

# 2010 LEGISLATIVE ISSUES



*A guide to important real estate industry  
issues and legislation for lawmakers and REALTORS®*  
[www.LAREALTORS.org](http://www.LAREALTORS.org)

# 2010 Legislative Issues

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# A Message from the President

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January 1, 2010

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 making 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 and preserving home ownership, 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 incentives and lower taxes and fees on real estate transactions, which will increase home ownership 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 black ink that reads "Michael O. Indest". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Michael O. Indest  
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 2010 state legislative session, information on LR's political advocacy initiative "Friends of Louisiana Real Estate," LARPAC, NAR's Broker Involvement Program, 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](mailto:norman@larealtors.org). Information is also available online in the legislative section of the LR web site at [www.larealtors.org](http://www.larealtors.org).

## Increasing Real Estate Taxes and Transfer Recordation Fees

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**Issue:**

Higher real estate taxes and recordation costs seem to be a solution to fund affordable housing opportunities and other similar projects.

**LR Position:**

Louisiana REALTORS® is opposed to any efforts to increase the real property transfer tax as a source of additional revenue. This tax is regressive in nature, inequitable in its application, has a narrow base and is not a stable source of revenue. Louisiana REALTORS® fully supports efforts to increase the affordable housing market by providing development tax credits and incentives for those projects.

**Impact to REALTORS®**

In the current real estate market we feel it would not be prudent to place additional fees and taxes on real estate consumers. Additional costs would deter consumers from investing in real estate and keep others interested in the market from being able to participate in it. In a time when it is imperative that we stimulate the real estate economy, an additional real estate transfer fee or tax would have a chilling effect on the real estate and development markets in Louisiana.

**Status and outlook:**

LR will oppose any attempts to impose additional transfer fees or recordation taxes. We want to make sure that buyers/sellers of real property are protected and have every opportunity to invest in real estate. Current fees charged statewide by the Clerks of Court to record a real estate transfer are fair and equitable, only charging the actual costs for recording the real estate transfer. Please refer to the LR Transfer Tax study, available after March 14, which will outline in more detail our full position on this issue.

## Real Estate Agency Law

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**Issue:**

All real estate licensees have to comply with Louisiana's real estate agency law. This law was enacted over 10 years ago and has served real estate licensees and their customers well over the years. A joint working team of LR and the Louisiana Real Estate Commission has reviewed and made recommendations to improve upon this law.

**LR Position:**

LR fully supports efforts to enhance and improve upon how agents represent their clients and their customers.

**Impact to REALTORS<sup>®</sup>**

The new changes will allow for a better agency disclosure process, more accurately reflecting the nature of the transaction and establishing a more professional consumer oriented disclosure form. The joint working team will also be looking to implement agency representation guidelines for all electronic technologies including, but not limited to, Facebook and Twitter.

**Status and Outlook:**

Louisiana REALTORS will be working with the LREC in the 2010 session to define these issues noted above and take our agency law to an even higher level.

## Condominium Law Revisions

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**Issue:**

The real estate industry is experiencing a situation where properties do not have resources to fund maintenance, repair and other condominium unit upgrades due to assessments not being paid by unit owners.

**LR Position:**

LR fully supports efforts to enhance and improve the condominium markets in the state. We recognize the need to keep the condominium market viable and the property values up, and it is important that owners of these units keep their assessments up to date.

**Impact to REALTORS®:**

This will ensure that condominium properties have the financial resources to keep the properties repaired and improved upon. This allows REALTORS® to market condominiums to clients that are attractive and serve as an excellent investment opportunity.

**Status and Outlook:**

Louisiana REALTORS® will be proposing legislation in 2010 that seeks the following:

- Having the ability to place a lien on unpaid monthly assessments.
- Allowing condominium associations to recover rental income from owners renting their units but not paying their condominium fees.
- Allowing condominium associations to withhold common area services and access for individuals not paying their assessments.

## Regulatory and Other Issues Facing the Real Estate Industry

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### **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. LR will be working to see that any legislation on this issue encourages insurance companies to write policies in Louisiana and will oppose any efforts to discontinue the state-run citizen's insurance plan.

### **Home Inspector Licensing Law**

LR will attempt in 2010 to ensure that a licensed home inspector does not inspect a home for a real estate transaction in which he/she also represents a client.

### **Mortgage Lending Law**

Two years ago LR supported the efforts of the mortgage lending industry to prohibit a loan originator from receiving compensation from a loan where he/she was also representing the client in an immovable property transaction. In 2010, the LR will look to tweak this law to tighten up a loophole in the 2007 law.

### **2010 Property Condition Disclosure Form and 2010 Purchase Agreement Online**

These two important real estate documents are readily available on line through the Louisiana Real Estate Commission web site at [www.lrec.state.la.us](http://www.lrec.state.la.us).

### **Joint LR/Homebuilder Working Team**

LR and Louisiana Homebuilders are working jointly to create additional language and an addendum for the 2011 statewide purchase agreement for new construction issues.

### **Appraisal Management Companies**

LR will support efforts of the Louisiana Real Estate Appraisal Board to register, regulate, and license appraisal management companies.

## A Note from NAR

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As 2010 begins, Congress and the REALTOR® Legislative and Regulatory Agenda will continue its focus on efforts to stimulate, stabilize and strengthen real estate markets across the nation while also protecting the business interests of members. This past year, Congress took several steps including the extension and expansion of the homebuyer

credit and maintaining stable FHA and GSE loan limits. Next steps are expected to include an evaluation of housing programs, specifically FHA and restructuring of Fannie Mae and Freddie Mac in a manner that will ensure the continual flow of capital into the housing and mortgage markets during all economic conditions. Other issues for 2010 will include health care, energy efficiency and climate change, the reauthorization of the National Flood Insurance Program, property insurance availability and affordability and maintaining the mortgage interest deduction tax benefit for consumers. Building on the successes of 2009, NAR will continue to convey the impact these various issues and programs have on REALTORS®, home buyers and property owners.

## Important Dates in 2010

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The 2010 Regular legislative session begins on Monday, March 29th and has to be completed by Monday, June 21st. This is a general session where all issues will be debated and voted on.

Legislative Session Begins

**March 29, 2010**

REALTOR® Issues Briefing & Legislative Reception

**April 28, 2010**

National Association of REALTORS® Legislative Meeting

**May 11-16, 2010**

## Key Contacts

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**House of Representatives Main Number**

225-342-6945, <http://house.louisiana.gov/>

**Senate Main Number**

225-342-2040, <http://senate.legis.state.la.us/>

**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.lidi.louisiana.gov/>

**Public Service Commission**

225-342-4404, <http://www.lpsc.louisiana.gov/>

**Attorney General**

225-326-6705, <http://www.ag.state.la.us/>

## Louisiana Congressional Delegation



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**<http://landrieu.senate.gov>**

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Washington, D.C. office: (202) 225-2031

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**Simon, Scott M.** Dist 74, (985)893-6246, simons@legis.state.la.us  
**Smiley, Jr., M.J. "Mert"** Dist 88, (225)698-9694, larep088@legis.state.la.us  
**Smith, Jane H.** Dist 8, (318)741-2825, larep008@legis.state.la.us  
**Smith, Jr., Gary L.** Dist 56, (985)764-9122, larep56@legis.state.la.us  
**Smith, Patricia Haynes** Dist 67, (225)342-7106, smithp@legis.state.la.us  
**St. Germain, Karen Gaudet** Dist 60, (225)687-2410, larep060@legis.state.la.us  
**Stiaes, Charmaine Marchand** Dist 99, (504)942-7835, larep099@legis.state.la.us  
**Talbot, Kirk** Dist 78, (504)736-7299, talbotk@legis.state.la.us  
**Templet, Ricky J.** Dist 85, (504)361-6013, templetr@legis.state.la.us  
**Thibaut, Major** Dist 18, (225)638-3811, thibautm@legis.state.la.us  
**Thierry, Ledricka** Dist 40, (337) 948-0369, thierry@legis.state.la.us  
**Tucker, Jim** Dist 86, (504)393-5646, larep086@legis.state.la.us  
**Waddell, Wayne** Dist 5, (318)219-9000, larep005@legis.state.la.us  
**White, Mack "Bodi"** Dist 64, (225)791-2199, larep064@legis.state.la.us  
**Williams, Patrick** Dist 4, (318)676-5990, larep004@legis.state.la.us  
**Willmott, Thomas P.** Dist 92, (504)465-3479, willmott@legis.state.la.us  
**Wooton, Ernest D.** Dist 105, (504)393-5649, larep105@legis.state.la.us

## LARPAC

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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 extend and expand the home buyer tax credit. In the state of Louisiana, LARPAC funds helped to protect 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 real estate and 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

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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 and to promote the use of a REALTOR® in all real estate transactions.

## Broker Involvement Program

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An enormous breakthrough in how REALTORS® can more effectively lobby their federal and state lawmakers through greater participation in Calls for Action (CFAs). NARs Broker Involvement Program provides you with a quick and simple tool to rally your agents. Through the broker program, NAR discovered that when broker owners alert their agents to key issues, agents listen and take action. Simply enroll your company into the broker program. When there is a federal broker call for action, NAR will alert you by phone and email. NAR always gives you the choice to participate in a broker call for action. For more information, visit [www.realtoractioncenter.com/realtors/brokers](http://www.realtoractioncenter.com/realtors/brokers).

# LARPAC — Louisiana REALTORS® Political Action Committee — Contribution Form

## 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

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

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

All contributions should be made payable to **Friends of Louisiana Real Estate, C/O LA REALTORS<sup>®</sup>, P.O. Box 14780, Baton Rouge LA 70898**

Name \_\_\_\_\_

SSN \_\_\_\_\_

Local Board \_\_\_\_\_

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<sup>®</sup>.

## Broker Involvement Program - Registration Form

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Broker Owner Name \_\_\_\_\_

Office Name, as registered \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Number of Offices Under Your Leadership \_\_\_\_\_

Preferred Phone #, Including Area Code \_\_\_\_\_

Alternate Phone Number \_\_\_\_\_

Preferred E-mail \_\_\_\_\_

If you prefer us to contact a Designated Point of Contact in your office, please provide:

Designated Point of Contact (POC) (Managing Broker, Administrative Assistant)

POC Name \_\_\_\_\_

POC Preferred Phone Number \_\_\_\_\_

POC Alternate Phone Number \_\_\_\_\_

POC Preferred Email \_\_\_\_\_

NAR will alert you by phone and email (brokeradvocacy@realtors.org) when there is a Broker Call for Action. Your personal email message and the Call for Action (CFA) will then be available for your review at the Broker Portal. Since time is of the essence, you agree that NAR can automatically send your message and the CFA to your agents if you do not respond with any comments or opt-out within two business days. Responding quickly to CFAs is critical to communicating a coordinated and powerful grassroots message.

I realize time is of the essence, but if you have not heard from me after two business days, I do not want NAR to automatically send my agents my message and the Call for Action.

## Louisiana REALTORS® State Legislative Division

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**Connie Kyle** ABRM CRB CRS GRI  
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**David McKey** ABR GRI  
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## Louisiana REALTORS® Lobbying Team

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**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**  
Harris, Deville, and Associates



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