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NORTH DAKOTA ASSOCIATION OF REALTORS®

ND REALTOR®

Fall Issue

October 2013

ND REALTOR® of the Year Award

At the recent REALTORS® Convention of the Dakotas, Diana Zietz, co-owner and sales associate of Continental Real Estate, Inc. received the coveted State REALTOR® of the Year Award. This award is the highest honor that the State Association of REALTORS® can give to its members. The selection criteria is judged by the REALTORS'S® activities on the local, state and National level, on the amount of volunteer activities in their communities, personal business accomplishments and a high professional REALTORS® standard. She was chosen from among 8 candidates nominated by their local Board of REALTORS®.

Diana Zietz was born in Stanley, ND and was raised in ND, SD, MT, NE, and WY. She graduated from Casper College School of Business Administration. Since 1984, Diana has been a successful full-time REALTOR®, providing quality, ethical, and knowledgeable service in southwestern North Dakota. She



Diana Zietz
Continental Real Estate, Inc., Dickinson

is also co-owner of Mondak Sports Center & Pawn and co-owner of Continental Builders. Diana has served as Chair for many local and state committees and has also served on national committees and was 2012

President of the ND Association of REALTORS®. Diana was awarded the Badlands Board REALTORS® of the Year in 2013. Outside of real estate Zietz is a member of or contributes to the Dickinson Chamber of Commerce, Easter Seals, Relay for Life, United Way, cancer drives, Wigs, and Eagles Ladies Auxiliary.

Diana lives in Dickinson and is married to Dale Zietz and they have three daughters and two grandchildren.

The North Dakota Association of REALTORS® consists of approximately 1,500 REALTORS® and 250 Affiliate Members with eight local Boards throughout the State of North Dakota. These local Boards and State Association are part of the National Association of REALTORS®, "The Voice for Real Estate" and America's largest trade association, representing 1.1 million members involved in all aspects of the residential and commercial real estate industries.



Bismarck Mandan
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Fargo Moorhead
DeAnne Mason



Grand Forks
Jim Dunavan



Jamestown
Nita Dura



Minot
Danette Krumwiede



Wahpeton/Breck
Shelly Zach



Williston
Tate Cymbaluk

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President's Message

By Scott Breidenbach, NDAR President



Greetings,

I want to say thank you to everyone who has helped me as President of NDAR this year, as it has been such a great experience and I can't help but feel lucky to be involved in such

a great organization. We are very fortunate to have the best full time staff and wonderful volunteers running our association. Many, many thanks to all of you. As my year comes to an end and we have the inevitable changing of the guards, we must remember that our work is not done. We were able to accomplish a lot this year with hiring two full time employees, revamping the NDAR web site, working with NAR on many issues, and meeting many times as committees and as a board to discuss the daily issues our association faces. NDAR continues to get recognized for our RPAC participation and calls to action and couldn't be prouder of our involvement on the national level.

With all the tremendous strides our state makes in accomplishments, our work is not done yet. We still have room to improve and we must challenge ourselves to work hard to be the best that we can be. Please help me welcome our new State President Vicki Roller; I am confident that you will give her the same support and encouragement you have afforded me this past year.

I truly am thankful for your support and encouragement. I have met many new friends and built professional relationships with so many people that I feel I have gotten more than I have given.

Thank you, it's been an honor

Scott

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Omega Tau Rho

Since its creation in 1950, the honorary fraternity Omega Tau Rho, represented by the Medallion of Service, is awarded by the State Associations in recognition of a member's various leadership skills. The Medallion of Service is awarded as a token of the high esteem in which inductees are held by their fellow REALTORS® and symbolizes the recognition and appreciation accorded to them

for their contributions to the National Association of REALTORS® and its affiliated Institutes, Societies and Councils.

Medallions are awarded to those who have honorably completed their term of office as:

1. An officer or director of the National Association of REALTORS® including members of the Executive Committee; or
2. An elected officer of any Institute, Society or Council, or a governor or director thereof; or
3. A president of a State Association.

Also eligible are staff members of the National Association of REALTORS® with 10 years of service, except the Executive Vice President, Senior Vice Presidents, Comptroller and General Counsel who are eligible after 1 year. Membership was also opened to State REALTORS®



Omega Tau Rho recipients who were present at the convention. Left to right, Vicki Roller, Scott Breidenbach, Vicky Matson, John Colter.

of the Year, REALTOR® Emeriti of the National Association, and to Executive Officers of local boards and State Associations with 10 years of service.

Once a medallion is awarded, the recipient is a member for life and cannot receive the award again. This award is truly an honor as it marks exemplary dedication and

service by REALTOR® members to their organization.

The 2013 Omega Tau Rho recipients are:

Scott Breidenbach – 2013 NDAR President – Park Co REALTORS®, Fargo

Jerry Nelson – Emeritus – Town and Country Realty, Fargo

Morris Pyle – Emeritus – RE/MAX Legacy Realty, Fargo

Gordon Christianson – Emeritus – Buffalo realty, Jamestown

Vicki Roller – 2012 State ROTY – Aladdin Realty, Bismarck Mandan

John Colter – 10 Years of AE service, Grand Forks Area Association of REALTORS®

Vicky Matson – 2013 CRS Chapter President - Park Co REALTORS®, Fargo



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Did You Know?

By Jill Beck



Jill Beck,
NDAR CEO

A busy few years your Association has had and the way it looks it will continue into the near future. A year ago we contracted with NAR to do an evaluation of staff duties, staff job descriptions and a look at our mission statement along with goals set by leadership for the last few years. With that, along with interviews with staff and questionnaires completed by staff it was determined we had to have more than the two full time and two part time employees we had if we wanted to continue the services that NDAR offers. With that said I am happy to say we now have all staffing in place and I want to thank leadership and the Board of Directors for recognizing the need and moving forward with it.

Meet your North Dakota Association of REALTORS staff:

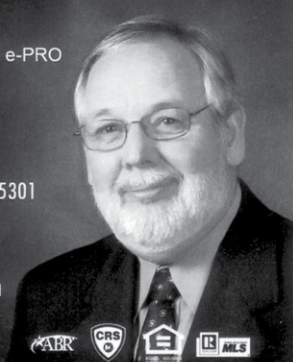
As of August we have now hired a full time Government Affairs Director, Nancy Willis, to handle all the legislation that is happening at both the state and federal level. She will also be available to help locals and guide them through processes happening in your local communities. RPAC questions and investments and disbursements will also be part of her duties.

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The first voice you will hear upon calling the Association will be Robyn O'Gorman who is the Administrative Assistant. Robyn also processes new member information, general correspondence of the office, forms orders, updates website and social media. She can also help you with your continuing education registrations and other general questions for the Association.

If you have questions on the website, programs the Association offers or meeting information you can contact Suzanne Wetz, Member Services/Communications Director. Suzanne handles the enhancement of the website, has oversight of membership database and membership, does the bookkeeping, plans meetings and education logistics, manages the CRS Chapter and RETA Committee.

This is just a quick synopsis of each person and their duties but in reality it entails much more than that.

We are all here to help the membership so please let us know if you can help. If we don't know the answer we do the best to find it for you.

Congratulations

To the recipients of the
**2013 Champion of Affordable
Housing Real Estate Awards**

Judy Maslowski, Bismarck

Sandra Retterath, Hazen

Olivia Wellenstein, Dickinson

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ND Association of REALTORS® Hires New Government Affairs Director

The North Dakota Association of REALTORS® (NDAR) has hired Nancy R. Willis of Bismarck as Government Affairs Director.

Willis holds a Bachelor of Journalism degree from the University of Missouri-Columbia and brings a wealth of experience in state and federal public policy and government affairs garnered from previous employment at the ND Department of Human Services; St. Alexius Medical Center and the North Dakota Hospital Association.

Willis' husband, Kevin, is a REALTOR® with Bianco Realty in Bismarck and her daughter and son-in-law are employed by the U.S. National Park Service in Los Alamos, New Mexico.

Willis will be responsible for promoting the association's legislative policy and advocacy, grassroots organization



Nancy R. Willis

activities, as well as Political Action Committee (PAC) activities. She also will serve as coordinator for all Association activities in the legislative, governmental and political arenas as directed by the Association's Board of Directors, CEO and Executive and Political Affairs Committees.

Willis replaces Claus Lembke, former NDAR Government Affairs Director, who retired in August.

Realtor.com to provide commercial listings under new agreement

Realtor.com has partnered with Xceligent Inc. to launch search capabilities for commercial listings on the popular home search site. The agreement will allow realtor.com to provide users with access to thousands of commercial listings. Xceligent owns CommercialSearch.com, which is one of the largest sources of commercial real estate listings. It provides aggregated commercial listings from sources such as MLSs, Commercial Information Exchanges, and the top 50 companies who provide commercial listings.



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Chips From The Board



Ready to greet registrants for the 2014 Convention are Karin Haskell, Dave Hoerner, Rochelle Eick, and Amy Hullet.

Bismarck-Mandan BOARD OF REALTORS®

We are most excited to share that we already have over 180 people signed up for the 2014 REALTOR® Convention of the Dakotas!! The Convention Committee had a blast with designing the promotional booth that was on display during the convention in Rapid City, and with helping the many folks who stopped by to register and get their "Welcome Aboard" photos taken. The video was a huge hit as well when it was presented at the NDAR and SDAR Board meetings and at Friday morning's breakfast. A huge debt of gratitude to Amy Hullet, Karin Haskell, Terri Benson-Holmstrom, Kristi Bohl, Lynnell Strothman, Mary Shelkey-Miller, Dave Hoerner, Rochelle & Tom Eick, Judy Maslowski and the others who spent time helping out. And, now we'll launch into the planning and details of all that needs to be done in order to "wow" you next year when we host the convention here, in Bismarck-Mandan! Be sure to visit www.bmbor.org for more information on the event and to see the short video.

Speaking of the convention, we are proud to say our own Vicki Roller and Greg Larson were installed as officers of the state association, and Judy Maslowski and Sandy Retterath received the Champions of Affordable Housing

awards from North Dakota Housing Finance. As last year's NDAR REALTOR of the Year, Vicki was also on stage to present that award to this year's recipient, Diane Zietz from Dickinson.

The August membership lunch featured an enlightening presentation from the director of the Ruth Meiers Hospitality House, our area's provider of services for the homeless population. They have big plans for new facilities and services. We are on tap for the October lunch to hear from Lynn Helms, Director of the Department of Mineral Resources for the state of North Dakota. He will talk about what's going on in the oil patch and the projections for future activity.

Congratulations are in order: From the annual election, new directors are Pat Vannett, Alliance Real Estate; Lore Schneider, Century 21 Morrison; and Duane Bentz, Bianco Realty. Amy Hullet was elected as Vice President. Life Membership was approved for Bill Schlosser, Century 21 Morrison Realty. Congratulations to all!!

President-elect Bob Johnson underwent surgery on September 25 in Fargo to remove a tumor from the lining of his brain. At this writing (the day after surgery), he is doing as well as they expected and early indications show no signs of a stroke. Our very best wishes, thoughts and prayers to Bob and his family during his recovery.

Happy fall!

Nancy Deichert, *RCE*
Association Executive

Grand Forks Area Association of REALTORS®

The market in Grand Forks is very active. The only drawback is the lack of inventory, but sales have been brisk with no sign of slowing down. In the third quarter of this year sales volume is up by 10, average sold price has jumped by 6% and days on market has decreased by 20%, compared to the same time frame of 2012. Year to Date sales volume is up by 8%, average sold price is up by 10% and days on market has decreased by 13% compared to the same time frame of 2012. Lack on inventory still remains an issue in Grand Forks.

Our Christmas Party is scheduled for the middle of January this year. We are hopeful that peoples busy holiday schedules will have slowed down and will allow more to attend.

Locally the Grand Forks Area Association of REALTORS® committees are busy making plans for fall and winter events and public relation projects. In November we will be decorating a Christmas tree for the Listen Center. These trees are auctioned off and then donated to needed families in the area.

Our annual Adopt-a-Family program is gearing up

Chips continued to page 7

***Chips** continued from page 8*

now. We receive gift requests from six needy families in Grand Forks and then we fulfill those requests for Christmas. This program is done in conjunction with Grand Forks County Social Services and is an extremely rewarding for all who participate.

And of course, we are preparing for the December 6 REALTOR® Ring Day.

John Colter,
Association Executive

Jamestown BOARD OF REALTORS®

The Jamestown Board of REALTORS® recognized the Affiliates this past month with a question and answer session, which was very informative on financing and home inspection issues. Right now we have a relatively small supply of homes on the market. The average prices are increasing as the supply of homes for sale becomes smaller. The average sale is about \$133,000 in the past 12 months. Scott Breidenbach, NDAR President will be attending our noon luncheon in October, we look forward to having him attend. We are starting our planning for the annual REALTOR® Bell Ringing and our major fundraiser Christmas party, which will be held on December 5th at the Gladstone Hotel and Convention Center.

Diane Dillman,
Executive Officer

Minot BOARD OF REALTORS®

We continue to build, build, and build and this has kept the real estate market, simply put, quite busy. The growing pains are obvious with the increased traffic and new stores, restaurants and mini malls.

We completed the 36th year of the Norsk Høstfest in Minot and many of our local REALTORS® are among the 4,000 volunteers that make it happen every year. It's the largest Scandinavian festival in North American and we hope that if you have never attended, do so. It provides the best in food, entertainment and shopping.

Many of you will have an opportunity to meet our new staff addition, Beth Mayer, who was hired as our administrative assistant. I look forward to working with her as she joins the REALTOR® family. We have had several "meet & greets" and visited with our Real Estate Commissioner Pat Jergenson, Jill and the NDAR staff, Nancy Deichert, and the staff at the Bismarck/Mandan Board of REALTORS. By this time many of you have met her at the NDAR Board of Directors and Retreat held in Minot earlier this month. She will be

joining us for the National convention in San Francisco in November and you will have an opportunity to meet here there also.

Michael McEown,,
Association Executive

Wahpeton-Breckenridge BOARD OF REALTORS®

We had our board meeting and presented the plaques for 'REALTOR® of the Year' to Shelly Zach and our 'Affiliate of the Year' to Jeremy Remily from American Federal Bank; congratulations to them! We wanted to thank Scott Breidenbach and Jill Beck for visiting our board and being present for the meeting and also met with just REALTORS® afterward. We are now planning for Ring the Bell Day for the Salvation Army and our Christmas Potluck with REALTORS® and affiliates. Our market is very busy and as usual, short of listings!

Steve Diederick
President



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Affordable Care Act

Background

The Patient Protection and Affordable Care Act (ACA), often called "Obamacare", was signed into law in March of 2010. Among other provisions, the statute requires the creation of insurance marketplaces or exchanges allowing consumers to shop for health insurance.

States have the option of administering the exchange themselves or simply directing consumers to the federal website to obtain coverage. In North Dakota, the state legislature opted for a connection to the federal website, rather than administering the exchange in state.

Each state is required to offer plans for individuals, organizations and small businesses and to cover "essential benefits." Essential benefits is the term used for the minimum coverage that each insurance plan must contain, regardless of the size or expense of the plan. Although essential benefits in each state may vary, they must include the following 10 healthcare services:

- Coverage of outpatient care
- Coverage of rehabilitative and habilitative services
- Coverage of prescription drugs
- Coverage of preventive and wellness services
- Coverage of emergency care
- Coverage of laboratory services
- Coverage of mental health services
- Coverage of pediatric care
- Coverage of hospitalization
- Coverage of maternity and newborn care

The law also eliminates lifetime limits on essential medical expenses; prohibits insurers from dropping coverage, raising premiums or denying coverage if a pre-existing condition exists; allows children to remain on their parents' health plans until age 26 and caps annual out-of-pocket medical and drug expenses at about \$6,400 for individuals and \$12,800 for families. It is assumed that deductibles and co-pays are included in the calculation of out-of-pocket expenses. Each state's insurance commissioner's office still must ensure companies offering health insurance are licensed and meet all ACA and state requirements.

Employers with 50+ employees

Beginning in 2015, employers with 50 or more full-time equivalent (FTE) employees must offer health insurance coverage for their employees and dependents or pay a fine. A full-time employee is defined as one who works 30 hours or more per week, averaged over the course of a month. Part-time employees' hours will need to be

tracked to determine whether the 30-hour-per-week threshold is met. If so, they and their dependents also would need to be covered under your plan. Employers with fewer than 50 FTE employees are not required to offer health insurance coverage. Health insurance plans offered by employers must meet all of the essential benefit and coverage and cap requirements described above. If employees waive coverage, a summary plan comparison must be provided to them during the annual enrollment period and within 90 days for new hires.

Employers offering coverage

Effective January 1, 2013, all employers providing health coverage must report the full cost of the premium paid for the employee's coverage level on his or her W-2, Box 12, Code DD. The amount is not taxable but is for informational purposes.

All employers

Effective October 1, 2013, all employers, regardless of size, were required to provide a notice to their employees of the existence of state health insurance marketplaces or exchanges.

Employers with less than 50 employees

Employers with fewer than 50 full-time equivalent employees may purchase health insurance via their state's small-group insurance market or the new small-employer marketplaces known as the Small Business Health Option (SHOP) exchanges. Organizations that have fewer than 25 FTE employees, an average wage of \$50,000 or less, pay 50 percent of the employee's premium, and purchase through their state's SHOP are eligible for two years to receive a tax credit of up to 35 percent of insurance premiums paid. Employers should be able to find plans meeting the requirements of the new tax credit and the new law on their state's Small Business Health Option Web site or through traditional insurance brokers who agree to work through the SHOP exchange. Small employers that could not afford to offer coverage due to its cost may now consider doing so because they may be eligible to receive the tax break. These SHOP exchanges will be available in a small number of states in 2014 and are required to be available in all states by 2015. Beginning in 2016, SHOP exchanges must have plans available for organizations with 50 to 100 employees.

Note: Group health plans that were created—or an individual health insurance policy that was purchased—on or before March 23, 2010, are exempt from many changes required under the Affordable Care Act.

Affordable Care Act continued to page 9

Affordable Care Act continued from page 9

Medicaid

Changes also have been made to the Medicaid program, which is a shared state/federal public health insurance plan available to individuals and families who qualify based on income level. The income level to qualify was raised to at or below 138 percent of the federal poverty level and for the first time ever childless adults became eligible. These changes were termed "Medicaid expansion." Each state, including North Dakota, also has various other eligibility requirements in addition to qualifying age and income.

Note: In the Supreme Court decision confirming that the ACA was constitutional, the Court also said that because Medicaid is a shared state/federal program, states could opt out of Medicaid expansion. In North Dakota, the state legislature chose to approve expanding Medicaid.

Health Insurance Coverage required

By 2014, all individuals are required to be covered by health insurance, with some exceptions. Subsidies to help cover the costs of premiums are available to low- and moderate-income families who are not covered by employer insurance, are not eligible for Medicaid and who make as much as 400 percent of the federal poverty level (that's \$45,960 for individuals and up to \$94,200 for a family of four). There also are exemptions under certain circumstances. For exceptions to coverage under ACA, go to the U.S. Department of Health and Human Services exemptions page <https://www.healthcare.gov/exemptions/>

For more information about the ACA, the following resources are available:

U.S. Department of Health and Human Services
<https://www.healthcare.gov/>

North Dakota Department of Human Services
<https://apply.dhs.nd.gov/>

North Dakota Insurance Department
<http://www.nd.gov/ndins/healthcarereform/>


Blue Cross Blue Shield of North Dakota
<https://www.bcbsnd.com/healthreform>

Sanford Health Plan
<http://sanfordhealthplan.org/>

Health.gov Website with Additional Resources and Calculators for Individuals and Small Businesses:
<http://www.health.gov>

Helpful FAQ (Kaiser Family Foundation)
<http://kff.org/health-reform/faq/health-reform-frequently-asked-questions/>

(Some information for this article was taken from NAR's website)

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A Legal Review

By Casey Chapman



Casey Chapman,
Attorney at Law,
NDAR Legal Council

Earnest Money Options

Let's face it, earnest money can be an absolute headache. A recent article in REALTOR® magazine confirms that earnest money is a headache, not only in North Dakota, but in other parts of the country. Although that thought does not solve the problem, sometimes there is comfort in knowing that we share the pain.

Jonathan Goodman, who is an attorney in the Boulder, Colorado, law firm of Frasca Joiner Goodman and Greenstein, PC, penned the article called Earnest Money Battles. Many of you will recognize the name Frasca, as the last name of Oliver Frasca, a very talented and popular speaker on agency and other issues.

Mr. Goodman, in his article, poses the all too common example of the buyer, who validly exercises a contingency on financing, but faces the seller who simply refuses to authorize release of the earnest money. Listen to Mr. Goodman's words, "It would be nice to hope for a lightning bolt of common sense to strike someone whenever he or she so clearly breaches the contract, but the reality is that contracts don't enforce themselves and filing a lawsuit is an expensive, stressful, and uncertain action to take." Oh, how many times have we all lived through that situation? Mr. Goodman then goes on to suggest some possible options, in the transaction, to ease these difficulties.

It is interesting, and perhaps comforting, that most of his suggestions have been used, and/or are being used, in North Dakota.

One thought is to decline to put up earnest money. That invites the old question of whether actual money is necessary as consideration for the agreement. He

points out that a promise for a promise can be sufficient consideration. He also points out, however, that sellers may be reluctant to accept the lack of an earnest money deposit. In North Dakota real estate contracts, we do typically use earnest money. Although there is no specific law stating that there absolutely must be a money deposit in a real estate contract, I would be concerned that, given the traditional practice in North Dakota, a judge might be reluctant to enforce a real estate contract without any earnest money.

Among his other options, he talks about making earnest money payments in stages. As an example, the buyer puts down a certain amount of earnest money and then, once contingencies have been cleared, the buyer is required to place more earnest money, as additional assurance to the seller. I have seen North Dakota purchase agreements with those terms. Although well intended, the practical problem which I see with that clause, in our current market, is that many of the contingencies, such as financing, appraisal, and the like, are not resolved until the eve of closing. Thus, the purchaser probably wouldn't be required to place more earnest money until closing, a reality which would make the clause meaningless. However, this option is still a great suggestion in the right circumstances, so keep it in mind.

Legal Review continued to page 11

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New NDAR Website

The Technology committee put together a taskforce to find a new website for the state association. The taskforce went through a few vendors, finally setting on Graner

Media out of Minnesota. The web address has stayed the same (www.ndrealtors.com), just has a different look. Please take a look and provide any feedback!



Legal Review continued from page 10

Mr. Goodman also references what he calls a "sue or shut up" clause. This is the type of clause, which is currently used in the Bismarck-Mandan purchase agreement form. Such a clause states that, in the event that the buyer claims termination of the contract and demands return of the earnest money, and if the seller refuses, the seller must commence legal action within a specified period of time to claim the earnest money. If the seller does not commence legal action, within specified period of time, the broker is then authorized to return the earnest money to the buyer, without the seller's consent. In the words of Mr. Goodman, "It is easy for a lazy seller to decline to authorize the release of earnest money; it requires tenacity for the seller to file a suit to hold the money back." Such a clause will not resolve all earnest money problems, but it certainly offers another viable way to move earnest money disputes in the direction of resolution.

Another option suggested by Mr. Goodman is to place the issue of attorney fees into any earnest money dispute. This type of clause is called the "loser pays" clause. Under that type of clause, if the matter goes to court, the losing party pays the successful party's attorney fees.

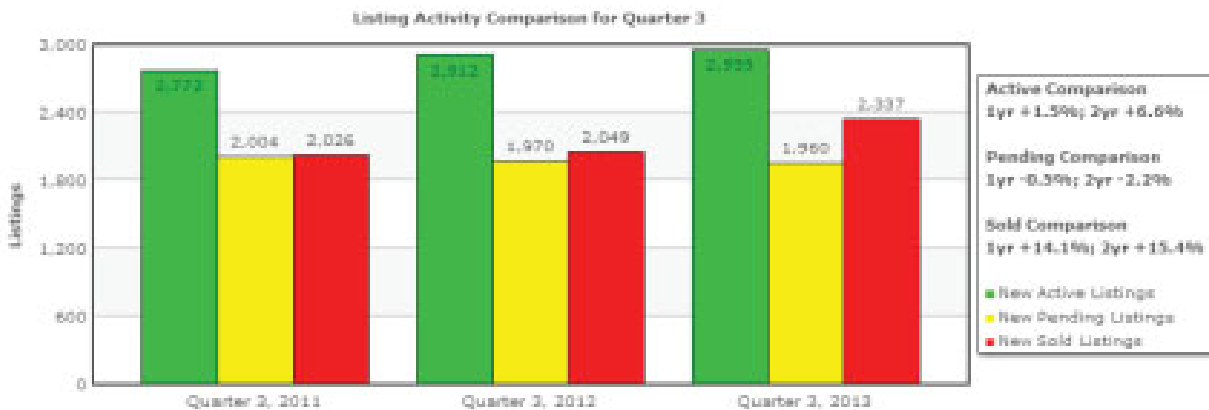
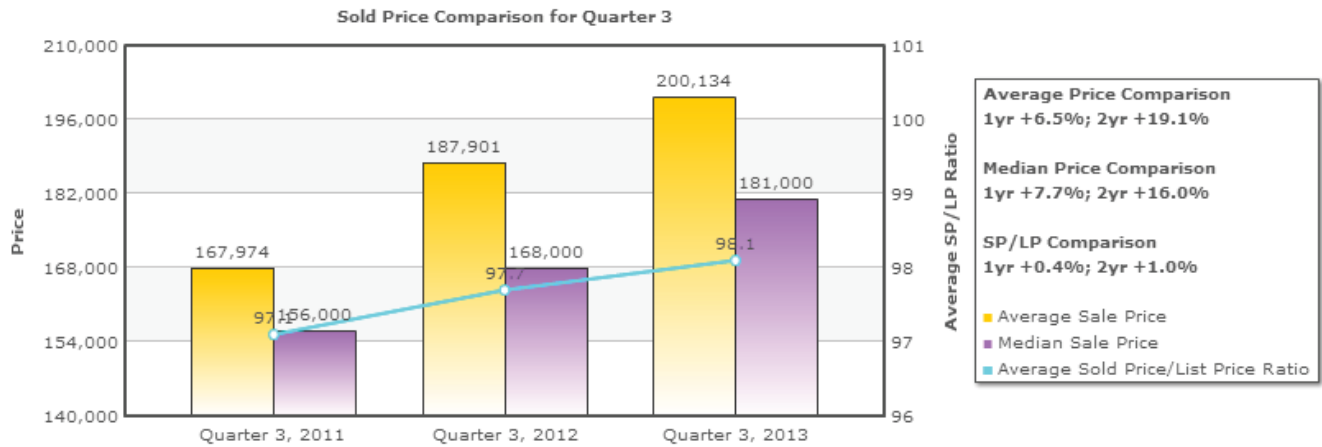
This is a concept often found in commercial agreements but, in North Dakota, rarely found in residential contracts. North Dakota law says that, in litigation, each party pays their own legal expenses, except in certain limited circumstances. The North Dakota Supreme Court has expressed the view that, in a commercial contract, where the parties are presumably more sophisticated, a "loser pays" clause is probably enforceable. There is no such clear indication in consumer agreements; therefore, if such a clause were to be used in North Dakota, it would be suggested that, in order to enhance enforceability, the parties should actually place initials, or even signatures, adjacent to the clause.

Mr. Goodman offers good options and, as noted, it is comforting to know that we are apparently keeping pace with most of the earnest money options in other jurisdictions. Purchase agreement language, using these options, as well as good explanation of earnest money issues by REALTORS® at the time of contracting, will go a long way toward easing some of those earnest money headaches.

North Dakota Statistics

Figures presented:

- Are deemed reliable, but not guaranteed;
- Are based on information received from the eight local boards/associations in the state;
- Do not necessarily reflect all activity in a market.



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Real Estate Transfer Tax

Government Affairs – Nancy R. Willis, GAD

As all of you know, in 2012, a group called Empower the Taxpayers of North Dakota was able to collect enough signatures to place Measure 2 on the June ballot. The measure would have amended the ND Constitution to strictly limit municipalities' ability to levy property taxes. Had it passed, any revenue lost would have needed to be replaced by the state. The rationale was that state government is holding back too much state oil revenue in reserve funds, rather than providing property tax relief to North Dakota residents. Although it was defeated, NDAR recognized that in the current environment taxpayers are looking for property tax relief and local and county municipalities and others are looking for new sources to replace property tax revenue. In August 2012, NDAR also was aware that real estate transfer taxes had been adopted successfully in 36 states and D.C., proposed and defeated in Arizona, Louisiana, Missouri, Montana and Oregon and that the South Dakota Legislature was considering a proposal to increase that state's real estate transfer tax. (It was subsequently defeated)

Real Estate Transfer Taxes, sometimes called "deed recordation taxes," usually take the form of a point-of-sale tax, equal to a percentage of the final sales price or value of the property transferred. The tax is commonly collected by the local official responsible for recording deeds to real estate and it must be paid prior to the deed to the property being recorded. In a number of cases, the tax is paid and evidenced by the affixing of stamps to the deed. In some states and localities, statutes include certain exemptions from real estate transfer taxes, such as for first-time home buyers, or up to a certain level of transaction value.

Some of these real estate transfer taxes have been in place since the 1910's, but most were enacted in the 1960s. In 13 states that have real estate transfer taxes in place, the initial tax rate has been increased twice and in 28 states (including the 13) unsuccessful attempts to raise rates have occurred. During the last 16 years, there have been persistent attempts to enact transfer taxes in states that don't currently levy the tax and once enacted, state legislatures have persistently attempted to increase the tax rate. When they have been successful, they have increased the tax rate on average, 80% each time they have been raised. The National Association of REALTORS® opposes taxes on real estate transfers because it inhibits the buying and selling of real estate; makes housing less affordable; supports public services that benefit the many by taxing the few and creates a "double tax" because most homeowners pay property taxes and a real estate transfer tax is another tax on the same piece of property.

So in August 2012, NDAR began working to ensure a real estate transfer tax would not be enacted in North Dakota. A member survey was conducted to gauge member support for seeking legislative approval to place a constitutional amendment on the November 2014 ballot to ban real estate transfer taxes. Surveys also were conducted on ballot language, based on activity in other states, both with and without this tax. Support was identified and in September 2012 at a joint NDAR Board of Directors and General Membership meeting, the decision to seek a constitutional

Transfer Tax continued to page 19

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RPAC Corner



Ron's Ranting

Ron Volk,
NDAR RPAC Trustee

Good Ole Boys Club

I thought I would write a little bit about the role of the RPAC Trustees and how it functions. The Trustees consist of one member from each board. North Dakota presently has 8 Boards and one member from each Board is to be appointed by our State NDAR President with the recommendation coming from the local Board President. These members are voting members with the NDAR State Political Affairs Chair and the RPAC Fundraising Chair acting as ex-officio non-voting members. They may participate in all meetings and discussions along with any REALTORS® that are current RPAC members. All appointments made by the NDAR President shall be confirmed by our State Board of Directors. The RPAC Trustees shall have supervision and control over the affairs and funds of the RPAC Committee.

In my role as a member of the Trustees and also the Bismarck-Mandan RPAC and State RPAC Committees, I have talked with many people about our function and

also how we spend the RPAC contributions. I know some people have referred to us as the "Good Ole Boys Club". I guess this is because several of us have been members for a period of time. I have been a Trustee continually since 1997 and that my friends, is a scary 17 years. We can always use new faces so just talk to your local Board President if you really do have the desire to help make a difference. We don't serve the Democratic Party or the Republican Party, we only serve the REALTOR® PARTY and we are deeply dedicated to that end. Our State membership is basically split 50-50 by political affiliation so we cannot and will not lean towards one party over another because of our own political beliefs. We try as hard as we can to support the person that best supports our communities and our REALTOR® PARTY.

The Duties of the RPAC Trustees by definition is that we shall have supervision and control over the affairs and funds of the RPAC Committee and they shall establish and carry out all policies and activities of the committee.

In coming months I would like to comment on, "What is RPAC" and "What is Issues and Mobilization".

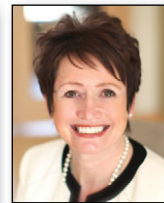
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Isakson Earns RPAC ND Hall of Fame Status

Peggy Isakson, senior sales associate with Coldwell Banker/First Realty of Fargo/Moorhead, has achieved Hall of Fame Status in the REALTORS® POLITICAL ACTION COMMITTEE (RPAC) North Dakota Hall of Fame.

"I am a firm believer in RPAC. If we did not give to RPAC, we would not have someone watching out for us in this crazy political time when bills get slipped in that would be very detrimental to the real estate business and real estate ownership both nationally and locally."



Peggy Isakson

Isakson has 13 years of experience as a real estate agent and has been very active in professional real estate activities both at the local and state levels including serving as the 2010 President of the Fargo/Moorhead Association of REALTORS®; being selected

as 2008 REALTOR® of the Year for the Fargo/Moorhead Association and attaining top producer status numerous times.

Hall of Fame status requires annual investments to the REALTORS® POLITICAL ACTION COMMITTEE (RPAC) that must result in an aggregate lifetime total of at least \$10,000.

RPAC, the REALTORS® POLITICAL ACTION COMMITTEE, is non-partisan and supports candidates who support the real estate industry.



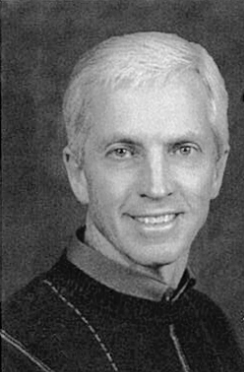
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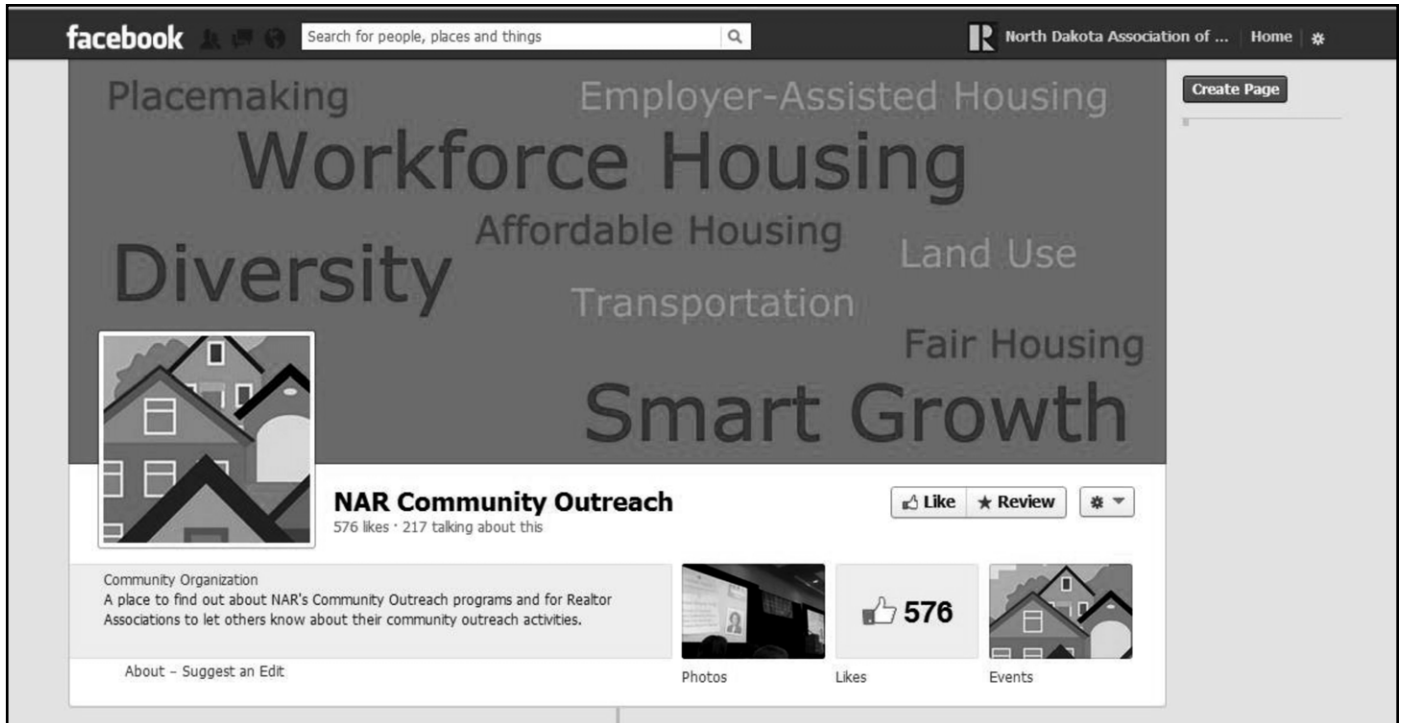
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Check out the New Community Outreach Facebook Page

The REALTOR® Party has new Facebook page on Community Outreach programs. The programs focus on three areas – diversity, housing opportunity and smart growth. Watch this page for news and updates, and

most importantly, we want to hear from our members and associations on your community outreach activities and involvement.

www.facebook.com/NARCommunityOutreach



2013 REALTOR® RING Day

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Friday, December 6



Housing Agency Recognizes Outstanding Real Estate Agents

BISMARCK, ND - The North Dakota Housing Finance Agency (NDHFA) honored three real estate agents with Champion of Affordable Housing Awards at the REALTOR® convention of the Dakotas. The awards recognize and celebrate outstanding contributions to North Dakota's affordable housing industry.

"The assistance of a good real estate agent is essential if you want to be successful in today's marketplace," said Jolene Kline, NDHFA acting executive director. "The agents that represent NDHFA's programs to their clients provide a valuable resource that enables the buyers to more easily obtain a home they will love and be able to afford."

The agents recognized by NDHFA are Judy Maslowski of Bianco Realty in Bismarck; Sandra Retterath of Retterath Real Estate in Hazen; and Olivia Wellenstein of Continental Real Estate, Inc. in Dickinson.

"Champion Award recipients are judged on their promotion of NDHFA's homeownership programs," said Dave Flohr, NDHFA homeownership division director.

Maslowski has been a real estate agent for six years. When she's not assisting homebuyers, she loves decorating, reading and spending time with her two-year-old twin granddaughters and one-year-old grandson.

"My favorite part of helping first-time buyers is helping them achieve the dream of their first home and the enthusiasm they have! I love answering their questions and guiding them through the process," said Maslowski.

Retterath has been a real estate agent for more than 20 years. She serves as board vice president for CommunityWorks North Dakota and teaches homebuyer education. In her free time, Retterath loves spending time with her three children and four grandchildren. She also enjoys camping, boating and traveling, and recently joined the Prairie Rose car club.

"It is such an accomplishment when homeowners get their first home," said Retterath. "Working with buyers is so rewarding for me."


Wellenstein taught business and physical education at Dickinson High School for 31 years before beginning a career in real estate. She has been a real estate agent since 2005.

"I love closing on homes with first-time homebuyers. They are so excited to be able to buy a home rather than rent," said Wellenstein. "It's a good feeling to help them accomplish their goal."

NDHFA began recognizing Champions of Affordable Housing in 1995. For more information about the agency's FirstHome™ program or the Champion awards, contact Dave Flohr at (701) 328-8080, (800) 292-8621, (800) 366-6888 (TTY) or info@ndhfa.org.

The Industrial Commission of North Dakota, consisting of Governor Jack Dalrymple as chairman, Attorney General Wayne Stenehjem and Agriculture Commissioner Doug Goehring, oversees NDHFA.



Media Contact: Sarah Mudder, 701-328-8056 or smudder@ndhfa.org



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Ever have questions about RPAC or Issues Mobilization but don't know where to go? The 2012 RPAC Fundraising Committee has put together an informational RPAC website for all ND members. The site lists RPAC and Issues Mobilization

accomplishments, how to invest, and so much more! It also provides a link to the National REALTOR® Action Center for all NAR-related RPAC information. Check out www.rpacnorthdakota.com for all your RPAC questions.

REALTOR® Safety Tips

1) Keep it light

Show properties before dark. If you are going to be working after hours, advise your associate or first-line supervisor of your schedule. If you must show a property after dark, turn on all lights as you go through, and don't lower any shades or draw curtains or blinds.

2) Checking-in

When you have a new client, ask him/her to stop by your office and complete a Prospect Identification Form (Find a copy online at www.REALTOR.org/Safety). Also, photocopy their driver's license and retain this information at your office. Be certain to properly discard this personal information when you no longer need it.

3) Open house:

It ain't over til it's over. Don't assume that everyone has left the premises at the end of an open house. Check all of the rooms and the backyard prior to locking doors. Be prepared to defend yourself, if necessary.

4) Pick up some self-defense skills

The best way to find a good self-defense class is to learn what is available, and then make a decision. Many health clubs, martial arts studios and community colleges offer some type of class. You can also ask your peers, friends and family if they have taken a self-defense class that they would recommend.

5) Touch base

Always let someone know where you are going and when you will be back; leave the name and phone number of the client you are meeting and schedule a time for your office to call you to check in.

6) You take the wheel

Whenever possible, take your own car to a showing. When you leave your car, lock it.

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Global Reach, Local Focus

Transfer Tax continued from page 13

amendment was re-affirmed. Some questioned why the pursuit of a constitutional amendment vs legislation, but as you read above, legislation in states with this tax often results in a re-visit and increase in the future.

During the 2013 ND Legislative Session, Scott Louser, a broker/REALTOR® from Minot and a state representative (R-5), who also originally brought this tax issue to NDAR's attention, was the primary sponsor in introducing House Concurrent Resolution 3006 to put the measure on the 2014 ballot. The resolution was passed and this measure will be on the November 2014 ballot.

We will be asking support from all NDAR members to ensure that voters vote YES to enact a new section to article X of the North Dakota Constitution to prohibit the imposition of mortgage taxes or any sales or transfer taxes on the mortgage or transfer of real property. NDAR has established a Transfer Tax Steering Committee and with NAR's help will be engaging in a campaign to inform and educate voters about the importance of voting YES on this measure. We will run advertising and have materials for you to use in this effort. In the meantime, we urge you to take every opportunity that presents itself to talk to your families, friends, neighbors, colleagues, clients, etc. to educate them about this issue and encourage them to vote YES on Measure 2 (our measure) on the November 14, 2014 ballot.

A real estate transfer tax affects all real property whether residential, commercial or agricultural. NDAR is opposed to it for all of the same reasons NAR is opposed to it, especially because it adds a financial burden on individuals that are parties to the transaction and so may reduce the number of people who can afford to buy property, reduce the availability of property for sale and may be passed onto renters by landlords who have had to pay this tax when they buy property. All of these things affect your business. If you would like to volunteer to assist us with the campaign or have any questions about this issue, please contact Nancy R. Willis, at 701-355-1010 or by e-mail at nancy@ndrealtors.com. (Some information for this article has been taken from an NAR presentation entitled "History of Real Estate Transfer Taxes")

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National Flood Insurance Program

Fundamental Issue

Congress must authorize the National Flood Insurance Program (NFIP) to write or renew flood insurance policies, which are required in order to obtain a mortgage in the 100-year floodplain. Without the NFIP, 5.6 million home- and business owners in 20,000 communities nationwide would not be able to obtain a mortgage or insurance to protect their properties against flooding, the most expensive and common natural disaster in the U.S. The NFIP was created because of the lack of available flood insurance in the private market, which is still true today. It also reduced the number of uninsured properties that otherwise would be rebuilt with taxpayer-funded disaster relief after major floods.

National Association of REALTORS® (NAR) Policy:

NAR supports:

1. Renewing and strengthening the long-term viability of the federal flood insurance program;
2. Maintaining funding to update and improve the accuracy of flood maps, which are used to determine which properties require flood insurance; and
3. Including comprehensive coverage for properties including non-primary residences and reforms to ensure "full risk" premiums for properties with repetitive insured losses.

Legislative/Regulatory Status Outlook

In July 2012, Congress reauthorized the NFIP for another 5 years under the "Biggert-Waters" Act. Before, the program had been operating month-to-month and shutdown repeatedly, stalling more than 40,000 home sales in June 2010 alone. Reauthorization brought certainty to real estate transactions in more than 20,000 communities nationwide where flood insurance is required for a mortgage. It was a significant development for the 5.6 million business- and homeowners who rely on the NFIP, as well as U.S. taxpayers who will spend less on federal assistance for flood disasters as a result.

In addition to reauthorization, Biggert-Waters phases-out subsidized flood insurance rates for properties purchased after July 2012 and, when new maps are issued, "grandfathered" properties which were allowed to keep lower rates based upon older flood maps. The law also directed FEMA to report on the affordability of these reforms so Congress could consider the impact as they took effect. That congressionally mandated report is now overdue.

To date, the House passed a 2014 Department of Homeland Security (DHS) Appropriations bill (H.R. 2217) that would delay the phase-out of "grandfathered" insurance rates for another year. However, the full Senate

must vote on the measure as reported by the Senate Appropriations Committee on July 18, 2013. While the extension is included in both draft versions, NAR is continuing to press for inclusion in any short-term or final appropriations bill that is sent to the President. Also, despite the fact that both the House and Senate versions address grandfathered rates, neither addresses scheduled rate increases for properties that change ownership after passage of the Biggert-Waters law.

On a separate track from Biggert-Waters, FEMA continues to update the floodplain maps (determining where flood insurance is required) under an on-going Map Modernization Initiative. This and a spate of insurance company policy adjustments may be contributing to recent reports of significant increases in rate quotes in some coastal communities. NAR is working with FEMA to determine the cause of the rate quotes and provide Congress with the most factual and well documented report possible on the overall affordability of flood insurance, post reform.

Those who support the provisions in Biggert-Waters argue that federally subsidized flood insurance premiums keep insurance rates too low, undercut the private market for flood insurance, encourage development in flood-prone areas, and force the NFIP to borrow from the federal government to cover flood claims. Without the increases, neither subsidized properties nor "grandfathered" properties pay rates that accurately reflect the risk of flooding.

NAR's message is that Congress should not let the rate increases go into effect until FEMA can submit its report so that Congress understands the full impact of these reforms on homeowners.

Current Activities

Due to the government shutdown, no legislation has moved in Congress related to Biggert-Waters. However, Section 205's implementation has gone into effect. Section 205—Reform of Premium Rate Structure -- identifies the properties that now will be excluded from receiving subsidized premium rates, which is of great concern.

Also of great concern is Section 207, which says that on the effective date of any revised or updated flood insurance rate map under the Flood Disaster Protection Act of 1973 or Biggert-Waters, any property located in an area participating in the NFIP shall have the risk premium rate charged for flood insurance accurately reflect the current risk of flood to such property, subject to any other provisions of Biggert-Waters.

The legislation continues by stating that any increase will be phased in over a period of five years at the rate of

NFIP continued to page 21



Calendar of Events

Updated 10/4/13

January S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	February S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	March S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	April S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
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2013

Nov 6-11 NAR Convention, San Francisco, CA
Dec 4-5 December Education, Bismarck
Dec 6 REALTOR® Ring Day

2014

Jan 8-9 NDAR BOD and Committee Mtgs, Bismarck
Mar 12-15 AE Institute, Baltimore, MD
April 16-17 NDAR BOD and Committee Mtgs, TBA
May 12-17 NAR Midyear Mtgs, Washington, DC
July 23-24 NDAR BOD and Committee Mtgs, Fargo
Aug 18-19 NAR Leadership Summit, Chicago, IL
Sept 10-12 REALTOR® Convention of the Dakotas, Bismarck
Oct TBA NDAR BOD and Committee Mtgs, TBA
Nov 5-10 NAR Convention, New Orleans, LA
Dec 5 REALTOR® Ring Day

2015

Mar 13-16 AE Institute, Vancouver, BC
May 11-17 NAR Midyear Mtgs, Washington, DC
Aug 20-21 NAR Leadership Summit, Chicago, IL
Sept 16-18 REALTOR® Convention of the Dakotas, Watertown, SD
Nov 11-16 NAR Convention, San Diego, CA

2016

Mar 11-14 AE Institute, San Antonio, TX
May 9-14 NAR Midyear Mtgs, Washington, DC
Aug 25-26 NAR Leadership Summit, Chicago, IL
Sept 14-16 REALTOR® Convention of the Dakotas, Fargo, ND
Nov 2-7 NAR Convention, Orlando, FL

NFIP continued from page 20

20% per year following the effective date. For areas not previously designated as having special flood hazards, but which become designated after the issuance, revision, updating or other change in a flood insurance map, the effective date will be when someone purchases a property in that area. Their premiums will change to reflect the current risk of flood to such property and any increase also will be phased in over five years at the rate of 20% per year following date of purchase.

Greater New Orleans, Inc. (GNO), a regional economic development alliance serving the 10-parish region of Southeast Louisiana, has created a business and trade association coalition to advocate for a delay of these sections and for changes to Biggert-Waters. In early October, GNO drafted a letter addressed to the chairmen and ranking members of the House Financial Services Committee, the committee responsible for this issue, reflecting these requests. GNO contacted Associations of REALTORS®; Banking Associations, Homebuilders' Associations, Chambers of Commerce, Economic Development organizations and others nationwide asking them to support this effort and to sign onto the letter. NAR signed on. NDAR also signed on as we have numerous North Dakota homeowners required

to carry flood insurance and others who will need to carry flood insurance if they purchase property. The premiums being discussed are astronomical and could have a serious impact on the purchase of homes in areas participating in the NFIP.

Recently, GNO drafted another letter on behalf of Senator Mary Landrieu (D-LA) addressed directly to President Obama. It asks the President to administratively delay premium increases for grandfathered and pre FIRM properties. They contacted all states asking for assistance in persuading other U.S. Senators and others to sign off on the letter. Both Sens. Heitkamp and Hoeven did.

What we need from REALTORS® are stories. Have you had any current homeowners wanting to sell because they are telling you that they will no longer be able to afford their flood insurance? Have you had buyers who are leery about buying because of the cost of flood insurance? Have you heard of any substantial increases in NFIP? Please let us know.

Both NAR and NDAR will continue to advocate on your behalf on this issue.

2014 National Committee Appointments

<p align="center">Jill Beck Board of Directors</p> <p align="center">AEC-State EO Forum</p> <p align="center">Association Executives Committee</p> <p align="center">RPAC Trustees Fundraising Committee</p>	<p align="center">Daryl Braham Board of Directors</p> <p align="center">Meeting and Conference Committee</p> <p align="center">Multiple Listing Issues and Policies Committee</p> <p align="center">Nominating Committee</p>	<p align="center">Scott Louser RPAC Participation Council (Chair)</p> <p align="center">RPAC Trustees Fundraising Committee</p> <p align="center">Strategic Planning Committee</p>
<p align="center">Greg Larson Housing Opportunity Committee</p>	<p align="center">Scott Breidenbach Business Issues Committee</p>	<p align="center">Jim Dunavan Land Use Property Rights & Environment Committee</p>
<p align="center">Bob Lee RPAC Participation Council</p>	<p align="center">Mary Splichal Consumer Communications Committee</p>	<p align="center">Ron Volk REALTOR® Party Member Involvement Committee</p>
<p align="center">Barbara Grande Professional Standards Comm.</p> <p align="center">Broker Involvement Council</p>	<p align="center">Vicki Roller Board of Directors</p> <p align="center">Membership Policy & Board Jurisdiction Comm.</p>	<p align="center">David Lanpher MLS and Policies Committee</p> <p align="center">Real Property Valuation Committee</p>
<p align="center">Larry Louser RPAC Major Investor Council</p>	<p align="center">Arlene Volk Public Policy Coordinating Committee</p>	<p align="center">Sharon Lunski Federal Financing & Housing Policy Committee</p>
<p align="center">Dewey Uhler Board of Directors</p> <p align="center">Business Issues Policy Committee</p>	<p align="center">Denise Messmer Conventional Financing & Policy Committee</p>	<p align="center">Jerry Youngberg Global Business and Alliances Committee</p> <p align="center">Public Policy Coordinating Committee</p>
<p align="center">Cindy Harvey Risk Management Committee</p>		<p align="center">Diana Zietz Risk Management Committee</p>

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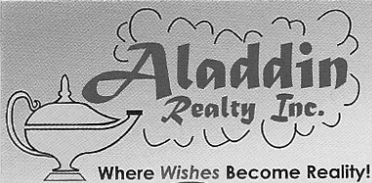
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