Ventura County Coastal

Official Publication of the Ventura County Coastal Association of REALTORS

App Store

March/April 2019

Notes

Fair Housing Is Still Everyone's Concern

. Instagram

Page 10

Also Inside

Leadership Academy Class Announced Page 4
New Personal Finance Column Debuts Page 15

YOUTH



GENERAL CONTACT INFORMATION 805-981-2100 - PHONE 805-981-2107 - FAX VCCAR@VCREALTORS.COM

ADMINISTRATIONWYNDI AUSTIN, CHIEF EXECUTIVE OFFICER 805-973-8576 WYNDI@VCREALTORS.COM

ASHLEY GLYER, EXECUTIVE ASSISTANT & PROFESSIONAL STANDARDS ADMINISTRATOR

805-973-8568 ASHLEY@VCREALTORS.COM

MLS ANNE O'SHEA-GREENFIELD, MLS DIRECTOR 805-973-8571 ANNE@VCREALTORS.COM

ROSA SALAZAR, MLS CUSTOMER SUPPORT & COMPLIANCE REALTOR STORE 805-973-8573 ROSA@VCREALTORS.COM

MARTA GOLDING BROWN, GOVERNMENT AFFAIRS DIRECTOR 805-973-8572 MGBROWN@VCREALTORS.COM

FINANCE
MOLLY PELLEGRINO, ACCOUNTING MANAGER 805-973-8574 MOLLY@VCREALTORS.COM

ROBIN MORRIS, ACCOUNTING ASSOCIATE 805-973-8528 ROBIN@VCREALTORS.COM

MARKETING TAMMY VANDEUSEN, DIRECTOR OF MARKETING 805-973-8575 TAMMY@VCREALTORS.COM

VENTURA COUNTY COASTAL JOHN FRITH, EDITOR

916-765-6533 JOHN@TWSCOMMUNICATIONS.COM

SCOTT ARNOLD, DESIGN & LAYOUT SCOTT@FOLEYPUB.COM

ADVERTISING: FOLEY PUBLICATIONS 800-628-6983 FOLEYPUB.COM

OFFICERS

PRESIDENT

JORGE DELEÓN

PRESIDENT-ELECT

TIM COMSTOCK

FIRST VICE PRESIDENT

SHER HEARD

TREASURER

JULIET ESQUIBIAS

IMMEDIATE PAST PRESIDENT

MATT CAPRITTO

DIRECTORS

ARMANI AMEZCUA

ASHLEY ANDERSON

TERRI DAVIS

REBECA ELLIOTT

ANA GIL

BRIDGET GONCALVES

CAROLYN TRIEBOLD JIM KEITH

CAMI PINSAK

SANDRA SEEKINS

NON-REALTOR® DIRECTOR JEFFREY STINNET, ESQ.

2019 VCCAR COMMITTEES LEADERS, MEMBERS & DIRECTOR LIAISONS

AFFILIATE COMMITTEE
CHAIR: PATTY ESTRADA
VICE CHAIR: EMMANUEL BASURTO STAFF COORDINATOR: ASHLEY GLYER DIRECTOR LIAISON: SHER HEARD

FINANCE COMMITTEE

TREASURER/CHAIR/DIRECTOR LIAISON: JULIET ESQUBIAS STAFF COORDINATOR: MOLLY PELLEGRINO

GOVERNING DOCUMENTS COMMITTEE CHAIR: DUSTIN DAMMEYER VICE CHAIR: JERI BECKER STAFF CORDINATOR: WYNDI AUSTIN DIRECTOR LIAISON: TERRI DAVIS

GRIEVANCE COMMITTEE CHAIR: HELENE KEDDINGTON VICE CHAIR: ASHLEY ANDERSON STAFF COORDINATOR: ASHLEY GLYER DIRECTOR LIAISON: REBECA ELLIOTT

LEADERSHIP DEVELOPMENT COMMITTEE

CHAIR: TROY PALMQUIST VICE CHAIR: KATHERINE CONNELLY STAFF COORDINATOR: WYNDI AUSTIN

DIRECTOR LIAISON: REBECA ELLIOTT

LOCAL GOVERNMENT RELATIONS COMMITTEE

CHAIR: BONNY GOETZ VICE CHAIR: JERI BECKER STAFF COORDINATOR: MARTA GOLDING BROWN

MLS COMMITTEE
CHAIR: TIM COMSTOCK
VICE CHAIR: MARK WIMBERLY
STAFF COORDINATOR: ANNE O'SHEA-GREENFIELD

PROFESSIONAL DEVELOPMENT COMMITTEE CHAIR: CINDY DIAZ-TELLY

VICE CHAIR: TOM MOLINARI STAFF COORDINATOR: MARTA GOLDING BROWN DIRECTOR LIAISON: SANDY SEEKINS

PROFESSIONAL STANDARDS COMMITTEE CHAIR: JANET DORSEY

VICE CHAIR: CINDY DIAZ-TELLY STAFF COORDINATOR: ASHLEY GLYER

YOUNG PROFESSIONALS NETWORK

CHAIR: ERICA HOLMES VICE CHAIR: BYAN BRUNS

STAFF COORDINATOR: WYNDI AUSTIN DIRECTOR LIAISON: BRIDGET GONCALVES



2350 Wankel Way, Oxnard, Calif. 93030 Phone: (805) 981-2100 / Fax: (805) 981-2107 Website: www.vcrealtors.com

TABLE OF CONTENTS

President's Perspective: Consolidation Update	3
Leadership Academy Class Named	4
My Real Estate Story: Debbie Wertenberger	7
Cover Story: Fair Housing Still a Concern	10
Committee Focus: Local Government Relations	13
Personal Finance: Opportunity Zone Investing	15
CEO Corner: Commitment to Excellence	27

UPCOMING Meetings/Events

APRIL 9

Affiliate Committee Board Room 10:00-11:00 AM

MLS Committee **Board Room** 3:00-4:00 PM

APRIL 11

REFAT Meeting Board Room 10:00-11:00 AM

APRIL 12

Finance Committee 1:00-2:30 PM

APRIL 15

Professional Development Committee Board Room 2:00-3:00 PM

APRIL 16

Leadership Academy Session 1

YPN Committee Board Room 10:00-11:00 AM

Beginners' FlexMLS Training Training Room 9:00-10:30 AM

Leadership Development Committee Board Room 9:00-10:00 AM

Advanced FlexMLS Training Training Room 11:00 AM-Noon

APRIL 22

Office Closed

APRIL 23

Leadership Academy Session 2

Board of Directors Board Room 9:00-11:00 AM

Work-Life Balance Spanish Hills Country Club 12:30-4:00 PM

APRII 25

New Member Orientation Training Room 9:00 AM-Noon

MLS Orientation Training Room 1:00-4:00 PM

APRIL 26

MLS Rules & Regulations Training Room 10:00 AM-Noon

APRIL 30

Leadership Academy Session 3 Through May 1

MAY 1 C.A.R. Spring Meetings Through May 4

Leadership Academy Session 4

MAY 9 REFAT Meeting Board Room 10:00-11:00 AM

Local Gov't Relations Committee Board Room 2:30-4:00 PM

Finance Committee Board Room 1:00-2:30 PM

NAR Legislative Meetings Washington, DC Through May 18

MAY 14 Leadership Academy Session 5

Affiliate Committee Board Room 10:00-11:00 AM

MAY 17

Leadership Development Committee Board Room 9:00-10:00 AM

MAY 20

VCRDS Meeting 1:00-3:00 PM

Professional Development Committee Board Room 2:00-3:00 PM

MAY 21 Leadership Academy Session 6

Board of Directors Board Room 9:00-11:00 AM

YPN Committee

MLS Committee 3:00-4:00 PM

MAY 23

New Member Orientation Training Room 9:00 AM-Noon

MLS Orientation Training Room 1:00-4:00 PM

MAY 24 Beginners' FlexMLS Training Training Room 9:00-10:30 AM

Advanced FlexMLS Training Training Room 11:00 AM-Noon

MAY 27 Memorial Day

Office Closed

Leadership Academy Session 7

PRESIDENT'S PERSPECTIVE

VCCAR Continuing Consolidation Discussions With CSMAR

Jorge DeLeón 2019 VCCAR President

The first quarter of 2019 has flown by and your leadership team has been working hard on initiatives to benefit our members.

One of the most important projects we are continuing to work on is the proposed consolidation of VCCAR and CSMAR. As you may recall, work began on this project in January 2018 when the two Associations' immediate past presidents at the time - Lyle Elliott and Debbie Hake - got the ball rolling.

As Rome was not built in a day, neither is consolidating two REALTOR® associations into one, but we remain cautiously optimistic that we can reach a consensus to move forward because we believe doing so would provide significant benefits to our members. A consolidated Association would have economies of scale, be able to expand services, and streamline things for members because so many of you do business in both service territories.

Our leadership team has worked closely with CSMAR's leadership team during the past three months and we have made significant progress. We are now working on crafting joint bylaws to govern the consolidated organization, and once our workgroups complete their findings and draft recommendations, the respective boards will vote on the proposal. If approved, the membership of both VCCAR and CSMAR will have an opportunity to vote yes or no on the consolidation, probably in the second half of this year.

We've also been busy selecting members to participate in VCCAR's second Leadership Academy class. Just this week, after interviewing the candidates, the Board selected seven REALTORS® and one Affiliate to participate: Dawn Durazo, Beach View Real Estate; Erik Gladish, Realty ONE Group Summit; Sterling Granger, Comfort Real Estate Services; Nicole Gruttadaurio, RE/MAX Gold Coast Realtors; Luis Mendez II, Synergy One Lending; Willie Schmeltz, The Omni Group; Greg Smith, RE/MAX Integrity; and Jonathan Tomala, Coldwell Banker Residential.

The nine-week program is designed for emerging leaders who will help guide the Association to a brighter tomorrow, while also developing, polishing, and strengthening graduates' leadership skills. You can read more about this important program on Page 4.

Members of the Leadership Academy class will join our VCCAR Travel Team for C.A.R.'s annual Legislative Day and business meetings in early May, where we will get a briefing about the state Association's top legislative priorities for this year and have the opportunity meet with our state senators and Assembly members.

In addition, we will have two members that were selected from a group of applicants as recipients of the C.A.R. Scholarship - Adela Trainor and Jeri Becker. My first experience at Legislative Day was as a Scholarship recipient, and the experience solidified my interest in serving the trade organization that supports my business, so I am particularly excited about our two members who were selected to travel to Sacramento this year. You can learn more about the trip – and the visit later that month to Washington, D.C. - on Page 12.

In addition, one of my goals for 2019 is to visit each of the Pre-Tour Meetings held in Camarillo, Oxnard, and Ventura at least once every quarter. Not only was I able to attend the meetings in Ventura and Oxnard, but I had the opportunity to attend Camarillo's Pre-Tour meeting with cake in hand to show VCCAR's support.

To further the value of the REALTOR® brand, I also visited with the mayors of Ventura, Santa Paula, and Fillmore along with the city managers of Oxnard and Ventura, attended the Santa Paula Chamber of Commerce's Awards Banquet, met with Congressman Salud Carbajal, D-Santa Barbara (see photo right), attended the Real Estate Partners (REPS) First Wednesday in Ventura at Oak & Main, and met with Ojai Valley Board of REALTORS® President Tyler Brousseau.

Finally, April is Fair Housing Month, and this month's cover story reminds us that despite all the progress that has been made in combatting discrimination, the need for Fair Housing Month remains as strong as ever. I hope you'll read the article on Page 10 and keep it in mind throughout the year.



Jorge DeLeón

We remain cautiously optimistić that we can reach a consensus to move forward because we believe doing so would provide significant benefits to our members



VCCAR officers and staff recently met with Rep. Salud Carbaial, D-Santa Barbara, From left, Marta Golding Brown, Tim Comstock, Matt Capritto, Carbajal, and Jorge DeLeón.



New Leadership Academy Class Announced

Following extensive interviews by the Board of Directors, the following VCCAR members have been named to this year's Leadership Academy:

- · Dawn Durazo, Beach View Real Estate
- Erik Gladish, Realty ONE Group Summit
- Sterling Granger, Comfort Real Estate Services
- Nicole Gruttadaurio, RE/MAX Gold Coast Realtors
- Luis Mendez II, Synergy One Lending
- · Willie Schmeltz, The Omni Group
- Greg Smith, RE/MAX Integrity
- and Jonathan Tomala, Coldwell Banker Residential.

This is the second year VCCAR is offering the program after its successful launch in 2018. The nine-week program

is designed to develop, polish, and strengthen skills for becoming a successful leader. Participants will gain beneficial insights into the value of Association membership at the local, state, and national levels, as well as a better understanding of successful political advocacy in protecting agents and their clients, private property rights, and issues affecting real estate. The program is also intended to identify emerging leaders who will guide VCCAR in future years.

"Last year's program proved that the Leadership Academy is a great benefit to not only the people selected to participate but also to the Association as a whole," said 2019 President Jorge DeLeón. "Several members of last year's class have already assumed leadership roles on our committees and I look forward to seeing how this year's class benefits as well."

First Rookie Series Session a Big Success



Cindy Diaz-Telly

More than 30 REALTORS® learned how to manage budgets, market themselves, and grow their businesses at VCCAR's first Rookie Series class on March 1, the first of four to be offered this year by the Professional Development Committee.

Cindy Diaz-Telly, who chairs the Committee and its Rookie Series Task Force, said the first session went very well.

"We all played off each other perfectly," she said of herself and fellow presenters Jeff Comstock, Jana Scarborough, and Jim Keith. "We all had something different to contribute but each of us enhanced what the previous person said."

New REALTOR® Russell Boyd with Sun Coast Real Estate Downtown in Ventura agreed. In an email to Diaz-Telly he wrote,

"Your advice, tips, and guidance were very much appreciated as I start my real estate career. I think I can speak for everyone in the class that day when I say it was special for us for you to take the time out of your busy schedule to do that."

The idea came up during the Committee's planning session when Diaz-Telly said she'd often thought training should be available for new agents, especially those who work for smaller brokerages where training isn't always available.

"I'd thought that if you're a new REALTOR®, you get your license and you can't wait to get started, but then what do you do," she said. "For this first class, we had four pros who said, 'Let's give them things we wished we had known when we were starting out.""

Subjects covered included when and whether to incorporate, how to budget commission checks, and marketing strategies.

Home within reach for your clients We offer your clients great rates and

local experts who get things done quickly and efficiently. We're the oldest and largest credit union headquartered in Ventura County, and we're ready to lend:

- Flexible terms and affordable rates
- HomeReady[™] First-Time Buyer Loans from Fannie Mae
- First and second trust deeds
- Conforming and non-conforming loans
- Extendable and alternative mortgages
- 0% down VA loans



Ventura, Camarillo and RiverPark LINDA TABATA NMLS #517158 805.477.4027



Simi Valley MARK GOTTLIEB NMLS #233469 805.477.4588



Thousand Oaks and Moorpark KATHY BOCHENEK NMLS #376059 805.477.5543



Oxnard and **Port Hueneme** ANNETTE ORTIZ NMLS #1065962 805.477.4525

vccuonline.net 805.477.4000









Jana Scarborough

Scarborough, the broker/owner of Resource Real Estate in Ventura, said she was happy to have the opportunity to mentor the new agents.

"I'm a broker so I'm in the role of coaching and leading quite a bit," she said. "I am almost 26 years in the business now, and I feel it's my responsibility to give back and help the people coming behind me."

Among the tips Scarborough gave were:

- You are a small business and need to plan and act accordingly.
- Plan on spending money that will give you a return on your investment – marketing, leads, relationships, and giving your customer such an amazing experience that they will constantly refer (clients to) you.

- Don't pay off your credit cards when you get a commission.
 Keep money in the bank for operating capital.
- Always pay yourself in the form of savings or retirement accounts. You need money for old you.

You can get the full list by emailing her at realtorjana@live.com).

Diaz-Telly, an agent with Coldwell Banker Residential in Oxnard, said the next session on June 7 will focus on taxes. While the timing seems odd since the deadline to file is April 15, she said CPAs told her the vast majority of REALTORS® file for an extension until October 15. Online registration for the June 7 session will be available in early May, and the final two sessions are scheduled for September 6 and November 1.

Besides Diaz-Telly, task force members who are planning the sessions are Yolanda Carr, Comstock, Bob Davis, Daniel Patton, and Ken Wallis.

Leadership Retreat Pays Dividends

VCCAR Board members, committee chairs, and other volunteer leaders learned leadership skills that will help them throughout the year at the annual leadership retreat in February, said CEO Wyndi Austin.

Adorna Carroll, a real estate broker and NAR leadership trainer, led the event at the Circle Bar B Ranch in Santa Barbara County.

Austin noted that holding the leadership retreats has helped Board members and committee chairs really understand their roles and work extremely well together.

"We have tough conversations about issues and it's not a group of 'yessers' who agree with everything. They ask the right questions, they question the right things, and that allows us to have really efficient Board meetings.

New Marketing Director Hired



Tammy VanDeusen

Tammy VanDeusen has joined VCCAR's staff as its new Director of Marketing. Tammy is an expert visual storyteller recognized for producing high-quality designs and material. She began her career as a paste-up artist in the 1990s when digital imaging was just emerging. She was excited by the possibilities computers offered and has steadily grown in her skills since.

Her design work includes websites, magazine ads, booklets, and fliers and brochures.

She earned her AA degree from Ventura College, a bachelor's degree in graphic design and digital media from California Baptist University in Riverside, and has been certified as a webmaster, designer, and site manager by UCSB.

In addition, VCCAR members stopping by the office in recent weeks have met our new temporary receptionist, Blanca Tolentino, who comes to VCCAR with great administrative skills and has a strong customer service background. She is also bilingual.

Tolentino is a graduate of Channel Islands High School and earned an associate's degree from Oxnard College.

My Real Estate Story.

Local Girl Takes Care of Local Mortgages

By Debbie Wertenberger

Editor's note: In the January-February issue, VCCAR CEO Wyndi Austin shared her real estate story as NAR President John Smaby has asked REALTORS® and Affiliates to do this year. Here is Debbie Wertenberger's story. If you would like to share yours in an upcoming issue, please contact <u>Ventura County Coastal editor John Frith</u>.

I got into the mortgage business in 1991 to help people achieve their goal of home ownership as I believe owning a home is very important for families so they can create memories for their family. I started at Arcs Mortgage as a loan officer right after graduating from Cal State Northridge with a degree in finance and real estate.

You might say real estate was in my blood as my family has been in real estate for years. My grandfather, Fran Wertenberger, had a real estate office on Silver Strand for years and was involved in property management as well as they owned the Shell Shop in the harbor. He also served as president of the local Board of Realtors. I grew up in Oxnard and graduated from Santa Clara High School.

I left Arcs Mortgage after three years to learn the back end of the business. I felt that knowing how to originate loans as well as process them, draw docs, underwrite, and fund loans would make me a better loan officer to help guide the clients and REALTORS® through the process as I could explain how each step works. Countrywide at the time was the only company that allowed you to do all those things, so I worked there for 10 years, serving as a satellite manager, assistant manager, and loan officer. In my best month, I closed 101 loans totaling \$26 million.

I've been with Wells Fargo since November 2003 because I wanted to work for a big bank and have a strong company behind me to help my customers. I am also certified in relocation so I can do relocations all over the country and do loans in any state to help clients moving out of the state set up their financing before leaving.

I am very hands-on and am able to oversee the whole transaction from start to finish to make sure everything goes perfectly for my clients and that their loan process is a positive experience. I try to treat every client as if it were my own deal and how would I do it for myself based on their overall financial position. I care about my clients like they are my family and never want a client to walk away with a bad experience. My motto is 5 minutes on the front end can save me 15 minutes on the back end, so I want everything caught upfront to avoid any issues at closing.

I just did a deal for a client who had been working with another lender and didn't feel he was getting the best deal. I had done a loan for his father, who referred them to me. I was able to save him \$754 a month on his payments and \$10,000 in costs at closing. And I was able to close this purchase in just 10 days as I got involved near the end of the transaction.

I love this business as it is always changing, and we are always learning to strive to be better to serve our clients in the community. I am a local girl trying to take care of my local community by helping people achieve the American dream of owning a home with the best payments possible.

Wertenberger is a home mortgage consultant and relocation lending specialist with Wells Fargo Home Mortgage in Thousand Oaks. She can be reached at Debbie.wertenberger@wellsfargo.com



Debbie Wertenberger Wells Fargo Home Mortgage

Ventura County's Year-Over-Year Home Sales **Continue to Decline**

Ventura County Star | March 27

Home sales aren't just down in Ventura County: February marked the seventh straight month that Southern California home sales have fallen on a year-over-year basis.

There were 567 homes sold in Ventura County last month, according to a Wednesday report from CoreLogic, an Irvine-based firm that tracks the housing industry. The report noted that is a 12 percent decline from the county's 644 home sales in February 2018.

Southern California has seen a decline in year-over-year home sales for much of the past year. Sales have fallen on a year-over-year basis for the past seven consecutive months and in nine of the last 10 months, according to the CoreLogic report.

Read more

SoCal Home Sales Slowdown Deepened; Agents See Busier Times Ahead

Los Angeles Times | March 27

Southern California home prices barely rose in February from a year earlier, as buyers continue to struggle with the high cost of housing, according to a report out Wednesday.

The six-county region's median price — the point where half the homes sold for more and half for less — increased just 1.2% to \$512,500 last month, real estate firm CoreLogic said. Sales plunged nearly 12%.

The pullback comes after years of steady price increases put homeownership out of reach for many families. A recent drop in mortgage rates is bringing people back into the market, agents and mortgage brokers said, though demand is still subdued compared with recent years.

Read more

Man Steals Expensive Bras From Home **During Open House**

RIS Media | January 24

Police are looking for a man who stole expensive bras from a home in California during an open house.

Home surveillance video showed the real estate agent actually leaving the man alone inside the home in San Mateo.

The man then walked out of the camera's view, and when he came back, police say he had stuffed five bras under his shirt.

Read more

HUD Accuses Facebook of Housing Discrimination Eyes Google, Twitter too

Washington Post | March 28

The Department of Housing and Urban Development alerted Twitter Inc. and Alphabet Inc's Google last year that it is scrutinizing their practices for possible housing discrimination, a sign that more technology companies could be ensnared in a government probe of their lucrative demographic ad targeting tools, according to three people with direct knowledge of the agency's actions.

 $HUD\,charged\,Face book\,Inc.\,with\,housing\,discrimination\,Thursday, alleging$ the social networking giant's targeted advertising platform violates the Fair Housing Act by "encouraging, enabling, and causing" unlawful discrimination by restricting who can view housing ads.

Read more

Poll Underscores California's Housing Crisis

CALmatters | March 28

Two months ago, when the Public Policy Institute of California asked the state's residents to name the top issues that newly inaugurated Gov. Gavin Newsom and the Legislature should address, immigration was No. 1.

Jobs and environmental issues followed, with "homelessness" a distant fourth, cited by just 6 percent of those surveyed.

PPIC released its latest poll late Wednesday and it found that housing affordability had zoomed to the top of the public's consciousness – so much so, in fact, that nearly half of adults and voters say the cost of housing makes them seriously consider moving, even if it means leaving the state.

Read more

Solving California's Housing Crisis Demands Action. These Steps Will Help

Jared Martin | CAL Matters | March 27

The housing crisis gripping the Golden State threatens to permanently stymie economic growth and demands bold and innovative solutions.

During his State of the State speech earlier this year, Gov. Gavin Newsom boldly proclaimed: "If we want a California for all, we have to build housing for all."

The California Association of Realtors and its more than 200,000 members who advocate on behalf of home buyers and sellers and are dedicated to the preservation of private property rights couldn't agree more.

Read more

Oxnard Looks to Tighten Reins on Airbnb, Other Vacation Rentals

Ventura County Star | March 26

Property owners who rent out to vacationers in Oxnard through websites like Airbnb will likely see new fees and regulations.

The Oxnard City Council on Monday discussed details of a future ordinance that would regulate short-term rentals, which have been proliferating in coastal neighborhoods. Most members of the council support some kind of limits, whether they are to a certain area, number of nights per year or number of occupants per rental.

Details of the ordinance will likely change as it winds through the city bureaucracy of council committee, Planning Commission and ultimately City Council once again.

Read more

Big Back Yards and Pools Are California's Past. Apartment Buildings Are Its Future

Los Angeles Times | March 25

You don't need to be a Nobel physicist to figure the direction California must go to solve its acute housing shortage — up.

Stop expanding sideways and become more like New York City — and less like us.

Those words are painful to write for a native Californian who grew up on a small orange ranch in Ojai and worships wide-open spaces. But it's inevitable.

Read more



Bubble Watch: SoCal Building Permits Take Biggest Tumble Since Recession

So Cal News Group | March 24

Buzz: One big challenge of aggressive construction to fix the region's housing affordability headache is developers' fear of overbuilding.

Source: Real Estate Research Council of Southern California.

Trend reported: Building permits for 56,523 units — single-family and multi-unit projects — were filed in the region last year. Yes, last year's planning looks good when comparing it with the 2013-2017 average. Permits were up 4,567 units, a 9 percent boost, in 2018 vs. the previous five years. But last year was down 1,750 units (3 percent) vs. 2017 and was the second decline in three years.

Read more

FHA Clamps Down on Risky Government-Backed Mortgages

Wall Street Journal | March 25

The federal agency that insures mortgages for first-time home buyers is tightening its standards, concerned it is allowing too many risky loans to be extended.

The Federal Housing Administration told lenders this month it would begin flagging more loans as high risk. Those mortgages, many of which are extended to borrowers with low credit scores and high loan payments relative to their incomes, will now go through a more rigorous manual underwriting process, the FHA said.

Read more

Trump Administration Plans Flood Insurance Overhaul

Wall Street Journal | March 23

The Trump administration said Monday it plans to overhaul governmentsubsidized flood insurance, in a sweeping proposal that could raise rates on more expensive properties and those in higher-risk areas.

The new system would affect policies for most homeowners who own property in flood-prone areas, where such coverage is required because few private companies offer flood insurance. The Federal Emergency Management Agency, which runs the National Flood Insurance Program, said the plan would start assessing properties individually according to several variables—including hurricane rainfall, coastal surges and the distance to a body of water—rather than applying one formula across an entire flood zone when assessing flood risk and contract cost.

Read more

Lawyers Who Took on Big Tobacco Are Aiming at Realtors and Their 6% Fee

MarketWatch | March 22

A new class-action lawsuit takes aim at real estate agents and the tools they use to do business, and housing industry watchers say it could revolutionize the way Americans buy and sell the biggest asset they'll ever own.

The suit was filed in Chicago on behalf of anyone who sold a home through one of 20 of the largest listing services in the country over the past five years. It charges that the mighty Washington-based lobby National Association of Realtors, as well as the four largest national real estate brokerages, and the

Multiple Listing Services they use, have conspired to require anyone selling a home to pay the commission of the broker representing their buyer "at an inflated amount," in violation of federal antitrust law.

Read more

Consumers Should Soon See Benefit of Fed's Patience on Rates

Associated Press | March 21

So much for those worries about rising interest rates.

Just a few months ago, rising rates were bearing down on everyone from home buyers to stock investors after the Federal Reserve put through seven quarter-point increases in 2017 and 2018.

This year, the Fed has changed course. In January, it opened the door to a "patient" approach to further rate increases. Then on Wednesday the central bank surprised the market when it said it may not raise rates at all during 2019

Read more

Vast Majority Think 2019 First Quarter Is Good Time to Buy Home

NAR Press Release | March 20

New findings from a National Association of Realtors® survey show that more Americans believe that now is a good time to purchase a home. Consumer opinions about home buying bounced back in the first quarter of 2019, with 37 percent stating that they strongly believe now is a good time to buy, up from 34 percent in the last quarter of 2018 but down from 38 percent one year ago. Only 35 percent of respondents said that now is not a good time to buy a home, compared to 37 percent in 2018's fourth quarter.

NAR's first quarter Housing Opportunities and Market Experience (HOME) survey 1 also found that a majority of those polled, 53 percent, said that the economy is improving – down slightly from 59 percent at the end of last year. In 2019, optimism is the greatest among those who earn \$100,000 or more and those who reside in rural areas. Fifty percent of Generation X said the economy is improving, while 42 percent of urban area residents reported the same.

Read more

Housing Projects on the Horizon

Ventura County Star | March 18

Tuesday's meeting will also include new details of a massive development project that will include a new high school at Rose Avenue and Camino del Sol. The project was first discussed by the City Council in December. The developer has since revised the project, adding residential units among other changes, after comments received in December.

The latest proposal calls for up to 1,100 units of apartments and town homes, nearly doubling the units first proposed. Single-family homes, which were originally part of the housing mix, are no longer proposed.

Read more 🌋

Fair Housing Is Still Everyone's Concern

Recent Incidents Remind REALTORS® That Discrimination Is Still a Problem

By John Frith

VCCAR Editor and PR Consultant

April is Fair Housing Month, and while some REALTORS® may believe that there's no need to keep thinking about housing discrimination in 2019, there is – overt at times, unintentional at others. Which is why NAR, C.A.R., and VCCAR all continue to educate members and the public about what the Fair Housing Act requires.

In just the past month, two news items regarding online giants made this clear.

In the first, an alert Twitter user discovered just two weeks ago that Zillow was inadvertently allowing housing discrimination on its online platform.

Inman News <u>reported on April 1</u> (subscription required) that "an enterprising Twitter user named Ed Kohler noticed over the weekend that Zillow's namesake home listings search website contains descriptions of properties and neighborhoods that specifically mention race, including phrases like, "no blacks near me," and "I will not rent to other ethnicities other than caucasian so please do not inquire if you aint [sic] white."

Zillow posted on April 1 that it had removed the offending and probably illegal language from its website.

"We do not tolerate discrimination of any kind on our platform & we've removed the content. Our policies prohibit behaving in any discriminatory way on our sites. If we learn that a listing violates our policies, we take actions to remove the content."

The Fair Housing Act, passed by Congress in 1968 and extended several times since, makes it illegal to refuse to sell to, rent to, or negotiate with any person because of that person's race, color, sex, disability, religion, familial status, or national origin.

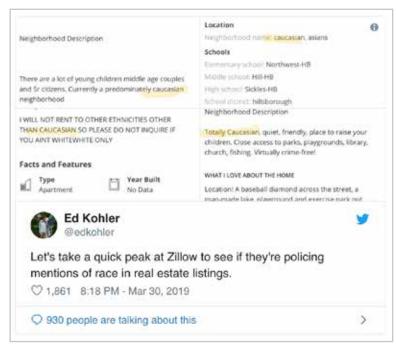
Zillow told Inman that the company worked to prevent discriminatory content from being published, but occasionally some might be missed. The company also said it promptly addresses any claims of improper activity on its sites.

Facebook Settles Lawsuit, Is Charged by HUD

But Zillow is not the only online platform that has been charged with allowing housing discrimination to appear. Less than two weeks before the Zillow situation was discovered, social media juggernaut Facebook settled a lawsuit brought by the American Civil Liberties Union and several fair housing groups last summer over claims that its advertising platform had allowed ads to discriminate against protected classes including women, veterans with disabilities, and single mothers.

As part of the settlement, <u>HousingWire</u> reported that Facebook announced it would be making significant changes to the way it handles ads for housing, lending, and employment.

Despite the settlement, the <u>Los Angeles Times reported</u> that Facebook was formally charged with housing discrimination at the end of March by the Department of Housing and Urban Development, with HUD alleging that the social media



giant's targeted advertising platform has been "encouraging, enabling, and causing" unlawful discrimination by restricting who can view housing ads.

"The Fair Housing Act prohibits housing discrimination including those who might limit or deny housing options with a click of a mouse," said Anna María Farías, HUD's Assistant Secretary for Fair Housing and Equal Opportunity. "When Facebook uses the vast amount of personal data it collects to help advertisers to discriminate, it's the same as slamming the door in someone's face."

According to HUD's complaint, Facebook allows for advertisers to violate the Fair Housing Act in the following ways:

- · Showing ads to only men or only women.
- Not showing ads to users Facebook categorizes as interested in "assistance dog," "mobility scooter," or "accessibility."
- Showing ads to only users interested in the "Christian Church," "Jesus," "Christ," or "the Bible."

When Facebook uses the vast amount of personal data it collects to help advertisers to discriminate, it's the same as slamming the door in someone's face. And drawing a red line around majority-minority ZIP codes and not showing ads to people who live there.

At the time, Facebook said it does not allow discrimination.

"There is no place for discrimination on Facebook; it's strictly prohibited in our policies," a Facebook spokesperson said in a statement. "Over the past year we've strengthened our systems to further protect against misuse. We're aware of the statement of interest filed and will respond in court; and we'll continue working directly with HUD to address their concerns."

The Times also reported that HUD continues looking into allegations that Twitter and Google's online advertising may be discriminatory as well.

But discrimination is not just a problem online. HUD recently reported agreements resolving an allegation that a landlord and agent in San Francisco refused to rent to a tenant with disabilities because he had an emotional support animal and a similar claim in Minnesota in which a homeowner and a realty firm refused to rent a house to a family because they were Native American and Latino and had minor children.

Focus Only on Qualifications

REALTORS® need to keep in mind the old line that the only color they should see is green (as in money), said VCCAR President Jorge DeLeón.

"You have to be blind to everything other than their qualifications and show them all properties that are available that they qualify for, regardless of the neighborhood," he noted.

And he warned that agents should not make wellintentioned assumptions about prospective buyers but rely only on the facts. He recalled what happened years ago when a family friend talked DeLeón's parents out of trying to buy a home in a nicer neighborhood than where they were living at the time.

"My mom and dad were interested in living in a certain neighborhood, but a friend said only middle-class families could live there. Even well-meaning people can discriminate because we all have certain assumptions. But they didn't pursue buying the property and that advice cost them a million dollars in equity in the long run," he said.

VCCAR collaborates with REFAT - the Real Estate Fraud Advisory Team – on providing education to agents and during the month DeLeón will appear on two area radio stations on how prospective buyers and renters can protect themselves from discrimination and to remind sellers and landlords what can be considered discrimination.

The segments will be on Radio Lazar, a Spanish-language station, and on the Girls on the Air talk show on KVTA.

Editor's note: Last year, to mark the 50th anniversary of the Fair Housing Act, NAR prepared articles that outlined how the law came to be. They were reprinted in the March and April issues of Ventura County Coastal. 3

NAR PROVIDES GUIDELINES FOR REALTORS®

Here's what NAR states about the responsibility of REALTORS® when potential discrimination is discovered:

"The sale and purchase of a home is one of the most significant events that any person will experience in his or her lifetime. It is more that the simple purchase of housing, for it includes the hopes, dreams, aspirations, and economic destiny of those involved.

"Agents in a real estate transaction are prohibited by law from discriminating on the basis of race, color, religion, sex, handicap, familial status, or national origin. A request from the home seller or landlord to act in a discriminatory manner in the sale, lease or rental cannot legally be fulfilled by the real estate professional.

"Article 10 of the National Association of REALTORS® Code of Ethics provides that, "REALTORS® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. REALTORS® shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. REALTORS®, in their real estate employment practices, shall not discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity."

"A REALTOR® pledges to conduct business in keeping with the spirit and letter of the Code of Ethics. Article 10 imposes obligations upon REALTORS® and is also a firm statement of support for equal opportunity in housing."

Local Boards of REALTORS®, including VCCAR, will accept complaints alleging violations of the Code of Ethics filed by a home seeker who alleges discriminatory treatment in the availability, purchase or rental of housing. Local Boards of REALTORS® have a responsibility to enforce the Code of Ethics through professional standards procedures and corrective action in cases where a violation of the Code of Ethics is proven to have occurred.

Complaints alleging discrimination in housing may also be filed with the nearest office of the United States Department of Housing and Urban Development (HUD) or by contacting them at http://www.hud.gov.

VCCAR Preparing for Sacramento, **D.C. Legislative Visits**

Marta Golding Brown **VCCAR Government Affairs Director**



VCCAR's leadership and staff are busily preparing for two important trips in May - the C.A.R. Legislative Day in Sacramento and NAR's Legislative Meetings in Washington, D.C.

There are numerous legislative proposals at the state and national levels this year that could affect REALTORS®, and the opportunity to meet with our lawmakers in person demonstrates our commitment to private property rights and homeownership.

In Sacramento, Gov. Gavin Newsom and lawmakers have made addressing the state's housing crisis a top priority, and C.A.R. is sponsoring nearly a dozen bills to help spur development and promote affordability. The Governor has been invited to speak to more than 2,000 REALTORS® at Legislative Day on May 1.

These bills include measures to legislatively fix the property tax portability issue, authorize transit-rich housing project bonuses, and establish a new first-time homebuyer tax credit.

Also in the package is AB 1020 by Assembly Member Jacqui Irwin, D-Thousand Oaks, which would establish a new state Housing Agency with a Cabinet-level Secretary of Housing to oversee all housing-related initiatives and activities around the state.

NAR's meetings will be held May 13-18. Among the federal issues REALTORS® will be discussing are a bill to reauthorize and make changes to the National Flood Insurance Program (NFIP), Government Sponsored Enterprise (GSE) reforms, and data privacy.

A long-term NFIP reauthorization is particularly important in portions of Ventura County where flood insurance is required. Short-term extensions have lead to continued uncertainty.

NAR is urging lawmakers to pass GSE reforms to strengthen Fannie Mae and Freddie Mac to promote competition in the secondary market, preserve the 30-year fixed-rate mortgage, minimize costs to consumers, and protect taxpayers.

Adela Trainor

Jeri Becker

2 REALTORS® Receive C.A.R. Scholarships

Local REALTORS® Adela Trainor and Jeri Becker will be part of VCCAR's Travel Team to Sacramento after receiving scholarships from C.A.R. awarded to first-time participants at the event. The scholarships help defray Association costs for recipients and allows associations to share the Legislative Day experience with members.

Trainor, an agent with Berkshire Hathaway Home Services California Properties in Ventura, has been an advocate for organizations in Ventura County for decades and looks forward to learning more about the state legislative process.

"I appreciate the opportunity to go because it's a great opportunity to really get a good understanding of what legislative action means," Trainor said. "What better way to understand housing than to understand what's happening in housing policy?"

A REALTOR® for 40 years, she said participating in the trip will make her a stronger advocate in the county as well.

Becker, a broker with NextHome Pacific Coast Realty in Ojai, until recently had been a real estate attorney for 25 years and has been a broker since 2006. She said participating in Legislative Day will improve her advocacy efforts as well.

"I want to improve my knowledge and understanding of what C.A.R. is doing in Sacramento and how I can help our local association and C.A.R.," she said. "I hope to be a spokesperson for better results in housing."

Becker is particularly interested in efforts to increase affordable housing so the next generation can afford to live where they grew up and with the impacts of sea level-rise legislation on property owners along the coast. She also serves as vice chair of the Local Government Relations and Governing Documents committees.



Marta Golding Brown

LOCAL GOVERNMENT RELATIONS COMMITTEE

LGR Members Keep Tabs on Cities, County, **State Actions Affecting Housing**

Editor's note: This year, Ventura County Coastal is taking a look at some of the Association's committees, which organize the programs and services our members receive. This issue, we explore the role of the Local Government Relations Committee.

In California, the many layers of government have tremendous power to affect housing and private property rights. Issues that have come up in just the past couple of years include rent control, regulating vacation rentals, and making it easier to build new housing along transit lines.

On these issues and many more, the members of the Local Government Relations Committee serve as VCCAR's eyes and ears, keeping aware of issues local and state governments are considering and working to educate policy makers on ways to accomplish legitimate goals without unnecessarily infringing on property rights.

Bonny Goetz, this year's LGR chair, has been a Committee member for five years and finds serving on it rewarding and important.

"I like being on LGR because it keeps us on track of trends that may be happening in regard to private property ownership," she said.

And because REALTORS® and Affiliates are busy with their careers, not everyone has the time to really keep close watch on government actions.

"I work with my husband and he's not involved at this level at all," Goetz said. "If I wasn't on the committee, I think he would have been unaware of issues like the county's wildlife corridor, how government wants to deal with sea level rise

and climate change, and how difficult it might be down the road to get flood insurance."

VCCAR Government Affairs Director Marta Golding Brown said while it's important to have good staff monitoring state and local government at VCCAR and C.A.R., it's even more important to have members actively engaged.

"It's critical for members to be involved. They are the grassroots voice elected officials need to hear from," Brown said. "I'm here to help educate and coordinate and once the Board has settled on a direction to assist members testify before boards and commissions on how their proposals affect private property rights."

Over the years, she said the Committee has helped shape a number of proposals to make them less stringent. One of the biggest accomplishments was the work committee members did to persuade Fillmore to not adopt an egregious point-ofsale inspection program.

Other victories include working with Oxnard officials to enact a rental inspection ordinance that requires annual inspections only for units with three or more code violations and ensuring that prospective mobile home buyers in Ventura know in advance if they are buying in rent-controlled parks.

Both Goetz and Brown said VCCAR's new committee selection process has extended opportunities for more people to become involved, which has brought new voices and new ideas to a number of panels.

Chuck Hamm, the broker-owner of The Hamm Team in Camarillo, said he wanted to get involved because he's





LOCAL GOVERNMENT RELATIONS COMMITTEE



been following governmental issues for several years and is concerned about policies that further infringe on private property rights.

One action the Committee recently took was to vote to join with other coastal AORs to hire a consultant to work on local coastal and sea level rise plans. These plans are required by the California Coastal Commission, which has extensive powers over development in areas near the coast. However, local government jurisdictions have local land use planning and authority for creation of the plans. The AORs believe they will be most effective influencing plans at the local level.

"The Commission last year came out with a 300-page document that includes guidelines on how to address sealevel rise. Many are an affront against property rights and constitute regulatory takings. We want to have a say on how the state addresses this issue," Hamm said.

'I'm new to the Committee but I think we're on the right track. These are all long-term efforts."

This year's Local Government Relations Committee members

Chair: Bonny Goetz, Coldwell Banker Residential

Vice Chair: Jeri Becker, NextHome Pacific Coast Real Estate

Staff Coordinator: Marta Golding Brown

Director Liaison: Sher Heard, Comfort Real Estate Services

Cheryl Aronson, Sotheby's International Realty

Terry Ayers, RE/MAX Gold Coast

Mark Chacon, Sotheby's International Realty

Patricia Costello, Keller Williams West Ventura County

Rebeca Elliott, Keller Williams West Ventura County

Tressa Golden, Aliso Escrow

Cheryl Graham, Cusick Realty

Charles Hamm, The Hamm Team

Joaquin Jimenez, Realty ONE Group Summit

Michele Mueller, Priority Title

Dawn Peck, Synergy One Lending

Sandy Seekins, Century 21 Everest

Carolyn Triebold, Dilbeck Estates

WORK WITH THE BEST TO ENSURE YOUR HOMEOWNERSHIP DREAMS BECOME A REALITY



CONTACT US TODAY!



DAWN PECK

SALES MANAGER | NMLS #231608 805.312.0450 | dpeck@s1lending.com



DALLAS COULTER

LOAN OFFICER | NMLS #1684414 805.290.5342 | dcoulter@s1lending.com



MARTIN ROSENBLUM

SENIOR MORTGAGE ADVISOR | NMLS #260936 805.342.0403 | mrosenblum@s1lending.com



BRYAN PECK

BRANCH MANAGER | NMLS #238741 805.290.5715 | bpeck@s1lending.com



ALEX BRAY

LOAN OFFICER ASSISTANT | NMLS #1409344 805.216.3967 | abray@s1lending.com



LUIS MENDEZ

LOAN OFFICER | NMLS #257057 805.824.7084 | Imendez@s1lending.com



ROB BIRKLA

LOAN OFFICER ASSISTANT | NMLS #1054050 805.448.3822 | rbirkla@s1lending.com



MARY GARCIA

MORTGAGE PROFESSIONAL | NMLS #280267 805.443.5653 | mgarcia@s1lending.com



YVETTE GONZALES

LOAN OFFICER ASSISTANT | NMLS #1452156 805.342.0415 | ygonzales@s1lending.com

THE OXNARD BRANCH

1000 Town Center Dr. | Suite 410 | Oxnard | CA 93036

EVERY CLIENT. EVERY TIME. NO EXCEPTIONS. NO EXCUSES.





PERSONAL FINANCE

Roy Sherman, CFA **Sherman Asset Management**

Opportunity Zone Investing

New tax break is a little-known reform benefit

Roy Sherman, CFA **Sherman Asset Management**

Editor's note: This is the first in a series of personal finance columns aimed exclusively at REALTORS® that Ventura-based Roy Sherman will be writing for Ventura County Coastal.

The Tax Cuts and Jobs Act of 2017 brought many changes, but perhaps none as quietly as the Opportunity Zone tax break. According to the IRS, "an Opportunity Zone is an economically distressed community where new investments, under certain conditions, may be eligible for preferential tax treatment." Thousands of census tracts have been deemed eligible for Opportunity Zone investment, including some within Saticoy, Oxnard, Port Hueneme, Santa Paula, and Fillmore. The implications are huge for investors in real estate.

So, how does this tax break work? How does one qualify? How much does an investor stand to gain? Here are the basics:

What is a Qualified Opportunity Fund? A Qualified Opportunity Fund (QOF) is an investment vehicle formed as a partnership or corporation with the purpose of investing in eligible property within an Opportunity Zone. Anyone is permitted to start one and the QOF self-certifies on its tax return of its status as a QOF. The use of the property must originate with the QOF or the QOF must substantially improve the property. The IRS defines "substantial improvement" in the instructions of its Form 8996.

How does the tax break work? Within 180 days of a realized capital gain, an investor can defer that gain as long as the gain is reinvested in a QOF. If the investor holds the QOF investment for 5 years, they are eligible for a 10 percent reduction of the tax on that capital gain. If the investor holds the QOF investment for 7 years, they are eligible for a 15 percent reduction of the tax on that capital gain. These tax-deferral provisions last until the earlier of 1) the disposition of the investment or 2) December 31, 2026. The real windfall comes after 10 years: the investor can avoid all capital gains tax on the post-acquisition gain.

So, this is like a 1031 exchange, right? Kind of. The 180-day reinvestment period is the same, but there is no 45-day identification period, and an investor doesn't need to trade like-kind property. An investor can use the capital gain from the sale of any eligible capital asset to reinvest into a QOF. An important distinction here is that only the gain portion needs to be reinvested; the basis can stay in the investor's pockets. Also, a qualified intermediary is not required for this transaction.

The details of this strategy are still not entirely set in stone (even some of the IRS paperwork is still in draft form). Comment periods and further interpretations will surely change the nature of this strategy as time goes on. It is recommended to consult with an attorney and a tax professional before committing to this kind of investment.

Sherman founded Sherman Asset Management in 2014. He uses his background in psychology, business, and financial planning to help clients achieve investment goals. For more information, visit www.shermanassetmgmt.com.



Roy Sherman, CFA

Census tracts deemed eligible include some within Saticoy, Oxnard, Port Hueneme, Santa Paula, and Fillmore,



Type

For calendar year

Information about Fo

Number, 5



NAR Launches 'That's Who We R' Campaign to Reinforce Value of REALTORS®

While many people know that a REALTOR® helps buy and sell homes, what they may not know is that only a REALTOR® is a member of the National Association of REALTORS® and subscribes to its Code of Ethics.

It's the REALTOR® Code of Ethics that inspired the association's powerful new "That's Who We R" campaign, which launched in late February. The campaign aims to reinforce the value of REALTORS® as advocates for property owners, engaged community members and trusted ad visors with in-depth knowledge of the industry.

You can view the 60-second TV spot here.

"Our story is a century in the making as we began to set NAR members apart from the rest by establishing a Code of Ethics in 1913. This code is as relevant now as it was one hundred years ago; it's our pledge of honesty, integrity, professionalism and community service as a true partner for buying or selling a home, or property," said John Smaby, NAR'S 2019 President.

"'That's Who We R' reinforces that partnering with a REALTOR® delivers the peace of mind that can only come from working with a real person who is committed to their clients' futures and neighborhoods just as much as they are."

"That's Who We R" serves as a reminder of what NAR has always stood for, while signaling where the organization is heading. For REALTORS®, the campaign is a rallying cry that instills pride in their everyday actions. For consumers, it's an education about the REALTOR® difference.

The integrated marketing campaign from Havas features a cinematic world inspired by the REALTOR® mark that serves as a beacon throughout. Everything from the larger-thanlife "R" at the beginning, to the angles and geometry used as transitional elements and across the numerous sets was inspired by the mark that sets REALTORS® apart. The agency partnered with Director X, known for his visually distinctive style, to create something distinct and modern. "That's Who We R" features compelling stories about humans helping humans find homes and property, build communities and turn business dreams into realities.

"Our society has created trusted symbols from 'Verified' Instagram accounts to the Good Housekeeping Seal," said Karen Goodman, Group Creative Director at Havas Chicago. "As we dug into this brand, we knew REALTORS® were the real deal and needed to find a way to telegraph that to everyone. We needed to turn the 'R' into the trusted symbol you should look for when buying and selling property."

The campaign content will be brought to life through strategic partnerships reflecting the modern ways in which our target audience consumes media, including linear and online video, streaming and terrestrial audio, social media, branded partnerships with multi-channel content makers such as VICE, Apartment Therapy, The Atlantic, HULU and more. 🌋





Since 1960, we've been helping people find loans to fit their lives.



Contact us today for a loan to fit yours.

805.389.6800



Ventura Branch

1000 Town Center Drive, #520 Oxnard, CA 93036 guildmortgage.com/branches/ventura

Xin Jin 说普通话 Xin Jin speaks Mandarin





'Coming Soon' Advertising:

Be Sure to Maintain Fiduciary Responsibility for Your Client or Face Civil and Regulatory Liability

Editor's note: the following article appeared in the Winter 2018 DRE Real Estate Bulletin and is reprinted by permission.

In a competitive real estate market, obtaining a listing is a sought-after business opportunity for a real estate licensee. However, becoming a listing agent for a seller brings with it a responsibility to act in the best interests of that seller — a fiduciary responsibility. A fiduciary responsibility carries with it the duty to act with the highest standard of care for a client and place the client's interests ahead of your own.

In the summer 2007 Bulletin, former Commissioner Wayne Bell wrote in detail about the fiduciary duties of real estate licensees: "The Real Estate Brokerage as Fiduciary: A Summary Review of What it Means and Why it Matters." Included in the article was the following:

In the case of George Ball Pacific, Inc. v. Coldwell Banker & Co., 117 Cal. App.3d 248 (1981), at page 256, the Court of Appeal (First District) noted that the general principles of agency combine with the statutory duties of the Real Estate Law to impose "on a real estate agent 'the same obligation of undivided service and loyalty that [the law] imposes on a trustee in favor of his beneficiary.' This relationship not only imposes [on the agent] the duty of acting in the highest good faith toward his principal but precludes the agent from obtaining any advantage over the principal in any transaction had by virtue of his agency." A real estate licensee is further "charged with the duty of fullest disclosure of all material facts concerning the transaction that might affect the principal's decision."

Furthermore, with the passage of Assembly Bills 2884 and 1289, effective Jan. 1, 2019, new Business and Professions Code section 10010.5 and Civil Code section 1102.1(d) codify into these parts that a real estate broker owes fiduciary duties to a person who retains that broker to perform acts for which a license is required.

How does this fiduciary duty relate to "Coming Soon" advertising? Since an agent has to act with integrity for a client, and always act in the client's interests to the exclusion of all other interests — including those that could benefit the agent above all else, a "Coming Soon" advertising plan must be of benefit to the client.

"Coming Soon" advertising CAN benefit the seller if handled properly. Such advertising can increase exposure time of the property and generate interest in the public about a soon-tobe marketed property, helping potential purchasers prepare to tour the property or make an offer when the property is put up for sale. A practice of "Coming Soon" advertising coupled with initially not showing the property is sometimes known as a "Coming Soon — No Showing" strategy (or similar) and can well serve a client. In such a strategy, the property may show as "Coming Soon" on a multiple listing service, but also as not yet being shown to potential buyers. After a time, the property is broadly marketed as for sale. There are likely multiple listing service requirements that must be met to advertise a property as "Coming Soon — No Showing" or similar.

The potential conflict a "Coming Soon" strategy can have with a licensee's fiduciary duty comes when the listing agent begins accepting offers before the property is exposed to a larger audience via a multiple listing service or by other means. When a property is not exposed to the full market, a client's best interests might not be served, even when a full price offer is received (because the property may well have sold above the marketed price if better advertised). Imagine the dilemma for a listing agent if a seller accepts an offer on a poorly marketed property and then receives much higher backup offers as the property receives greater exposure.

At a minimum, an agent should disclose that a better sales price could be obtained if the property were to be marketed on a multiple listing service and obtain the seller's prior written permission that she or he agrees to not fully market the property.

A listing agent who encourages the use of a "Coming Soon" program, without broadly advertising a property via a multiple listing service or other means, especially exposes himself/ herself to the potential for an increased chance of civil liability and regulatory action when the agent also then represents the buyer in a dual agent capacity. Such a dual agent would need to be able to demonstrate that the agent acted in the best interests of the seller to obtain a purchase price that was as high as could be expected for a fully marketed property. This agent, who receives commissions on both ends of the transaction, could face scrutiny questioning whether they worked to obtain the best offer possible for the seller or was acting in such a capacity for personal financial gain.

The following are some best practices for agents when representing a seller:

- Market the property via multiple listing service or other broad advertising means.
- Make sure the seller agrees to and understands how the property will be marketed.
- If using a "Coming Soon" strategy, do not accept and act on offers until a property has been broadly marketed.
- If the property will not be fully marketed, obtain prior written permission from the seller that demonstrates they understand that such a "Coming Soon" strategy may not result in receiving the best sales price.
- Avoid double-ending a property that is not fully marketed
 it is best to refer potential buyers to another agent.

Always remember that working as an agent in real estate brings with it a responsibility to act in the best interests of the client with a high standard of care and adopt strategies that truly benefit your client. Such practices will enhance your reputation and result in greater long- term success.





Roy Torrence Branch Manager NMLS# 44871 805.890.0792



Kim Lovetro Loan Officer NMLS# 692560 818.266.7783



Claudia Paramo Loan Officer NMLS# 304920 805.637.5830



Marianna L'Engle Loan Officer NMLS# 1426049 805.418.0071



Ken Rust Loan Officer NMLS# 1434508 805.791.6470



Michael Araiza Jr. Loan Officer NMLS# 990662 805.844.0270



"Your local purchase specialists"

dignifiedhomeloans.com





VCCAR PRE-TOUR MEETINGS



Pre-Tour Meetings are open to all members of VCCAR and are held in advance of the physical home tours. This is a great opportunity to network and familiarize REALTORS® with newly listed properties!



CAMARILLO PRE-TOUR MEETING

Meets: Each Thursday Time: 9:00 AM to 10:00 AM

Location: Boys & Girls Club of Camarillo 1500 Temple Avenue, Camarillo, CA



OXNARD BEACH PRE-TOUR MEETING

Meets: Each Wednesday Time: 9:00 AM to 10:00 AM

Location: Sotheby's International Realty 3600 S. Harbor Blvd., #112B, Oxnard, CA



OXNARD / PORT HUENEME PRE-TOUR MEETING

Meets: Each Wednesday Time: 9:00 AM to 10:00 AM Location: VCCAR Training Room 2350 Wankel Way, Oxnard, CA



VENTURA PRE-TOUR MEETING

Meets: Each Thursday Time: 9:15 AM to 10:00 AM (Networking starts at 8:45 AM) Location: The Sandwich Factory 4531 Market Street, Ventura, CA

CONTACT

Moderator: Tim Hall T: 805-320-3688 Coordinator: Michael Padilla T: 805-340-9037

CONTACT

Moderator/s: Mark Chacon T: 805-794-8069

Jorge DeLeon T: 805-794-7102

Coordinator: n/a

CONTACT

Moderator/s: Briana Bouffard T: 805-339-3500

Kathy Courter T: 805-581-3200

Jeff Comstock T: 805-218-5567

Coordinator: Shelley Wells T: 805-377-9000

CONTACT

Moderator/s: Karen Campbell T: 805-320-0225

Lynn Kenton T: 805-901-5444

Coordinator: Shelley Wells T: 805-377-9000





County Market Picks Up Steam in March Compared to February

The Ventura County housing market picked up sharply in March, with new listings, pending sales and closed sales showing double-digit increases compared to February, according to data from Ventura County Regional Data Share and RPR.

New listings in March totaled 815, which was 2.3% higher than March 2018 but a full 34.1% higher than February. Year to date, agents have listed 2,088 properties, which is 6.4% more than the total a year ago.

Pending sales also climbed sharply. There were 314 pending sales at the end of the month, which was 2.6% higher than last March but 16.3% higher than in February.

And there were 485 closed sales recorded in March, up 2.6% from March 2018 and up 22.5% from February. Year to date, there have been 1,239 closed sales, which is down 16.6% from the first three months of 2018.

Other data were generally positive as well.

Active listings totaled 1,694 in March, a 12% increase from last year and a 2.7% increase from February. The median listing

price, meanwhile, was \$674,900, up 3.8% from March 2018 and up 3.0% from February. During the first three months of the year, the median listing price averaged \$\$656,601, up 1.2% from the same period in 2018.

And on a per-square-foot basis, the median listing price in March was \$362, up 1.5 percent from a year ago and up 2.3% from February. The median price per square foot during the first three months of the year averaged \$356, the same as a year ago.

There were 4.3 months of inventory on the market in March, which was 4.7% more than last March but 6.7% down from February's total.

The median sales price also continued to climb, to \$601,000. That's a 5.4% increase from March 2018 and a 7.0% increase from February. On a year-to-date basis, the median price has averaged \$580,669, which is 2.4% above last year. And the median sales price per square foot was \$362, up one dollar from March 2018 and up two dollars from February. For the year so far, it has averaged \$351, which is seven dollars, or 2.2% more than a year ago. <a> \$\infty\$





17 New REALTORS® Join VCCAR in February

A total of 17 new Realtors completed their new member orientation at the Ventura County Coastal Association of Realtors and received their pins in late February from 2019 President Jorge DeLeón.

The new members are Derek T. Berthold, Coldwell Banker Residential; Sarah S. E. Bezares, Rehaven, Inc.; Christopher J. Campbell, Ralf Moll Real Estate; Jonni Ann Collins; Keller Williams West Ventura County; Cassandra Cornwell, Real Estate eBroker, Inc.; Peter Escovedo IV, Century 21 Everest; Enrique T. Gonzalez, Coldwell Banker Residential; Julia Goossen, Berkshire Hathaway HomeServices California Properties;

Shirley W. Leonard, Berkshire Hathaway HomeServices California Properties; Timothy J. Lewis, The Oscar's Real Estate Team; Carlos Leyva, Truth Realty; Ramiro Martinez Ortiz, RE/MAX Gold Coast Realtors; Nimete Minga, ReUltra Inc.; Megan Moreau, Keller Williams West Ventura County; Joshua Morrison, RE/MAX Gold Coast Realtors; Ashley L. Ramsey, Keller Williams West Ventura County; and Deborah L. Smith, Century 21 Everest.

DeLeón is at far left and instructor Ashley Anderson is at far right.



21 New REALTORS® Join VCCAR in March

Another 21 new REALTORS® completed their new member orientation in late March and received their pins.

The new members are Selene Tapia Aguilar, Century 21 Everest; Chandler Arrighi, Berkshire Hathaway HomeServices (BHHS) California Realty; Arturo Barrera; Century 21 Everest; Sophia Angeka Cisneros Brooks; BHHS California Properties; Susanne Catalano, Keller Williams West Ventura County; Mary Galindo, Keller Williams Santa Barbara; Lisa Schilpp Gasaway, Keller Williams (KW) West Ventura County; Earle L. Greenberg, Pinnacle Estate Properties; Robert L. Hernandez, Coastal Properties; Shannon Jewell, Century 21 Everest; Steven

Kessler; KW West Ventura County; Robert Kurfurst, Century 21 Everest; Rose Marie Moreland, Miramar International; Andrew Orozco, KW West Ventura County; Christine Owens, KW West Ventura County; Susan E. Padrino, KW West Ventura County; Jasmin Rivera, KW West Ventura County; Justin A. Russell, All Source Realtors; Eloisa Saldana, Tri County Realty; Anna Socorro Vandiver, Century 21 Everest; and Byron D. Wood, Sotheby's International Realty.

Instructor Sher Heard is at far left and DeLeón is at far right.

Did You Know?

A Quick Response to a Notice of Violation Is Important!



On the first day of each calendar year the violation count for each MLS member is reset to zero (0).

A Violator shall be entitled to receive two (2) Warning Letters per calendar year for Tier One and Tier Two offences.

A violation must be **corrected within** two (2) business days of notice of violation sent to the Violator and/or Responsible Participant.

Failure to correct a noted violation within the two (2) day time period allotted will result in a new violation for the uncorrected violation with the associated fine for that level of violation.

New violations may be issued for any remaining uncorrected violations until the violations are corrected or the maximum fine is reached.



For more details on this and other MLS Rules visit:

www.vcrealtors.com

The perfect home financing for your clients.



Our locally based team offers a variety of home financing options to fit their lifestyle.

Contact our Santa Barbara team today!



Adjustable Rates



2018 Best Mortgage Company - Santa Barbara Independent

Holly Onak

AVP / Mortgage Loan Originator NMLS # 853155

(805) 564-7329 honak@montecito.bank

*Subject to credit approval

Christine Gonzales

AVP / Mortgage Loan Originator NMLS # 996017

(805) 979-4478 cgonzales@montecito.bank





montecito.bank/mortgage • homeloans@montecito.bank

NMLS ID#: 472185





OWN YOUR PRESENT.



EMPOWER



YOUR
FUTURE.





You can lead the way. Commitment to Excellence empowers you to enhance and showcase your high level of professionalism. It gives you an advantage in an increasingly competitive market and shows consumers you're committed to conducting business at the highest standard. Be committed to excellence.

Get started today at C2EX.realtor.







Rick Geha Special Guest Speaker

TUESDAY

APR 23

12:30 PM Check-In & Networking

1:00 PM Program Starts
Spanish Hills Country Club
999 Crestview Avenue
Camarillo, CA 93010

TICKETS ON SALE NOW!

\$20 Early Bird ends 4/12/19 @ 5 PM

\$30 after 4/12/19 @ 5 PM

In this abbreviated version of an all-day workshop, Rick will share life lessons that can affect the outcomes you expect and accept in your life and in your business.

- Learn to identify and understand your true "values" and how to make them work for you!
- Learn how to take a non-judgmental look at yourself, to make the changes necessary for your future freedom.
- Learn how to get honest with yourself about what you truly know you're capable of, and, why you're not there yet.
- Understand and accept the following: "My results, while often harsh, are always fair!"
- Walk away with the deepest understanding of commitment, and watch your finances explode.

Bring EVERYONE you know to this insightful, and often emotional look at success. I dare you!

Rick Geha is an internationally recognized Transformational and Leadership Speaker and Coach. Rick has been delivering classes, seminars, webinars, and keynote addresses for over 25 years, and has well over 1200 engagements to audiences from all industries and walks of life. He is very proud of his speaking company, Freedom Pathfinder, Inc. Rick coaches with Workman Success Systems, an acclaimed Real Estate Coaching Company, named in the Top 20 by Inman News. He has reached the highest level there; Master Coach. He coaches on all major real estate subjects, and, additionally, relationships, life, business and leadership.

Drinks! Snacks! No-Host Bar!

√Register Now



Real·tor

[rē(ə)ltər] noun

An expert who will search for your dream home. Help find you one. And then volunteer in your neighborhood to make it better. Ask your home search app to do all that.



REALTORS® are members of the National Association of REALTORS®



Wyndi Austin Chief Executive Officer

All About the Commitment to Excellence Program

As you may know, NAR last November launched a new Commitment to Excellence program (C2EX), designed to empower REALTORS® to demonstrate their professionalism and commitment to conducting business at the highest standards.

You can learn all about it online at C2EX.realtor, but here's an outline of what the program is about.

REALTORS® and consumers alike agree that honesty and professionalism are two of the most important characteristics of real estate practitioners. For more than a century, REALTORS® have led the way in the real estate market – setting the standard for industry knowledge, client service, political and social activism, and ethical conduct. In an increasingly competitive market, it is critical for REALTORS® to continue leading the charge and setting the bar for what excellence and professionalism mean.

Creating more stringent requirements for becoming a licensed agent would be a state-by-state effort and would take years to accomplish. That's why NAR members have worked together to create a program that gives all REALTORS® an opportunity, right now, to prove and build upon their expertise.

REALTORS® defined professionalism in this industry more than 100 years ago when they created the Code of Ethics. C2EX takes professionalism to the next level by enabling NAR members to assess their expertise in 10 (11 for brokers) elements of professionalism ranging from customer service to the use of technology.

C2EX is an innovative engagement tool that encourages participation in all levels of the REALTOR® organization. It's not a designation or a course. It's not a requirement but a benefit available to all NAR members at no additional cost.

Users start with a self-assessment that measures their proficiency in each of the elements of professionalism, known as the C2EX Competencies. Based on their results, the platform will generate customized learning paths, recommend experiences, and provide tools and resources to increase knowledge and enhance skillsets.

As REALTORS® make their way through the C2EX platform, they earn "Excellence Badges," or digital insignias. Once they have earned each of the Excellence Badges, they will receive NAR's official Commitment to Excellence endorsement along with promotional materials they can use to show clients and peers they are committed to the highest level of professionalism possible.

The C2EX platform facilitates meaningful coaching opportunities for brokers. They can track an individual agent's progress and share specific pieces of content with them. Brokerage branding options are available.

NAR states that the platform is easy to use and adapts to a REALTOR®'s busy lifestyle. You can access C2EX on any device — phone, tablet, or computer. No matter how much time you have to spend in C2EX, users will have a meaningful experience.

In these changing times, it is important that all REALTORS® be advocates for the future of our industry and be committed to excellence.



Wyndi Austin

It is critical to continue setting the bar for what excellence and professionalism mean.





SHOP THE REALTOR STORE & SAVE!

50% Off Regular Price

Small Riders
Medium Riders
Jewelry (various)
Shirts
Jackets
Water Bottles
Closing Gifts*

*A list of specific closing gifts with discounted pricing will be available at the REALTOR® Store.

We're making room for NEW inventory!

PLUS!

75% Off Regular Price

Wallets
Pens
Cards
Closing Gifts*

STORE HOURS

Monday-Friday 9 AM to 12 PM 1 PM to 5 PM

