

2009 Legislative Issues



A guide to important real estate industry
issues and legislation for lawmakers and REALTORS®

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2009 Legislative Issues

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Your Real Estate Resource

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A Message from the President



January 1, 2009

Dear State Legislators,

Louisiana REALTORS® is one of the state's largest professional trade associations. Founded in 1920, LR is comprised of over 12,000 members and 13 member boards in Louisiana. LR membership consists of brokers, salespeople, property managers, appraisers and real estate counselors, as well as others engaged in every aspect of the real estate industry.

As president of Louisiana REALTORS®, I am committed to leading REALTORS® across Louisiana in an effort to help move our state forward and to grow our economy, while ensuring our real estate markets remain fundamentally sound and in balance. I am also committed to make sure that our industry is positioned to expand and deliver broader real estate opportunities for all Louisiana citizens.

To accomplish these objectives, Louisiana REALTORS® recognizes and values the importance of working hand in hand with the Legislature and regulatory agencies as we both share a desire to create positive communities in which to work and live. From the hills of North Louisiana to the mouth of the Mississippi River in South Louisiana, REALTORS® understand that responsible policies in Baton Rouge promoting homeownership, making property insurance more available and affordable, providing real estate investing opportunities and protecting the free market system are vital in Louisiana's continued growth and bright future. At the core of these ideals are state laws and regulatory policies that we hope will provide more economic development and increase homeownership in Louisiana.

The enclosed briefing book provides you and your staff an overview of the major issues that comprise the real world business realities facing REALTORS® and consumers. The policy issues and recommendations being advanced by Louisiana REALTORS® are based on the vision of our members to ensure that real estate remains a vibrant, healthy sector of our economy. Louisiana REALTORS® looks forward to working with you to develop legislation and regulations that will help "Build Strong Communities and a better Louisiana."

Sincerely yours,

A handwritten signature in blue ink that reads "Judy Burkett". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Judy Burkett

President

Louisiana REALTORS®



Louisiana REALTORS® serves as the voice of real estate in the state of Louisiana. Through legislative alerts, calls-to-action and outreach programs, LR works to keep its membership of over 12,000 REALTORS® informed and involved in issues critical to the real estate industry in Louisiana.

This booklet provides an overview of the key real estate issues that LR will address in the 2009 state legislature, information on LR's political advocacy initiative "Friends of Louisiana Real Estate," and a convenient directory of state legislators.

For more information on any of the issues outlined in this booklet or LR's involvement, please contact Norman Morris, Senior Vice President of Governmental Affairs at 1-800-266-8538 or norman@larealtors.org. Information is also available online in the Legislative section of the LR website at www.larealtors.org.

Accountability of Home Warranty Companies

Issue:

Home warranty companies provide a valuable product to Louisiana residential real estate consumers. These warranties ensure that certain components of a home are warranted for repair or replacement for a period of time should they falter. In an effort to see that consumers are covered and protected should a warranty company fail or cease operations, Louisiana REALTORS®, working with the warranty industry, is seeking policies that will ensure these consumers will have warranty coverage.

LR Position:

To support legislation that would require warranty companies doing business in Louisiana to register with the Department of Insurance and either show enough assets to cover potential outstanding claims or post a bond with the department.

Impact to REALTORS®

Will ensure that REALTOR® clients can be confident if a problem arises that there will be sufficient funds to repair or replace the broken component parts should a company fail or cease operations.

Status and outlook:

The Louisiana REALTORS® will be proposing this legislation during the 2009 regular legislative session. If passed and signed into law, the effective date of implementation will be upon the signature of the Governor.

Licensure of Auctioneers with the Louisiana Real Estate Commission

Issue:

The licensure of auctioneers under the Louisiana Real Estate Commission will ensure that auctioneers are well versed and educated on all aspects of selling real property and on all Louisiana real estate laws. Recently more and more auctioneers are beginning to auction real estate along with the traditional movables that they have sold in the past. In an effort to ensure that real estate consumers are protected and informed, the LR, along with representatives of the auctioneering industry, is looking at requiring auctioneers to be licensed with the Louisiana Real Estate Commission if the auctioneer sells an immovable piece of property. Current law only requires an auctioneer selling an immovable to be licensed with the Louisiana Auctioneering Board.

LR Position:

Louisiana REALTORS® fully supports efforts to have trained professionals who sell and represent clients in an immovable property transaction. The LR feels that anyone representing a seller or buyer in a real estate transaction should have to disclose all information concerning the property and inform the bidders of their agency relationship to all clients.

Impact to REALTORS®

This legislation seeks to ensure that real estate consumers are well protected and informed in a situation where an immovable piece of real estate is auctioned for sale.

Status and Outlook:

Louisiana REALTORS® will introduce legislation during the 2009 legislative session in an effort to see that consumers are better protected in an immovable property transaction where an auctioneer is involved.

Timeshare Law Revisions

Issue:

The Louisiana Timeshare laws were updated several years ago to bring Louisiana in line with other states that develop and promote timeshare properties. The onerous bonding requirement that had stifled new participants in the timeshare arena has now been eliminated, creating more opportunities for timeshare developers. One area of the timeshare law that was not updated deals with the requirement that at least 65 units be developed for a timeshare project to proceed. Louisiana and national timeshare developers feel the number of units should be lowered to 45. Developers indicate that many good projects could be developed, but the current 65-unit threshold does not work in many cases.

LR Position:

Louisiana REALTORS® supports efforts to build new timeshare projects in Louisiana that will enhance economic development while bringing in new people to visit our state.

Impact to REALTORS®:

Provide more opportunities for REALTORS® to promote and sell timeshare units to consumers.

Status and Outlook:

Louisiana REALTORS® will introduce legislation during the 2009 legislative session in an effort to expand the opportunities for developers of timeshare properties.

Regulatory and Other Issues Facing the Real Estate Industry

Methamphetamine Real Estate Act 681 of the 2008 Session

Louisiana REALTORS[®] and The Louisiana Bankers Association worked together on this act to set up a process of notification and cleanup of residential properties where an illegal methamphetamine laboratory was in use on the premise. During 2009, LR will be working with the Department of Environmental Quality and law enforcement to ensure that details of Act 681 are carried out and that the cleanup guidelines are in place.

Property Insurance

Louisiana REALTORS[®] will continue to be heavily involved with The Coalition to Insure Louisiana in an effort to make property insurance more available and affordable. The LR will be working with the Coalition to ensure that any legislation on this subject encourages insurance companies to write policies in Louisiana. Our association will also be working with legislators on the named storm deductible issue during the 2009 legislative session.

Future Legislative Items

Interest on Escrow Accounts

A House resolution was passed during the 2008 session to study the issue of real estate brokers allowing interest on escrow accounts to be used for affordable housing programs. This issue is similar to how attorneys currently allow interest to go toward the indigent defender fund. The LR, along with Representative Damon Baldone and other groups, will be studying this issue and reporting back with recommendations during 2009.

Protecting Commissions at Closings

Louisiana REALTORS[®] will be looking at several other states that have recently enacted laws that would ensure a fair process of resolving a commission dispute at the closing table.

Appraisal Licensure and Trainee Program

Louisiana REALTORS[®], along with the appraisal community, will be forming a work team to review the current laws relating to the appraisal trainee program and to make recommendations on how to improve the current system.

A Strong and Safe Real Estate Market for Louisiana

Louisiana REALTORS®, Louisiana Bankers Association, and the Louisiana Mortgage Lenders Association have been working to inform the media and the general public that the impact of the national financial crisis will not be felt as strongly in Louisiana, particularly as it pertains to home ownership.

The financial situation in Louisiana is “countercyclical” to what is happening nationwide. For the most part, Louisiana lenders have not participated in the high-risk loan writing that has been a factor in the national financial situation. Because of that, Louisiana began 2009 ranked 41st in the nation in foreclosures. Additionally, the state’s mortgage lending laws provide ample consumer protection, and Louisiana is still utilizing dedicated hurricane-relief funds from Congress for rebuilding.

Banks and thrifts insured by the Federal Deposit Insurance Corporation (FDIC) are highly regulated, and have had tighter restrictions put in place over the last seven years. Banks are now required to carry FDIC insurance on \$250,000 per account, a substantial increase from the previous \$100,000 required.

Though there was a brief spike in real estate values immediately following Hurricane Katrina outside of the New Orleans area, Louisiana real estate prices have stabilized and in large part maintained their value, despite the current national trend.

Commercial and industrial development also benefits the economy, and Louisiana has been fortunate to attract its share of significant projects. Each market in the state continues to land industrial development such as the recent expansion of the Coca-Cola Bottling Company in East Baton Rouge Parish, the Cyber Innovation Center near Barksdale Air Force Base in Bossier City and the Southern Recycling relocation to St. Charles Parish, among other examples.

Important Dates in 2009

The 2009 Regular legislative session begins on Monday April 27th and has to be completed by Thursday, June 25th. This is a fiscal session where tax and revenue issues will be debated and voted on. Legislators will also be afforded the opportunity to file up to five non fiscal bills during this session.

Legislative Session Begins

April 27, 2009

REALTOR® Issues Briefing & Legislative Reception

May 6, 2009

National Association of REALTORS® Legislative Meeting

May 12-15, 2009

Key Contacts

Louisiana Real Estate Commission

225/925-1923

<http://www.lrec.state.la.us/>

Louisiana Housing Finance Agency

225/763-8700

<http://www.lhfa.state.la.us/>

Department of Insurance

225/342-5900

<http://www.ldi.louisiana.gov/>

Public Service Commission

225/342-4404

<http://www.lpsc.louisiana.gov/>

House of Representatives Main Number

225/342-6945

<http://house.louisiana.gov/>

Senate Main Number

225/342-2040

<http://senate.legis.state.la.us/default.asp>

Attorney General

225/326-6705

<http://www.ag.state.la.us/>

Louisiana Congressional Delegation



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Senator David Vitter (R)

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<http://scalise.house.gov/>



Representative Anh "Joseph" Cao (R) District 2

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Representative Charles Melancon (D) District 3

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Representative John Fleming (R) District 4
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Washington, D.C. Office: (202) 225-2777



Representative Rodney Alexander (R) District 5
Monroe office: (318) 322-3500
Washington, D.C. office: (202) 225-5639
<http://www.house.gov/alexander/>



Representative William Cassidy (R) District 6
Baton Rouge office: (225) 778-5181
Washington, D.C. office: (202) 225-3901



Representative Charles Boustany, Jr. (R) District 7
Lafayette office: (337) 235-6322
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<http://boustany.house.gov/>

State Legislative Directory

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*Louisiana Senate Districts 16 and 24 Vacant

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*Louisiana House District 97 Vacant

LARPAC

LARPAC is the Political Action Committee of Louisiana REALTORS® and serves as the voice in politics for our membership. Through our statewide network of REALTOR® members, we are able to effectively communicate and influence lawmaking activities at the state and federal level.

Your LARPAC dollars have recently been used at the federal level to preserve the mortgage interest deduction, to reduce capital gains taxes and to streamline and clarify wetland policies. In the state of Louisiana, LARPAC funds helped to protect commercial real estate commissions, reduce liability by defining agency relationships, prevent sales tax on your commissions and protect private property rights. At the local level, these dollars helped to prevent additional transfer fees and combat signage ordinances.

Additionally, LARPAC has sponsored political forums and debates, hosted legislative receptions and worked with other business organizations to take public positions on issues affecting the community. Funds are also available to local Member Boards for the purpose of addressing key real estate issues in their area that impact the industry, and supporting candidates who support housing and real estate issues.

Friends of Louisiana Real Estate

Friends of Louisiana Real Estate, a Political Action Committee that is independent of Louisiana REALTORS® and LARPAC, is devoted to generating public support for state and local candidates whose platforms are aligned with the real estate industry.

LARPAC — Louisiana REALTORS® Political Action Committee — Contribution Form

All contributions should be made payable to **LARPAC, C/O. LA REALTORS®, P.O. Box 14780, Baton Rouge LA 70898**

Contribution Level:

- \$5,000 (Gold R) (\$2,000 annually to sustain)
- \$1,000 (Sterling R)
- \$750 (Cypress Club)
- \$500 (Magnolia Club)
- \$250 (Pelican Club)
- \$125 (Capital Club)
- \$35 (Political Survivor)
- \$ _____

Method of Payment:

- Check enclosed
- Visa
- MasterCard
- American Express

Name _____
SSN _____
Local Board _____
E-mail _____
 Please send me Legislative Alerts by e-mail

Credit card number: _____ Expiration / _____ Signature _____

Contributions are not deductible as charitable contributions for Federal income tax purposes. If in doubt, please consult your tax advisor. Contributions to LARPAC are voluntary and used for political purposes. The amount indicated is only a suggestion and you may give more, less or refuse to contribute without affecting your membership rights. Up to 70% of each contribution is used by the Louisiana REALTORS® PAC to support state and local candidates and issues. At least 30% of each contribution is sent to National RPAC. Of that amount, 90% is used by National RPAC to support Federal candidates and is charged against your limits under 2 U.S.C. 441a, while the remaining 10% is used for other Federal grassroots political activities.

Friends of Louisiana Real Estate — Contribution Form

Contribution Level:

\$20

\$ _____

Method of Payment:

Check enclosed

Visa

MasterCard

American Express

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Name _____

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E-mail _____

Please send me Legislative Alerts by e-mail

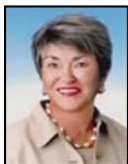
Credit card number: _____ Expiration ____/____ Signature _____

100% of each contribution is used to make independent expenditures to generate public support for state and local candidates whose platforms are aligned with the interests of the real estate industry. In conjunction with these efforts, the PAC will provide information to the general public highlighting the distinguished role and professional standards of a REALTOR®.

Louisiana REALTORS® State Legislative Team



Marbury Little GRI
Division Director
Derbes-Tatje REALTORS, Metairie



Connie Kyle ABRM CRB CRS GRI
Team Chair
CJ Brown Perkins, Baton Rouge



David McKey ABR GRI
Team Vice-Chair
Coldwell Banker One - Baton Rouge

Louisiana REALTORS® Lobbying Team



Malcolm Young, RCE, CAE
Chief Executive Officer
Louisiana REALTORS®



Norman Morris, CAE
Senior Vice-President
Louisiana REALTORS®



Jim Harris
President
Harris, Deville, and Associates



Randall Womack
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