open house
- Answer questions on listings, closing, contracts, brokerage agreements, and legal documents
- Discussing, explaining, interpreting, or negotiating a contract, listing, lease agreement, or property management agreement with anyone outside the firm
- Negotiating or agreeing to any commission, split, management fee, or referral fee.



Reasonable & Adequate Supervision

7. The supervising broker must exercise appropriate oversight and limitations on the use of unlicensed assistants, whether part of a team arrangement or otherwise.





Unlicensed Activities

- Perform general clerical duties
- Submit listings and changes to MLS
- Follow up on loan commitments after contracts have been ratified
- Have keys made for listings
- Compute commission checks
- Place signs on properties
- Act as a courier service
- Schedule appointments



Unlicensed Activities

- Record and deposit escrow money
- Prepare contract forms for approval
- Prepare promotional materials and advertisements <u>for approval</u>
- Obtain required public information from governmental entities
- Monitor license and personnel files
- Order routine repairs as directed by licensee
- Perform other unlicensed activities undertaken in the regular course of business



Unlicensed Activities

 Are compensated for their work at a predetermined rate that is not contingent upon the occurrence of a real estate transaction





Reasonable & Adequate Supervision

8. If a supervising broker is located more than 50 miles from the office and there are licensees who regularly conduct business there, the broker must certify in writing quarterly that he/she complied with the broker supervision regulations.



Reasonable & Adequate Supervision

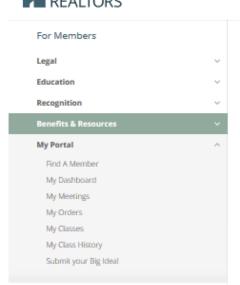
9. The supervising broker must maintain records for three years





Broker Resources





HOME / FOR MEMBERS / RESOURCES / BROKER RESOURCES

Broker Resources

Brokers hold the key to increasing professionalism in the real estate industry. That's why we offer products and services just for brokers to help you raise the bar, not to mention your earning potential. Here are a few of the resources to help you get the most out of your business.

Residential Broker Office Policy Manual

The VREB requires that supervising brokers make available training and written procedures and policies that provide clear guidance on critical topics licensees must know. The Virginia REALTORS® Office Policy and Procedures Manual Template can help you meet that requirement.

LEARN MORE

Property Management Broker Office Policy Manual

This edition of the Property Management Office Policy and Procedures Manual ("Manual") has been published and distributed to the membership of Virginia REALTORS®, Inc. with the hope that the Manual will encourage understanding among Agents and Brokers. The good of the entire membership has been the basis for this template.

LEARN MORE -

NAR Broker Involvement

Are you a broker owner or managing broker? Are you involved with NAR's Broker Involvement Program? This dynamic program provides you, the broker-owner, with a quick and effective tool to rally your agents on critical legislative issues affecting our industry.

LEARN MORE

NAR Field Guides for Brokerages

Field Cuides are one-stop resource packages on dozens of subjects of interest to REALTORS®. On each page you'll find links to articles, books, websites, statistics, and other material on each subject.

LEARN MORE



Looking for interesting, timely, relevant content for your next sales meeting? Meet the Virginia REALTORS Sales Meeting Kits.

Sales Meeting Kits are for brokers - they give you short, easy-to-use content you can incorporate into your next sales meeting.

LEARN MORE -



Legal Hotline

Welcome to the Virginia REALTORS® Legal Hotline. Questions must now be submitted to the Legal Hotline using the form that follows the User Agreement below. Do not email attachments with any Hotline questions – attachments may cause your email to be deleted without being read. Questions will be answered in the order they are received. Return calls will be made between 8:30 a.m. and 4:00 p.m., Monday-Friday. Every effort will be made to contact you within four (4) business hours after you submit your question. Click here to view the user agreement.

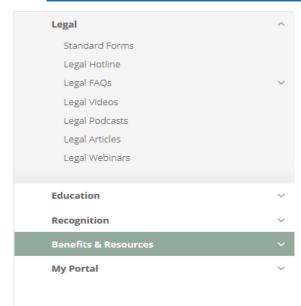
All of the following must be checked to submit your question:

- 1) I have read and agree to the User Agreement
- 2) I have communicated to my Broker that I am submitting this question and I understand that my Broker will receive a copy of this question when submitted

3) I understand that my Broker's policies may be more restrictive than the general response provided by a Hotline Attorney and I must abide by those policies



Member Benefits



Resources

Buyer & Seller Handouts

A collection of how to's, checklists, and worksheets to help your buyers and sellers know what to expect during the real estate purchasing experience. Customize with your contact information.

LEARN MORE -

Tech Helpline The Tech Helpline is

The Tech Helpline is a member benefit for full dues paying members offering support for hardware, software, networking and digital devices. The best part is you have the choice of contacting their friendly and knowledgeable analysts via phone, e-mail, or online chat.

LEARN MORE -

Inman Select

Virginia REALTORS® membership includes a subscription to Inman Select. Click here to learn about activating your account. Knowledge is POWER.

LEARN MORE -

Publications

The magazines and reports published especially for Virginia REALTORS® members. The resources published here also contain links to other great items throughout the site.

LEARN MORE -

Market Reports

Get up to speed on Virginia's housing market with monthly home sales reports. For more specific market information, contact us directly.

Broker Resources

Brokers hold the key to increasing professionalism in the real estate industry. That's why we offer products and services just for brokers to help you raise the standards of the profession and also your earning potential. Here are a few of the resources to help you get the most out of your business.

LEARN MORE -





Legal Hotline Updates



Current Trends

- Average Number of Questions: 150
- Average Response Time: 2:25
- Top 5 Topics:
 - Property Management
 - Contracts
 - Disclosure
 - Agency
 - Advertising



Does an owner, who has a "no pets" policy have to accept an otherwise qualified tenant with an assistance animal?



Yes, assistance animals are not pets and an otherwise qualified tenant cannot be denied because they have an assistance animal.



Can a pet deposit or pet rent be charged for an assistance animal?



No, additional deposits or rent cannot be charged for assistance animals.



Is an Earnest Money Deposit required for a contract?



An EMD is not necessary for contract formation, but if the contract calls for an EMD, then one must be made.



Regarding an escalation clause

- 1. Does an owner have to accept it?
- 2. If they receive multiple offers, can the owner tell all to give them their highest and best?



The owner can accept, reject or counter any offer.



I have a client that has multiple security cameras in the house. We noted this on MLS, but according to my client potential Buyers are discussing purchase strategies in the house for my client to hear. My client is watching it live on her cell phone. If she is in a meeting, she records it to watch later. This makes me uncomfortable.....but is it legal? What should I do?



Client should speak to an attorney. State and federal wiretapping laws likely prohibit this behavior.



Does a seller have to disclose material defects if they use the DPOR Disclaimer?



No. Sellers have limited affirmative disclosure requirements:

- Lead based paint (Federal)
- Defective Drywall (Virginia)
- Military Air Installation (Virginia)
- Meth Lab (Virginia)
- Pending Building or Zoning Violations (Virginia)



Agency

I am the Principal Broker in multiple firms. If two of my agents from different firms are involved in a transaction representing a buyer and a seller, do I need to have a designated agency agreement?



Agency Agency

"Designated agent" or "designated representative" means a licensee who has been assigned by a principal or supervising broker to represent a client when a different client is also represented by such principal or broker in the same transaction.



Agency

Can a firm with only two licensees represent clients as designated agents?



Agency

No. In order to have a designated agency transaction, there needs to be at least one broker and two other licensees in the firm.



Advertising

I have a team in my office doing business as John Doe Real Estate that wants to use their own signs. They have developed a sign that makes it appear as if John Doe Real Estate is the real estate company, and they only want to install a sign rider with the name of my firm. Is this legal?



Advertising

All advertising, including team ads, must be clear and unambiguous as to the identity of the firm and that the team is a team, and not a brokerage.



Advertising

What needs to be included in electronic advertising? Do emails count? What about text messages?



Advertising Disclosures – Electronic

A. Firm Advertising:

- (1) Firm's Licensed name;
- (2) City & state of main office or branch office

B. <u>Individual Licensee Advertising</u>:

- (1) Licensee's name:
- (2) Licensee's affiliated Firm name;
- (3) City and state of the licensee's office (not necessarily firm's main office);



Advertising Disclosures - Electronic

"All electronic media advertising that can be viewed or experienced as a separate unit (i.e., email messages and web pages) must contain disclosure that shall be viewable on the main page or is no more than one click away from the main page





Flood Updates Virginia REALTORS®

VREB Educational Requirements

- Requires curricula for brokers and salespersons who are new licensees of the Real Estate Board and continuing education curricula for salespersons to include information on flood hazard areas and the National Flood Insurance Program beginning on January 1, 2016.
- § 54.1-2105.01 Educational requirements for all salespersons within one year of licensure



Virginia Residential Property Disclosure Act (Flood hazard areas)

Owner makes no representations with respect to whether his property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary including

- (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas,
- (ii) review of any map depicting special flood hazard areas, and
- (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract.



Flood Resources

- Refer your client to an insurance agent familiar with flood insurance.
- Official National Flood Insurance Protection Site (NFIP): https://www.floodsmart.gov/floodsmart/
- FEMA's Flood Map Service Center is one resource available if your client is looking for a flood map: https://msc.fema.gov/portal



Questions?





This education is brought to you by the Virginia REALTORS® as a member benefit.





Trends & Training for Industry Leaders

