

WISCONSIN REAL ESTATE



A PUBLICATION OF THE WISCONSIN REALTORS® ASSOCIATION

MAGAZINE

July 2021 Vol. 37, No. 10

CONNECT

FIND YOUR STRIKE ZONE

WRA 2021 CONVENTION

MILWAUKEE
OCTOBER 4-6
LIVE & VIRTUAL





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¹ Corelogic mortgage recordings: Dane County 36 consecutive months as of December 2020.



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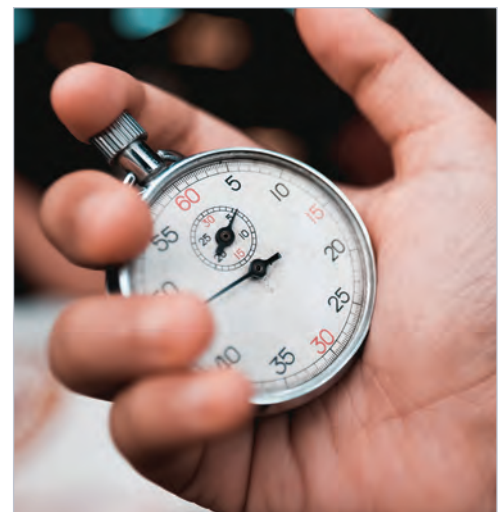
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BY DAVE CLARK
 PROFESSOR OF ECONOMICS AT MARQUETTE UNIVERSITY
 PRINCIPAL AT ECON ANALYTICS, LLC
WISCONSIN MONTHLY HOUSING REPORT

WISCONSIN HOUSING MARKET

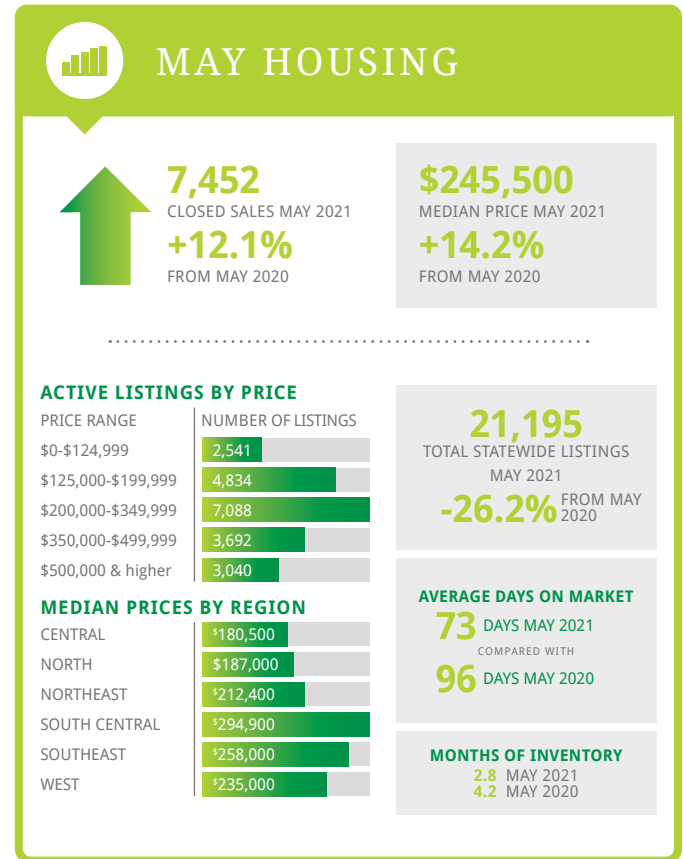
Strong Even as Inventories Remain Tight

The housing report at a glance:

- Both existing home sales and median prices rose by double-digit margins in May compared to their levels 12 months earlier, when the economy was in lockdown.
- Demand conditions are strong with the 30-year fixed-rate mortgage dipping to 2.96% in May.
- Total statewide listings fell 26.2% to just 21,195 homes for sale in May.
- Housing supply remains tight with 2.8 months of available supply in the state. Inventory is tight in all regions, across all urban/rural classifications and across all price ranges.

See the full report: www.wra.org/HSRMay2021

David Clark, Ph.D., is a professor of economics at Marquette University and principal at ECON Analytics, LLC, and serves as a consultant to the WRA in the analysis of home sales data as well as in the preparation of the monthly Wisconsin Housing Report. For more information, contact Clark at 414-803-6537.



HOUSING STATISTICS MONTHLY ACTIVITY						
Statewide	May 2021	May 2020	% Change	YTD 2021	YTD 2020	% Change
New Listings	9,820	9,510	+3.3%	N/A	N/A	N/A
Total Listings	21,195	28,713	-26.2%	N/A	N/A	N/A
Closed Sales*	7,452	6,647	+12.1%	29,750	26,889	+10.6%
Median Sales Price	\$245,500	\$214,900	+14.2%	\$229,900	\$205,000	+12.1%
Months of Inventory	2.8	4.2	-33.3%	N/A	N/A	N/A
Avg. Days on Market	73	96	-24.0%	N/A	N/A	N/A
Affordability Index	191	206	-7.1%	N/A	N/A	N/A
Median Price				Closed Sales		
Region	May 2021	May 2020	% Change	May 2021	May 2020	% Change
Central	\$180,500	\$164,250	+9.9%	476	436	+9.2%
North	\$187,000	\$169,250	+10.5%	700	674	+3.9%
Northeast	\$212,400	\$177,000	+20.0%	1,231	1,213	+1.5%
South Central	\$294,900	\$262,000	+12.6%	1,590	1,406	+13.1%
Southeast	\$258,000	\$230,000	+12.2%	2,819	2,265	+24.5%
West	\$235,000	\$215,000	+9.3%	636	653	-2.6%
Report criteria: Reflecting data through May 2021. *Total statewide closed sales may differ from the summed regional sales due to a small number of sales not being assigned to a county.						



INSIDE THE WRA

Webcast Miniseries Explores Competitive Market Practices

Things move fast in a competitive market, and the “Being Competitive” Legal Update Live miniseries moved just as quickly! Last month, the WRA legal team hosted a fast series of webcast discussions about transactional trends taking place in the current market. Spanning across Legal Update Live episodes 13 to 18, the “Being Competitive” miniseries explored scenarios you may find in today’s aggressive market, like the use of “Dear Seller” letters, not including an inspection contingency, situations with multiple offers and more.

All six “Being Competitive” episodes are now available on the WRA website so you can watch as many times as you like:

Episode 13: “Dear Seller” Letters: When it comes to strategies being used to get a buyer’s offer accepted, a hot and controversial tactic is the “Dear Seller” letter. Watch hosts Debbi Conrad and Tracy Rucka analyze this trend.

Episode 14: Sight-unseen Offers: While the buyer may be able to write an offer on a property without seeing it, what are your responsibilities as a real estate agent? Hosts Cori Lamont and Jennifer Lindsley have the answer.

Episode 15: Multiple Offers: To say that sellers are receiving multiple offers on most listings is a huge understatement. Learn about scenarios with multiple offers with hosts Debbi Conrad and Tracy Rucka.

Episode 16: No Inspection Contingency: When a buyer chooses not to include a home inspection contingency in their offer, what does this mean for you as a real estate agent? Find out with hosts Cori Lamont and Jennifer Lindsley.

Episode 17: Cash Offers, No Financing Contingency: Cash offers can have potential pros and cons from the buyer’s and seller’s points of view. Hosts Debbi Conrad and Tracy Rucka discuss these pros, cons and more.

Episode 18: Specific Seller Terms of the Offer: A seller’s market creates opportunities for the seller to establish some of their own terms. Explore the implications of these specific terms with hosts Cori Lamont and Jennifer Lindsley.

Watch the episodes now (WRA login required): www.wra.org/LUL/Ep13-18

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2021 WRA CONVENTION

Dear WRA Member,

If we've learned anything in the past 18 months, it's that we should always expect the unexpected. 2021 has brought new hope, new togetherness and a sizzling hot real estate market to go with it! I hope you all will take an opportunity to CONNECT and "Find Your Strike Zone" at the 2021 WRA Annual Convention this fall on October 4-6.

My entire career as a baseball player, I heard those words: "Find Your Strike Zone." Little did I know they would mean so much in various aspects of my life! As a pitcher, it meant I needed to control the game that I was pitching. The strike zone is defined, but how you pitch toward that strike zone is not. So often I would find myself complaining about the umpire not calling strikes, but rarely would I admit that it was me not throwing them! You have to find your niche, find your game and play to your strengths ... no different than real estate!

In today's hot real estate market, I continually hear agents frustrated by the pace of the market, sellers being unreasonable with demands, agents not giving them a fair opportunity to show a new listing, or just plain upset that they didn't get their offer accepted. We all need to take a deep breath and say to ourselves, "Find Your Strike Zone." Are you upset because you simply didn't throw a good pitch? Your offer wasn't strong enough? Are you working in a market you're not as familiar or comfortable with?

Take a break, perhaps a seventh inning stretch, to join us in Milwaukee October 4-6 to reset and "Find Your Strike Zone." At the convention, you'll learn from some of the best in the business from all across the country. Our exciting keynote speakers, Major league pitcher Jim Abbott and real estate top producer Tommy Choi, will motivate you to face any obstacle and achieve a new level of success. And with 40+ workshops on the agenda with instructors like Bobbi Howe, Koki Adasi and Jef Conn, you'll learn new tactics to take the mound with confidence and throw out the perfect pitch. At the convention, you're destined to find that pitch that you'll always feel confident throwing, so the next time you feel frustrated by this market, you know you'll have something to come back strong with!

I'm looking forward to seeing all of you soon — it's been too long!

Attend the 2021 WRA Annual Convention in Milwaukee and CONNECT October 4-6!

Brad Lois
2022 WRA Chair of the Board



“”

**"I became a good pitcher
when I stopped trying to
make them miss the ball and
started trying to make them
hit it."**

– Sandy Koufax

2021 WRA CONVENTION SCHEDULE

MONDAY, OCTOBER 4, 2021

All day	Scavenger hunt photo challenge
9:00 a.m. – 5:00 p.m.	CRS course
11:00 a.m. – 5:30 p.m.	Convention golf outing (12:00 p.m. shotgun start)
1:00 p.m. – 4:30 p.m.	Bikes, beer & brats tour
5:00 p.m. – 6:00 p.m.	Women's council meeting
7:00 p.m. – 9:00 p.m.	Trivia night

TUESDAY, OCTOBER 5, 2021

All day	Scavenger hunt photo challenge
8:00 a.m. – 9:00 a.m.	Recognition breakfast
8:30 a.m. – 6:00 p.m.	Exhibit hall open
10:00 a.m. – 12:00 p.m.	Opening session
12:00 p.m. – 1:15 p.m.	WRA past chairmen's lunch
12:00 p.m. – 5:00 p.m.	AE lunch and meeting
1:00 p.m. – 4:30 p.m.	Real estate CE course 1
1:15 p.m. – 2:15 p.m.	Education tracks
2:30 p.m. – 3:30 p.m.	Education tracks
3:45 p.m. – 4:45 p.m.	Education tracks
4:45 p.m. – 5:45 p.m.	Women's council election
4:45 p.m. – 6:00 p.m.	Cocktail hour in exhibit hall
6:00 p.m. – 7:00 p.m.	RPAC reception
8:00 p.m. – 12:00 a.m.	Icebreaker party

WEDNESDAY, OCTOBER 6, 2021

All day	Scavenger hunt photo challenge
7:00 a.m. – 8:00 a.m.	Morning run
7:00 a.m. – 8:00 a.m.	Morning yoga
8:00 a.m. – 12:30 p.m.	Exhibit hall open
8:30 a.m. – 4:30 p.m.	Appraisal CE
8:30 a.m. – 12:00 p.m.	Real estate CE course 3
9:15 a.m. – 10:15 a.m.	Education tracks
10:30 a.m. – 11:30 a.m.	Education tracks
11:30 a.m. – 12:30 p.m.	CRS lunch
1:00 p.m. – 4:30 p.m.	Real estate CE course 5
12:30 p.m. – 1:50 p.m.	ADAPT: Overcoming Adversity



TOMMY CHOI

TOP PRODUCER AND CHICAGO REALTOR®

Opening Session and Keynote
October 5: 10:00 a.m. – 12:00 p.m.

Join fellow convention attendees to kick off the convention and be inspired with the convention keynote. At Opening Session, you'll listen to the WRA leadership team recap the past year and discuss plans for the future. Next, keynote speaker, Chicago-area REALTOR® and top producer Tommy Choi will take the stage.

Tommy is no stranger to success. As the co-founder and owner of the Weinberg Choi Residential Team based in Chicago, Tommy's team is consistently ranked in the top 10 real estate teams in Chicago and in the top 1% of the Chicago Association of REALTORS®' top producers. Tommy also served as the 135th president of the Chicago Association of REALTORS® and as the first Korean-American president in the association's 135-year history. In addition to his service at the local association level, Tommy is an active member of the Illinois REALTORS®, served as the chair of NAR's YPN advisory board, and is currently serving as the vice president of association affairs for NAR.

In Opening Session, Tommy will explain his secrets to success and how you can utilize them in your business. You'll learn lessons about adaptation, abundance, fear and gratitude Tommy learned from his dry cleaner and how applying those lessons helped him build a multimillion-dollar real estate company.



JIM ABBOTT

MLB PITCHER AND OLYMPIC GOLD MEDALIST

ADAPT: Overcoming Adversity
October 6: 12:30 p.m. – 1:50 p.m.

No obstacle is too big for Major League Baseball pitcher, Olympic gold medalist and Michigan native Jim Abbott. Born without a right hand, Abbott played on the Michigan University baseball team, making all-American, winning the Sullivan award, and even going on to win a gold medal as the pitcher with the U.S. Olympic team in 1988. During his decade in the major leagues, Abbott played for the California Angels, Milwaukee Brewers, Chicago White Sox and New York Yankees. One of his career highlights happened with the Yankees on September 4, 1993, when Abbott pitched a no-hitter against the Indians, winning 4-0. He retired in 1999 with the Brewers.

Since retiring as an active player, Abbott has worked with The Department of Labor's Office of Disability Employment Policy (ODEP) on several initiatives encouraging businesses to hire people with disabilities. Today, in addition to often serving as a guest pitching instructor during spring training for the Los Angeles Angels, Abbott is a motivational speaker.

See Jim in person and learn how his "ADAPT" philosophy can help you move toward your professional goals and prepare for any industry changeup.



RECOGNITION BREAKFAST

OCTOBER 5: 8:00 A.M. – 9:00 A.M.

Start off the day by meeting Wisconsin's real estate all-stars who earned awards and honors this year. Plus, you'll be able to network and add new names to your winning gameday roster — all while enjoying a gourmet spread of breakfast items, coffee and refreshments atop the Hyatt in the gorgeous Vue Rooftop Ballroom. (This event requires a separate ticket.)



WOMEN'S COUNCIL OF REALTORS® MEETING

OCTOBER 5: 5:00 P.M. – 6:00 P.M.

The Wisconsin Women's Council of REALTORS® will host its annual meeting to discuss the year, changes with the WCR, and how the state council can assist local networks with planning for the future. Also participating via Zoom will be the National Association of REALTORS® president-elect Leslie Rouda Smith. This meeting is open to all convention attendees.



REALTORS® POLITICAL ACTION COMMITTEE

RPAC RECEPTION

OCTOBER 5: 6:00 P.M. – 7:00 P.M.

Thank you to the WRA members who contributed \$99 or more to the REALTORS® Political Action Committee or Direct Giver program this year. As a “thank you” for your generous advocacy and your commitment to scoring industry victories, this reception is for you! Stop by for drinks, hors d'oeuvres and discussions with fellow REALTORS®. (This is an invitation-only event.)



CRS LUNCH

OCTOBER 6: 11:30 A.M. – 12:30 P.M.

The Wisconsin CRS chapter will host its annual luncheon full of insight and ideas to take your business to the next level. You do not need to be a CRS to attend, and all convention attendees are welcome. (This is a ticketed event.)



GOLF OUTING

OCTOBER 4: 11:00 A.M. – 5:30 P.M.

Enjoy a round of 18 holes with fellow friends and REALTORS® at the Wisconsin Club, one of the most challenging and beautiful championship courses in the area. From tree-lined fairways to intricately contoured greens and well-positioned bunkering, this course has earned the reputation as one of the premiere private golfing venues in Southeastern Wisconsin. In addition to an incredible round of golf, you'll also enjoy lunch, drinks and prizes!



BIKES, BRATS & BEER TOUR

OCTOBER 4: 1:00 P.M. – 4:30 P.M.

An authentic taste of American history and culture! Dive into Milwaukee's beer- and sausage-making history, traveling through Menomonee Valley, Miller Valley and downtown Milwaukee. Tour stops include the Harley-Davidson Museum, Lakefront Brewery, Milwaukee Brat House and more.



TRIVIA NIGHT

OCTOBER 4: 7:00 P.M. – 9:00 P.M.

Coming to town early and looking for something fun to do? Join us for a casual evening of bar trivia in the Monarch Lounge located in the Hilton. Go solo or bring a team and test your knowledge for chances to win cool prizes!



COCKTAIL HOUR

OCTOBER 5: 4:45 P.M. – 6:00 P.M.

Get your drinks here! Join us in the exhibit hall for your 7th inning stretch. This is the perfect chance to unwind and visit with your favorite exhibitors and enjoy food, drinks, activities and music. Meet the newly installed WRA chair Brad Lois and mingle with workshop speakers, WRA leadership and other special guests.



ICEBREAKER PARTY

OCTOBER 5: 8:00 P.M. – 12:00 A.M.

Get loud and bring your team spirit to the dance floor at everyone's favorite convention event! The Bluewater Kings Band will provide live music all night while you reconnect with old friends and meet new ones as you party the night away. Partake in the games, the fun and the food, and wear your favorite baseball apparel. The costume contest starts at 10:00 p.m. with prizes awarded for the best-dressed baseball fans — male, female and group.



MORNING YOGA

OCTOBER 6: 7:00 A.M. – 8:00 A.M.

Begin your last day at the convention with a blissful yoga experience. This session will allow you to balance your mind and body to create a calm energy to carry throughout the day. Be ready to feel nourished, refreshed and renewed. You deserve it! All convention guests are encouraged to attend regardless of experience. Yoga mat not necessary.



MORNING LAKEFRONT RUN MEETUP

OCTOBER 6: 7:00 A.M. – 8:00 A.M.

The cool morning breeze, the view of the lake, the sun peeking just above the horizon. This serene moment is brought to you by the Morning Lakefront Run Meetup event! No race, no competition — just a morning run along the lakefront with fellow REALTORS® to kick off the final day of convention. Stretch your hamstrings, get the blood pumping, have fun!



SCAVENGER HUNT PHOTO CHALLENGE

OCTOBER 4-6

Make the most of your experience and explore Milwaukee! We've put together a list of things to discover at the convention center and around the city. How many can you find? Grab your phone, grab your friends and start searching. Post your discoveries along with the convention hashtag #WRAConv2021 for your chance to win prizes and be featured throughout the convention!



EDUCATION TRACKS

Convention education tracks are designed to meet the needs of every REALTOR® in business. Industry all-star? Utility player? A newcomer to the big leagues? No matter your level of expertise, you'll find an education track to sharpen your skills and enter a new ballgame. Top real estate experts from around the country and from Wisconsin deliver you the latest news, tips and tricks to give you a competitive edge!

NEW AGENT TRACK

Are you a real estate rookie? This track helps newer agents gain valuable practice tips to step up to the plate with confidence.

COMMERCIAL TRACK

Ready to hit a commercial home run? The Commercial Track at the convention is your first step toward improving your knowledge about commercial and investment real estate.

TOP BROKER TRACK

Are you a broker or owner looking for ways to foster a winning team? The Top Broker Track gives you exclusive insight into tools and strategies to improve your brokerage.

EXPERIENCED AGENT TRACK

Looking to take your seasoned game to the next level? The Experienced Agent Track offers you strategies and advanced techniques to maximize your business and prepare for any real estate curveball.

LIVE COURSES

REAL ESTATE CE

REAL ESTATE CE COURSE 1: WISCONSIN LISTING CONTRACTS

October 5: 1:00 p.m. – 4:30 p.m.
Instructor: Jennifer Lindsley

Wisconsin Listing Contracts provides licensees mandatory instruction on protected buyers, exclusions and extension of the listing contract. Explore marketing topics such as open houses, advertising and seller cooperation with marketing efforts. Review agency in various contexts and consider how those relationships dictate responsibilities in a transaction.

REAL ESTATE CE COURSE 3: WISCONSIN NEW DEVELOPMENTS

October 6: 8:30 a.m. – 12:00 p.m.
Instructor: Cori Lamont

Wisconsin New Developments provides licensees mandatory instruction on technology tools for your Wisconsin transactions. Come see what is new in the Wisconsin statutes and administrative code. Take a deep dive into Wisconsin case law and see its effect on real estate-related law.

REAL ESTATE CE COURSE 5 WISCONSIN REAL ESTATE LAW AND PRACTICE

October 6: 1:00 p.m. – 4:30 p.m.
Instructor: Jonathan Sayas

Wisconsin Real Estate Law and Practice provides instruction on financing sources including seller financing and when it may be permitted or prohibited. Review the mandatory seller disclosure obligations including when a seller could be liable for misrepresentation to a buyer. Consider how to best prepare a seller when listing a condominium and helping the seller prepare for an offer to purchase.

APPRAISAL CE

LEARNING FROM MISTAKES: TECHNIQUES, TOOLS AND DISCIPLINE

October 6: 8:30 a.m. – 4:30 p.m.
Instructor: Joshua Walitt

Learning from mistakes is an important way for professional appraisers to improve the quality of their work. However, proactively learning from other appraisers' mistakes is far better than making mistakes first-hand — at that point, it may be too late and there may be serious consequences. "Learning from Mistakes: Techniques, Tools and Discipline" focuses on actual cases of reviews and state complaints to identify common deficiencies in appraisal work; to handle complaints and investigations by a state regulator; and to understand the application of and inter-relationship between appropriate methods, technological tools, data analysis, workfile retention, and understandable and efficient reporting.

ONE-DAY SPECIALIZED TRAINING COURSE

CRS: SHORT SALES AND FORECLOSURES

October 4: 9:00 a.m. – 5:00 p.m.
Instructor: Dale Carlton

Working with buyers and sellers of distressed properties can be frustrating and time-consuming but also rewarding. This course provides REALTORS® with practical approaches to the pre-foreclosure and foreclosure processes that will result in the successful disposition of these properties. You'll learn about the intricacies of the short sale and foreclosure processes as well as the roles of lenders, sellers, buyers and cooperating agents involved. This course also provides dialogues and systems for working with financial institutions and other owners of REO properties.

This course gives you the ability to walk away with the knowledge to:

- Negotiate successfully with financial institutions.
- Sell and list REO and short sale properties.
- Implement a step-by-step process for counseling clients.

This course meets the core course requirement for the Short Sales and Foreclosure Resource (SFR) certification.

VIRTUAL CONVENTION DETAILS & INFO

With the 2021 convention live/virtual event format, you can pick how you want to play. Want to keep your schedule flexible? Need to stay closer to home base? No problem. You can still watch livestreamed keynotes, enjoy a virtual swag bag and watch recorded workshop sessions, wherever you happen to be.

Included in the virtual convention package:

LIVESTREAMED FEATURED PRESENTATIONS

Watch select education tracks live as they happen. Workshops are available for new agents, brokers, commercial practitioners and seasoned agents, so you're destined to find a livestreamed track that's perfect for you.

LIVESTREAMED OPENING SESSION AND KEYNOTE

Watch the WRA leadership team recap the year and discuss plans for the future, then laugh with keynote speaker and Chicago-area REALTOR® Tommy Choi as he shares lessons he learned from his dry cleaner that helped him build a million-dollar business.

LIVESTREAMED "ADAPT: OVERCOMING OBSTACLES"

Speaker, Major League Baseball pitcher and Olympic gold medalist Jim Abbott explains how his "ADAPT" philosophy can help you move toward your professional goals and prepare for any industry changeup.

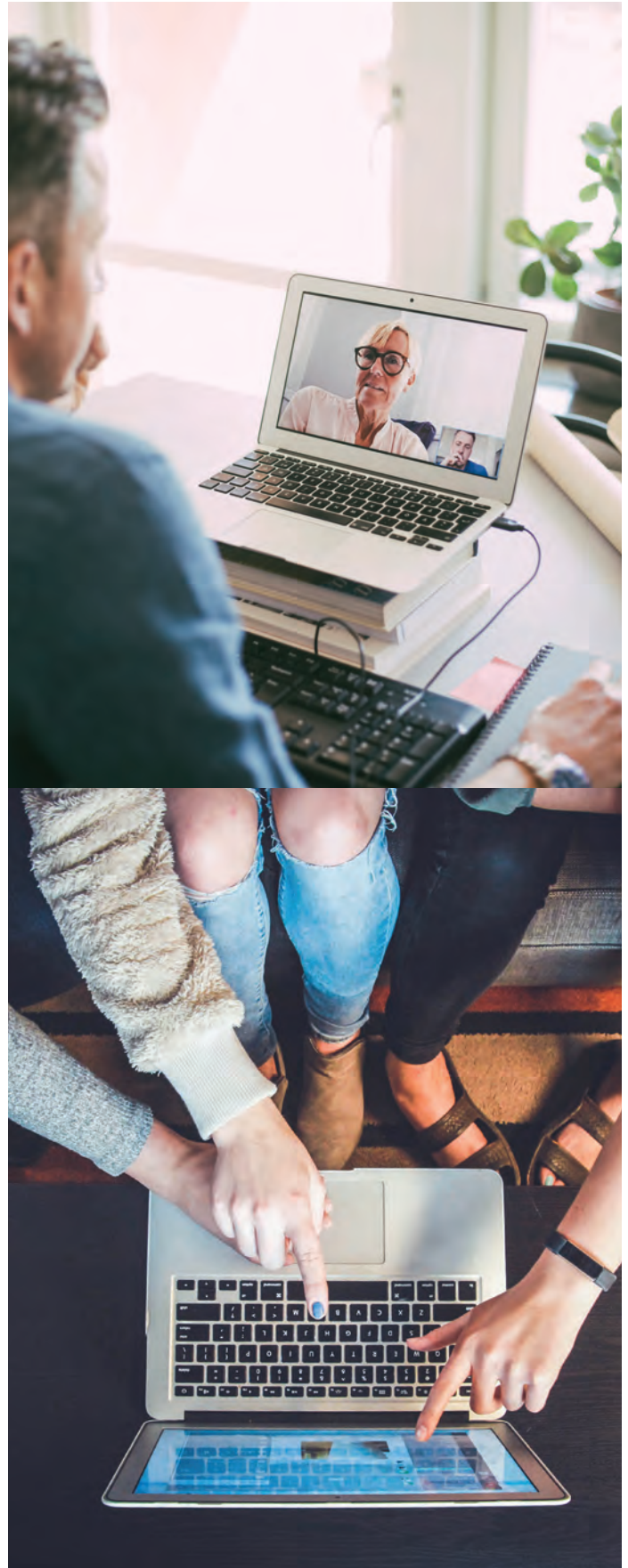
RECORDED EDUCATION TRACKS

Once the convention is over, your education keeps going! Keep learning and gaining valuable insight with the complete series of all education tracks, available as online videos after the big event.

HOW DOES IT WORK?

Registering and participating in the virtual convention is easy. Follow these steps to be ready for gameday:

- Sign up for the virtual convention at www.wra.org/2021Convention/Registration
- Closer to the convention, you'll receive an email with instructions to access the virtual convention website.
- The virtual convention website will be open several days prior to the convention so can become familiar with the website before the livestreamed sessions begin.
- And you're ready! Tune in to watch the keynotes and featured presentations, live as they happen.
- Plus, watch and learn even after the convention ends. After the event, the convention website will include videos of all convention education tracks.



REGISTRATION

This fall in Milwaukee, let your real estate all-star emerge with expert training from national speakers in a new convention format. Live or virtual: pick how you want to play.

2021 convention pricing:

- \$145 full event package: full three-day live event access
- \$90 single day package: single-day live access
- \$90 virtual package: virtual-only event access

Don't wait too long to register. These prices end September 13.

See the website for additional fees of convention add-on activities.

LOCATION AND HOTELS

The live convention event is taking place at:

The Wisconsin Center
400 W. Wisconsin Ave.
Milwaukee, WI 53203

The WRA has reserved room blocks at the Hyatt and the Hilton, both adjacent to the Wisconsin Center. These hotels and the Wisconsin Center are all conveniently accessible via skywalks.

Hyatt Regency Milwaukee: convention headquarters hotel
Room rates start at \$159

Reserve online: www.wra.org/Convention2021/Hyatt
Reserve by phone: 888-421-1442 or 402-592-6464
Room block name:
Wisconsin REALTORS® Association 2021 Convention
Reservation deadline: September 14

Hilton Milwaukee City Center: additional lodging available
Room rates start at \$159

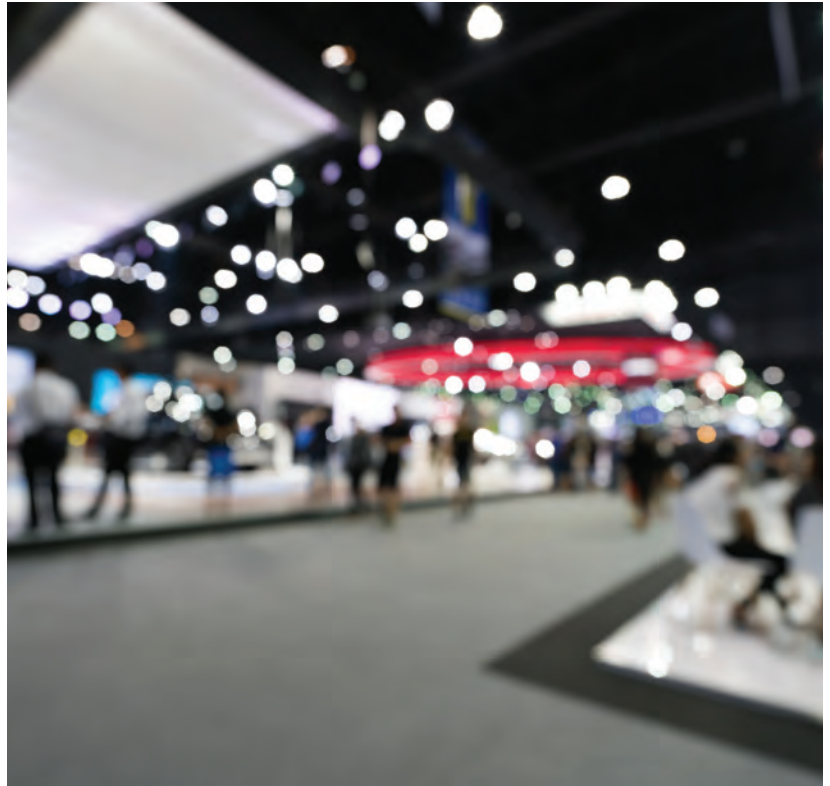
Reserve online: www.wra.org/Convention2021/Hilton
Reserve by phone: 414-935-5940
Room block name: Wisconsin REALTORS® Association
Reservation deadline: September 13



Thank You, Sponsors and Exhibitors

The WRA would like to give a special thanks to the following companies for their early support of the 2021 convention.

America's Preferred Home Warranty
Bear Realty of Burlington Inc.
Choice Home Warranty
Cinch Home Services
CoVantage Credit Union
Cutco Cutlery
EXIT Realty Upper Midwest
First American Title Insurance Company
Focus on Energy
Godfrey & Kahn
Greater Milwaukee Association
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CONVENTION EXHIBIT HALL

OCTOBER 5: 8:30 A.M. – 6:00 P.M.

OCTOBER 6: 8:00 A.M. – 12:30 P.M.

Looking for cutting-edge products and services to take your game to a new level? Enter the WRA convention exhibit hall. Filled with vendors offering the latest real estate business solutions, a trip through the exhibit hall gives you the tools you need to step up to the plate. Also in the exhibit hall, you'll get to enjoy networking opportunities with vendors and other agents, prize opportunities and beer.

SPONSORSHIP AND EXHIBITING OPPORTUNITIES

The WRA Annual Convention is the only meeting that provides you the exclusive opportunity to connect with the top salespeople, brokers and other professionals dedicated to the Wisconsin real estate industry.

Sponsoring an event makes entertainment, refreshments or other events and features possible. In return for your support, your company will receive visibility and recognition.

Exhibiting gives you the opportunity to connect face to face with Wisconsin real estate professionals. The exhibit hall provides a perfect setting to display your products and services geared toward the real estate practitioner.

To inquire about sponsorship and exhibiting opportunities, contact Carter Angelo at the WRA at Carter@wra.org.

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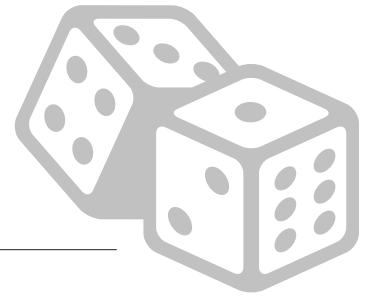
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BY CORI LAMONT
SENIOR DIRECTOR OF LEGAL AND PUBLIC AFFAIRS
LEGAL



Risky Business

Risks associated with no inspection contingency in an offer

In the last several months, the WRA legal team, alongside our members, has been tracking the trends of this very competitive seller's market. While we have seen escalation clauses to cash offers to purchase prices well over list deals, one trend that is likely one of the most disconcerting is the buyer choosing not to have a home inspection contingency included in the offer.

Buyers trying to compete with others by writing "clean" no-contingency offers is not surprising in a competitive market. However, this practice comes with a very large risk.

Without a home inspection, the buyer has no way of knowing the condition of the property. While real estate licensees have to inspect the property and disclose material adverse facts, real estate licensees are not required to have the knowledge, skills or training of inspectors. In addition, while the seller may complete a real estate condition report, there are often conditions they don't know about their property as well as conditions they may not properly disclose or not disclose at all because they don't believe the condition to be a defect. Therefore, a buyer choosing just to rely on the seller's real estate condition report is also very risky. Read more in "The Home Inspection in a Competitive Market," in the May 2021 *Wisconsin Real Estate Magazine* at www.wra.org/WREM/May21/HomeInspection.

As a real estate licensee, you are to draft the offer according to the instructions of the buyer; but it is equally important, from a risk reduction standpoint, to document that the buyer understands and signs an acknowledgement that they wanted to write the offer without an inspection contingency and they understand the risks associated with doing so. Therefore, the WRA legal team created a form to assist you in getting this documented by the buyer.

The new WRA Buyer Acknowledgement of Risk Associated of Not Having a Home Inspection (WRA-BAR) form explains:

- The benefits of having a home inspection.
- The buyer has been advised of the benefits of having a home inspection.
- The buyer affirmatively declines to include a home inspection contingency.
- The consequences of not having a home inspection contingency.

- The buyer holds the agent and the agent's firm harmless from the consequences associated with not including a home inspection contingency.
- In addition, the WRA-BAR form includes buyer signature lines so the buyer makes their acknowledgement official.

A buyer choosing not to include a home inspection contingency creates the potential future situation involving a buyer learning of a post-closing condition after closing and later considering, or choosing, to litigate the matter.

Again, this form is intended to be used at the time of drafting the offer to purchase to help the buyer understand the gravity of choosing not to include a home inspection in their offer to purchase. Therefore, when the buyer is threatening litigation because they have learned of a condition issue after closing, this form can be produced to remind the buyer they made an educated and informed decision when they chose to move forward without including a home inspection contingency in their offer to purchase. Lastly, while the hold harmless provision is not a "get out of jail free" card if the buyer threatens to sue in the circumstances stated above, it certainly should give the buyer and their legal counsel pause. This is especially true when the buyer tells their attorney, "the agent never explained to me the consequences of writing an offer without a home inspection contingency," and the buyer's attorney later discovers the buyer signed a one-page form explaining the risk associated with not having a home inspection.

Cori Lamont is Senior Director of Legal and Public Affairs for the WRA.

MORE WRA-BAR DETAILS

Access your copy of the WRA-BAR form within your zipForm account or within the WRA PDF forms library at www.wra.org/formslibrary (subscription required).

Learn more about writing offers without an inspection contingency in episode 16 of the WRA Legal Update Live video series at www.wra.org/LUL/Episode16.

Buyer Acknowledgement of Risk When Not Having a Home Inspection

Buyer was informed by real estate agent _____ associated with _____ (Firm) that professional home inspection and testing is advisable on the property located at _____ (Property).

The undersigned Buyer understands the only way to determine the condition of the Property is by having professionals conduct an authorized home inspection(s) or testing of the Property.

The real estate firm and its agent recommend the Buyer obtain a home inspection, even if the seller has made verbal or written disclosures or provided a copy of a previous inspection report.

By electing not to have a home inspection and not to include a home inspection contingency in the Buyer's Offer, Buyer has decided not to engage a home inspector or obtain a home inspection at this time. There is an inherent risk in writing an offer that is not contingent on a home inspection which may result in the Buyer learning of costly defects after closing for which the Buyer will be financially responsible to repair or correct.

The Buyer acknowledges and agrees:

- The Buyer has independently made the decision not to have a home inspection.
- The Buyer has made this decision against the recommendation of their real estate agent.
- Wisconsin real estate licensees are not required to have the same technical experience and knowledge of a home inspector or any other third-party tester or inspector.
- The Buyer has discussed the implications with their lender, if any.
- The Buyer has read this document in its entirety.

The Buyer acknowledges the Firm and its agent have informed the Buyer of the potential risk of submitting an offer with no inspection contingency.

Hold Harmless. The Buyer agrees to hold the Firm, and all its agents associated, harmless from any and all claims, arising out of or relating to the buyer's election not to have a home inspection or include an inspection contingency in the offer to determine the condition of the Property.

(X) _____
Buyer Signature ▲ (Date) ▲

Print Name

(X) _____
Buyer Signature ▲ (Date) ▲

Print Name

(X) _____
Buyer Signature ▲ (Date) ▲

Print Name

(X) _____
Buyer Signature ▲ (Date) ▲

Print Name



BY DEBBI CONRAD
SENIOR ATTORNEY AND DIRECTOR OF LEGAL AFFAIRS
LEGAL

Working with Commission Splits

Working with commission splits involves several key elements. Splits are addressed in the listing contract, in the MLS, in policy letters and in compensation agreements, and unfortunately, in broker conversations about commissions and commission splits. Clearly there are proper ways to establish and communicate commission splits and to modify them, and there are some inappropriate, risky behaviors that should be eliminated.

GENERAL BACKGROUND

The birthplace of most commission splits offered to cooperating brokers in the MLS and in other compensation agreements is the listing contract. To be absolutely clear, local boards and associations of REALTORS® and their MLSs never fix, control, recommend or suggest the commissions or fees charged for real estate brokerage services or the cooperative compensation offered by listing brokers to potential cooperating brokers. Commissions and commission splits are negotiated and established between the listing firm and the seller client in the listing contract.

Listing contracts

The listing contract determines the compensation paid by the seller to the listing firm. At the time of the listing, the listing firm should discuss commission with the seller, including what the listing firm will offer as cooperative commission, for example, in the MLS.

The listing contract includes the following provision:

COMPENSATION TO OTHERS: Broker offers the following commission to cooperating brokers: _____
(Exceptions if any): _____.

This provision is consistent with Standard of Practice 1-12 of the REALTOR® Code of Ethics that provides when entering into listing contracts, REALTORS® must advise sellers about the firm's policies regarding cooperation with other brokers and the rate or amount of compensation that will be offered to subagents and buyer's agents. Prudent listing brokers disclose their MLS compensation splits, if they have policy letter compensation agreements with any brokers, and let the seller see copies of policy letters upon request.

MLS

In listing property with the MLS, participants make blanket unilateral offers of cooperation to the other MLS participants and specify the compensation being offered to the other MLS participants. Cooperating participants have the right to know what their compensation will be prior to commencing their efforts to sell. The listing firm determines the amount of compensation offered to subagents, buyer's agents, or to brokers acting in other agency or nonagency capacities, which may be the same or different. The compensation offered on MLS listings is expressed as a percentage of the gross sales price or as a definite dollar amount.

Compensation agreements

Commission agreements with brokers outside of the listing firm's MLS may take the form of a bilateral compensation agreement. Unless the firms have a standing policy letter agreement or a compensation agreement for that transaction, the listing firm has no obligation to pay the cooperating firm.

A compensation agreement, preferably in writing, should describe the property, name the parties and the firms, identify the agency relationship, confirm the offer and acceptance of cooperation, state the commission or fee in clear and specific terms, indicate when the compensation shall be paid, and state what must be done to earn compensation. The WRA Compensation Agreement in zipForm is structured to be used as a compensation agreement between two firms with regard to a particular property and transaction identified in the agreement.

OFFERING DIFFERENT CO-BROKE SPLITS TO DIFFERENT GROUPS OF FIRMS

Firms may make different offers of compensation to licensees within and outside of the firm's MLS. For instance, the listing firm may determine some cooperating MLS firms should receive one commission rate while others should receive a different rate. In any instance where a listing firm is offering different rates or amounts of commission to different groups of cooperating



“ To be absolutely clear, local boards and associations of REALTORS® and their MLSs never fix, control, recommend or suggest the commissions or fees charged for real estate brokerage services or the cooperative compensation offered by listing brokers to potential cooperating brokers. ”

firms, that needs to have first been discussed with the seller and authorized in the listing contract.

MLS remarks are not binding

Brokers may believe they can put in MLS remarks that cooperating firms that are not members of certain associations or MLSs will receive a different commission split than what was offered in the MLS. For example, the listing firm puts 2% in the field for commissions, and in private remarks states: “2.4% co-broke commission to XYZ MLS participants only, 2% co-broke commission to ABC Association and all other participants.”

Even though the information in the MLS private remarks area provides notice to those who read it, there is no guarantee it reaches each broker in the intended group. There is no requirement to read private remarks. Notes in the remarks section of the MLS are not binding upon other MLS participants.

Policy letters

The listing firm may offer any MLS participant compensation other than the compensation offered in the MLS listing, provided the listing firm informs the other firm in writing in advance of their submitting an offer to purchase. In addition, the commission modification cannot be the result of any agreement among all or any other participants of the MLS. Any superseding offer of compensation must be expressed as either a percentage of the gross sales price or as a flat dollar amount unless there is a bilateral agreement agreed to by both brokers.

Once the offer to purchase has been submitted, the listing firm may no longer change the offer of compensation shown in the MLS. Standard of Practice 3-2 to Article 3 of the REALTOR® Code of Ethics states:

Any change in compensation offered for cooperative services must be communicated to the other REALTOR® prior to the time that REALTOR® submits an offer to purchase/lease the property. After a REALTOR® has submitted an offer to purchase or lease property, the listing broker may not attempt to unilaterally modify the offered compensation with respect to that cooperative transaction (Amended 1/14).

If properly authorized in the listing contract, a listing firm may wish to offer a lower rate or amount in the MLS and then send unilateral policy letters to those who will be offered more. Whatever is offered in the MLS sets the expectation for everyone, and it may be psychologically more effective to start with the lower amount and offer more to the specific group.

The MLS does not have a method by which a listing firm may unilaterally qualify or condition the MLS offer of compensation. If something other than percentage of gross sales price or dollar amount were contemplated, an agreement would have to be entered into between the firms; for example, a bilateral standing policy letter or a compensation agreement for the individual transaction.

As always, the firm should check the local MLS rules to see what the local policy provides; those rules may be different than the NAR model rules.

Talking about commission splits

If some of the licensees who include notations in MLS remarks regarding cooperating commission modifications have been having conversations about commission splits, who offers what, and what the “usual” or “normal” or “typical” commission splits are with different companies or in different market areas, they should be careful because they are running the risk of violating antitrust law.

An illegal price fixing conspiracy can involve not only the commissions a firm charges clients but also the commission splits paid to cooperating firms that bring buyers for listed properties. A form of price fixing may occur if competing firms discuss and agree how commissions should be split with other firms.

Antitrust concerns

Antitrust laws were enacted to prevent competitors from participating in business practices that restrain trade. When competitors work together in a manner that restrains trade, there is a potential for antitrust violations. Three basic elements must be proved to establish a violation of Section 1 of the Sherman Act. There must be (1) a “contract, combination, or conspiracy” involving two or more separate business entities that (2) unreasonably restrains trade and (3) is in or affecting interstate commerce.

A “contract, combination, or conspiracy” exists whenever two separate economic entities, such as two real estate companies, act according to a joint agreement or scheme. A formal contract and even words are not required — a knowing wink may be all that is necessary. Circumstantial evidence of an antitrust conspiracy often includes proof that two or more competitors act in a “consciously parallel manner.” “Consciously parallel” behavior is when two or more competitors act in a similar way with full knowledge of each other’s actions. But a conspiracy does not occur if an action has been taken independently by each entity as a result of internal decision-making.

REALTORS® must always avoid all communications and discussions with other firms that relate in any way to the commission rates or cooperative commissions. To protect against price fixing charges, all decisions concerning commissions must be independent business decisions made solely within the firm’s office that are carefully documented. Firms should be sure that their sales agents and other staff are trained to explain the commissions and fees charged by the company in terms of independent decisions and competitive market forces and to avoid giving the appearance of a conspiracy among competing companies.

Resources

- Antitrust law: March 2004 **Legal Update**, “Antitrust Primer for Real Estate Practice,” at www.wra.org/LU0403.
- Compensation agreements: November 2018 **Legal Update**, “Compensation and Referral Agreements,” at www.wra.org/LU1811, and pages 10–11 of the January 2002 **Legal Update**, “Getting Paid Outside of the MLS,” at www.wra.org/LU0201.
- November 2007 **Broker Supervision Newsletter**, “Antitrust Law and Cooperative Commissions,” at www.wra.org/BSNNov07.

Debbi Conrad is Senior Attorney and Director of Legal Affairs for the WRA.



Policy Letters

A policy letter is a communication from one firm to one or more other firms, establishing the terms and conditions upon which cooperation and compensation is being offered. Policy letters can be used to establish the terms and conditions of cooperative relationships in any transaction.

Policy letters may be divided into two categories:

- (1) Letters making an offer of compensation or modifying an MLS offer of compensation by stating a percentage of the gross sales price or a flat dollar amount. These letters are accepted when the cooperating broker produces an offer to purchase. This type of policy letter is referred to as a "unilateral policy letter."
- (2) Letters addressing all other types of terms and conditions of cooperation. These letters are accepted by the cooperating broker's signature on the policy letter and delivery of the accepted policy letter back to the listing broker, or by any other actions required for acceptance under the terms of the policy letter. This type of policy letter is referred to as a "bilateral policy letter."

For more information about using policy letters, see pages 8-9 of the April 2010 *Legal Update*, "Cooperative Commissions and Procuring Cause," at www.wra.org/LU1004 and pages 5-10 of the January 2002 *Legal Update*, "Getting Paid Outside the MLS," at www.wra.org/LU0201.



BY TRACY RUCKA
DIRECTOR OF PROFESSIONAL STANDARDS AND PRACTICES
LEGAL

The Best of the Legal Hotline: Presentation Pitfalls



Summer is upon us, and the weather is heating up — as are the conversations about timely presentation of offers. The current hot market features countless hot buyers thinking their offers have not been presented. Use the following provisions from license law and the REALTOR® Code of Ethics (the Code) to ensure you avoid falling into a transactional hot mess!

What are the timing obligations for the presentation of offers?

Both Wisconsin license law and the Code note that the presentation of offers should occur as expeditiously as possible:

The Wisconsin rules state:

“REEB 24.13(2)(b) Licensees shall promptly present all written proposals received to the licensee’s client or customer. Licensees shall not withhold any written proposal from presentation pending the party’s action on a written proposal previously presented.”

Standard of Practice 1–6 states:

“REALTORS® shall submit offers and counter-offers objectively and as quickly as possible. (Adopted 1/93, Amended 1/95)”

What are the listing brokers’ obligations to communicate with buyers and cooperating brokers about the presentation of offers?

Both Wisconsin license law and the Code make reference to the listing broker providing written confirmation regarding the presentation of offers:

Wis. Admin. Code § REEB 24.13(4) states:

“Notification of action on written proposal. Licensees shall promptly inform their clients and customers whether the other party has accepted, rejected, or countered their written proposal. A licensee shall immediately provide a written statement to the other party’s firm that includes the date and time when the written proposal was presented when such a statement is requested by the other party or the other party’s firm. A licensee shall immediately provide a written statement to the other party’s firm that includes the date and time when the written proposal was rejected or had expired without acceptance when such a statement is requested by the other party or the other party’s firm.”

Standard of Practice 1–7 provides, in part:

“When acting as listing brokers, REALTORS® shall continue to submit to the seller/landlord all offers and counter-offers until closing or execution of a lease unless the seller/landlord has waived this obligation in writing. Upon the written request of a cooperating broker who submits an offer to the listing broker, the listing broker shall provide, as soon as practical, a written affirmation to the cooperating broker stating that the offer has been submitted to the seller/landlord, or a written notification that the seller/ landlord has waived the obligation to have the offer presented ... ”

So what does all this mean when a listing broker states that a seller wants offers presented at a certain time in the future?

If a seller requests a delay in the presentation of offers, there are multiple perspectives to consider. For example, the typical story in this type of situation begins when the seller instructs the broker to indicate in the MLS remarks that offers will be presented on Monday, yet prior to Monday, the property shows up as sold in the MLS. This scenario results in upset buyers and cooperating agents who relied on the broker’s and the seller’s information to their detriment. The follow-up question inevitably is: did the agent have a duty to change the MLS remarks or otherwise reach out to cooperating brokers? The following comments relate to such seller-initiated instructions.

Although waiting to review offers at a future date is a legitimate negotiation strategy for a seller to use, the implications for the licensee presentation must be considered. The instructions to the listing agent to hold offers until a certain date are ideally documented in writing, preferably in the listing contract. Notwithstanding, licensees have an obligation to promptly

present all written proposals per the law.

According to Wis. Admin. Code § REEB 24.13(1), the listing broker is required to submit all offers unless the terms therein are contrary to the seller's instructions. The seller decides whether to limit the presentation of offers with specified terms. A delayed presentation request by the seller is not returned to a term of the offer. If the seller limits presentation based on the terms therein, the listing broker may communicate the seller's instructions to cooperating brokers. It is advisable to obtain the seller's instructions in writing.

The seller and listing broker should have a plan if offers are submitted prior to the anticipated deadline. For example, if a seller has asked a listing agent to hold offers until a future date for review and an offer is submitted with a binding acceptance date before the future date for offer review, the listing agent should inform the seller the offer has been received and follow the seller's instructions at that point, which may be "send the offer to me" or "add it to the pool and we can counter if necessary to create a new deadline for binding acceptance." If the seller instructed the listing agent to present the offer ahead of the future date for offer review, the listing agent would be obligated to present the offer despite what was advertised or communicated in the MLS. The seller can accept any offer at any time regardless of whether the seller originally planned to review all offers at a future date. In the event the seller changes their mind, other buyers may then have doubts regarding the integrity of the seller, the professionalism of listing and cooperating brokers, and the homebuying process.

If a seller instructed the listing agent to hold offers until a future date, but the seller then began instructing the listing agent to present offers prior to that date, the listing agent should discuss with the seller the need to update the MLS remarks because they are no longer accurate since the seller wishes to consider offers once submitted instead of holding them for future review. The seller and the listing agent should recognize that reviewing and accepting offers before the stated future date puts cooperating agents in an unfavorable position because other buyers may become angry if they rely on the MLS information only to discover another offer is already accepted.

If the cooperating agent thinks the offer was not presented, can the cooperating agent go to the seller directly to negotiate an offer?

Generally, no. The administrative code rules and the Code address the seller/listing agent relationship as follows:

"REEB 24.13 (5) NEGOTIATION THROUGH FIRM.

A licensee may not negotiate a sale or lease of real estate directly with a party if the licensee knows that the party has an unexpired written contract in connection with the real estate which grants to another licensee an exclusive right to sell, lease, or negotiate. All negotiations shall be conducted with the firm holding the exclusive right to sell, lease, or negotiate, and not with the party, except with the consent of the firm or where the absence of the firm, or other similar circumstances, reasonably compels direct negotiation with the party. A listing firm has no duty to investigate whether a buyer has granted a buyer's agent an exclusive right to negotiate."

Article 16 of the REALTOR® Code of Ethics states:

"REALTORS® shall not engage in any practice or take any action inconsistent with exclusive representation or exclusive brokerage relationship agreements that other REALTORS® have with clients ..."

Standard of Practice 16-13 of the REALTOR® Code of Ethics states:

"All dealings concerning property exclusively listed, or with buyer/tenants who are subject to an exclusive agreement shall be carried on with the client's representative or broker, and not with the client, except with the consent of the client's representative or broker or except where such dealings are initiated by the client. (Adopted 1/93, Amended 1/04)."

Contacting a listed seller could be done in two possible scenarios: with permission from the listing firm to contact the seller directly, or in the absence of the firm or its agents, or other similar circumstances. "Other similar circumstances" and "reasonably compelled" are not further defined, therefore, whether to contact the seller directly comes down to a judgment call by the agent in conjunction with his or her supervising broker.

More articles about proper presentation

- "The Best of the Legal Hotline: Prompt and Proper Presentation," in the January 2019 *Wisconsin Real Estate Magazine*: www.wra.org/WREM/Jan19/Hotline.
- "The Best of the Legal Hotline: Less Than Perfect," in the February 2018 *Wisconsin Real Estate Magazine*: www.wra.org/WREM/Feb18/Hotline.
- "Draft. Present. Provide." in the October 2017 *Wisconsin Real Estate Magazine*: www.wra.org/WREM/Oct17/Mantra.
- "What Would You Say?" in the August 2014 *Wisconsin Real Estate Magazine*: www.wra.org/WREM/Aug14/Offers.

Tracy Rucka is Director of Professional Standards and Practices for the WRA.



Latest Legal Resources

As a REALTOR®, your everyday business transactions are legal in nature. Your WRA membership includes access to various WRA legal resources, all designed to ensure you practice real estate legally and correctly.

LEGAL HOTTIPS

Search Q&As from the WRA Legal Hotline

Your WRA membership gives you access to the WRA Legal Hottips online library: a collection of discussions from the WRA Legal Hotline. The library dates back several years with hotline Q&As about disclosure, liability and much more related to Wisconsin real estate law. New hottips are published every week. (WRA login required.)

As always, if you're unable to find an answer to your question, the WRA Legal Hotline is available with your membership!

Search the Q&As: WRA.ORG/LEGALHOTTIPS



LEGAL UPDATE LIVE

"Being Competitive" Six-part Miniseries

Things move fast in a competitive market, and the "Being Competitive" Legal Update Live miniseries moved just as quickly! Last month, the WRA legal team hosted a fast series of webcast discussions about transactional trends taking place in the current market. Spanning across Legal Update Live episodes 13 to 18, the "Being Competitive" miniseries explored scenarios you may find in today's aggressive market, like the use of "Dear Seller" letters, not including an inspection contingency, situations with multiple offers and more.

Watch: WRA.ORG/LUL/EP13-18

FORMS UPDATE

Revised WB-12 Farm Offer to Purchase

The Real Estate Examining Board approved a new version of the WB-12 Farm Offer to Purchase with an optional use date of April 1, 2021, and a mandatory use date of May 1, 2021. The farm-specific provisions were revised to modernize the unique farm-related provisions.

Read: WWW.WRA.ORG/FORMSUPDATE

LEGAL UPDATE

June 2021: Legislation Makes Requirements for Home Inspection Reports

This *Legal Update* provides clarity on the home inspection as well as a synopsis of the recently passed 2021 Wis. Act 17 legislation and the impacts it will have on home inspection reports and real estate transactions moving forward.

Read: WRA.ORG/LEGALUPDATES



WRA LEGAL HOTLINE

Find out applicable legal standards, alternatives and possible solutions for your real estate practice questions with this members-only service.

CONTACT:

Phone: 608-242-2296 or 800-799-4468

Online question submission: www.wra.org/legalhotline

Hours: Monday-Friday, 8:30 a.m. to 5:00 p.m. Central and Sunday 1:00 p.m. to 4:30 p.m. Central. Holidays may affect these hours; check the hotline webpage for details.

Learn more:

WWW.WRA.ORG/LEGALHOTLINE

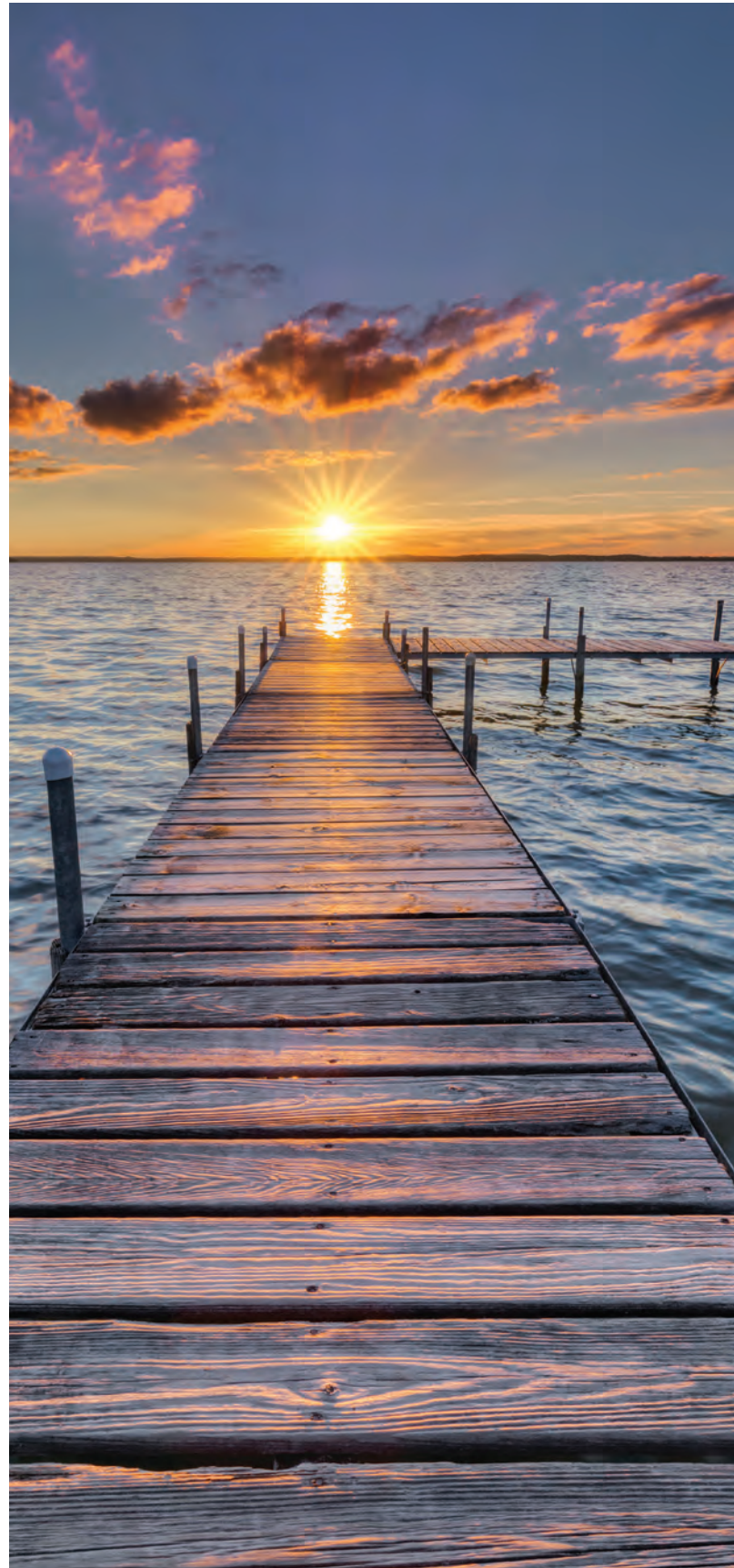
“Protect Our Piers” Campaign a Major Success

For 140 years, Wisconsin property owners had the right to place a pier or dock on their property and enjoy access to Wisconsin’s waterways. However, a Wisconsin Supreme Court decision in 2018 put thousands of waterfront property owners in jeopardy of losing their piers because someone else may own the ground under the water. The WRA urged the Wisconsin Legislature to pass legislation, SB 46/AB 46, to restore the right to place a pier in Wisconsin. In May, the legislature passed SB 46/AB 46, and Gov. Evers signed it into law last month.

- The new law restores the presumption of riparian rights for waterfront property owners, unless those rights are specifically prohibited by the deed to the land, written agreement or other recorded instrument.
- Existing piers and structures are grandfathered. No fees can be charged unless the fee was authorized as part of an existing agreement.
- New piers and structures must receive authorization from hydroelectric utilities, but authorization can be denied only if the placement of the structure would violate federal or state law or invalidate a FERC license.
- New disclosures are added to the Real Estate Condition Report and Vacant Land Condition Report to make prospective buyers aware of the limited riparian rights possessed by waterfront property owners along flowages with beds owned by hydroelectric utilities.

The WRA would like to thank Wisconsin lawmakers Sen. Rob Stafsholt (R–New Richmond) and Rep. Rob Brooks (R–Cedarburg) for co-sponsoring this critical legislation to restore pier rights in Wisconsin.

Watch for the August issue of *Wisconsin Real Estate Magazine*, which will feature a full breakdown of the new law.





BY JOE MURRAY
DIRECTOR OF POLITICAL
AND GOVERNMENTAL AFFAIRS
GOVERNMENT AFFAIRS

2022 Race for Wisconsin Governor

In June, Wisconsin Gov. Tony Evers made it official: The first-term Democratic governor announced he will seek reelection in 2022. Now it's only a matter of time before high-profile Republican candidates enter the race, setting the field for the gubernatorial election next year.

As Evers and his potential challengers gear up for another statewide campaign, they will surely be mindful of today's political environment compared to 2018, when Evers narrowly defeated Republican Gov. Scott Walker.

In 2018, the political environment strongly favored Democrats nationally and in Wisconsin. Democrats took back control of the House of Representatives, picked up six governorships including Wisconsin, and gained 323 legislative seats around the country. In Wisconsin, Democrats carried all six top-of-the-ticket races for the first time since 1982. The midterm election dynamic, where the party of the White House loses seats, was alive and well.

The political environment favored Democrats in 2018 primarily for one reason: former President Donald Trump occupied the White House, and 2018 was Trump's one and only midterm election. Midterm elections serve as a referendum on incumbent presidents, and voters almost always punish the party that holds the White House. Democrats benefited greatly from total Republican control in Washington, D.C., three years ago.

In next year's "Biden Midterm," the political environment will be reversed. With President Joe Biden in the White House and Democrats in control of both houses of Congress, Republicans should have the political wind at their backs, which could create a challenge for Democrats up and down the ticket. With 15 months to go before the November 2022 midterm election, here's a brief look at the race for governor as it stands today.

THE CANDIDATES

Gov. Tony Evers (D)

On June 5, 2021, Evers announced he would run for a second four-year term. Evers announced on his Facebook page: "Wisconsin, I'm in. I'm running for re-election. We've accomplished a lot in the last few years, but we're just getting started."

Evers served as the state superintendent of public schools before defeating former Gov. Walker in 2018. Similar to his platform in the 2018 election, Evers' 2022 election platform focuses on

improving education, repairing roads, helping small businesses, and improving access to health care through Medicaid expansion. Evers will have to run on his record in 2022, unlike 2018 when he was largely a political blank slate. He will, however, have all the benefits of incumbency, including early organizing and fundraising.

Rebecca Kleefisch (R)

Former Lt. Gov. Rebecca Kleefisch is widely expected to jump into the race for governor later this year. Kleefisch served as lieutenant governor from 2011–2018 with Gov. Walker. During the eight years she served as lieutenant governor, Kleefisch was designated by Walker as the administration's liaison to Wisconsin's small business community. After Kleefisch and Walker were defeated in 2018, Kleefisch briefly served as the executive director of the Women's Suffrage Centennial Commission and today serves as a job ambassador for the Associated Builders and Contractors of Wisconsin.

Kevin Nicholson (R)

Kevin Nicholson is currently the president and CEO of No Better Friend Corp., a 501(c)(4) advocacy organization that promotes conservative public policy solutions and ideas. According to Nicholson, No Better Friend's mission is to "move the conservative movement forward, both in our state and beyond." Nicholson has worked as a management consultant for financial firms and other corporations. If Nicholson gets in the race, it won't be his first run for statewide office. Nicholson ran for U.S. Senate in the Republican primary in 2018 but lost to former state Sen. Leah Vukmir. Nicholson is a Marine Corps veteran who served in Iraq and Afghanistan from 2007–2009.

Bill McCoshen (R)

Bill McCoshen is a longtime lobbyist in Madison and is the managing partner of Capitol Consultants Inc. From 1994–1998, McCoshen served as the commerce secretary of Wisconsin for former Gov. Tommy Thompson. Prior to serving as the commerce secretary, McCoshen was Gov. Thompson's chief of staff. He is also the current managing partner for the Janesville Jets, a North American Hockey League team.

Jonathan Wichmann (R)

As a first-time candidate who has never held public office, candidate Jonathan Wichmann is a new face in the crowd. When he entered the race in June, Wichmann was highly critical of Evers for "prolonged shutdowns, delayed unemployment benefits,



Gov.
Tony Evers (D)



Former Lt. Gov.
Rebecca Kleefisch (R)



Lobbyist
Bill McCoshen (R)



President & CEO,
No Better Friend
Kevin Nicholson (R)



Small Business Owner
Jonathan Wichmann (R)

draconian restrictions on small businesses, and delayed reaction to civil unrest and riots in Kenosha,” according to his campaign website. Wichmann will have to compete with the other better-known Republican candidates for attention in next year’s primary election.

ANOTHER CLOSE ELECTION OR REPUBLICAN ADVANTAGE?

Two political dynamics could easily come into play in the 2022 race for Wisconsin governor: Wisconsin’s tendency for close statewide elections and the president’s party historically losing governorships in midterm elections.

Since 2016, partisan, top-of-the-ticket races have been extremely close. Trump carried Wisconsin by .07% in 2016; Evers defeated Walker by 1.1% in 2018; and Biden ousted Trump by .06% in 2020. Big spending, hotly contested elections are often won or lost by the narrowest of margins in the Badger State. Political insiders and prognosticators expect Wisconsin to be hotly contested again next year, likely breaking all previous fundraising and spending records.

YEAR	CANDIDATES	RAW VOTE WIN	PERCENT
2016	Trump over Clinton	22,748	.07%
2018	Evers over Walker	29,227	1.1%
2020	Biden over Trump	20,682	.06%
2022	Evers vs. ?	?	?

Finally, there’s the dynamic where the president’s party loses gubernatorial seats in off-presidential elections. In a recent Smart Politics article, political scientist Dr. Eric Ostermeier wrote, “A Smart Politics analysis of Wisconsin electoral data finds that Democrats have lost a staggering 32 of the last 33 elections for governor when a Democrat resides in the White House dating back to 1855.” This does not guarantee that Evers will lose next year, but it certainly reinforces the point.

When Trump was elected in 2016, his election made it very difficult for Walker to hold on in the 2018 midterm election. Now Evers will have to navigate the current political terrain with Biden in the White House. If history is any guide, Evers will have a very tough race next year.

2021 REALTOR® Advocacy

*Thank you to the Wisconsin REALTORS®
who advocate for homeowners and property owners*

In the pages that follow, we recognize WRA members who support the WRA's advocacy efforts through major financial investments in the REALTORS® Political Action Committee (RPAC) and the Direct Giver program. These funds support candidates for public office who support REALTOR® issues and property rights. When combined with members who communicate regularly with their elected officials in Washington, D.C., Madison and local communities across the state, these contributors help create the regulatory environment within which our industry can thrive.





REALTORS® POLITICAL ACTION COMMITTEE

The REALTORS® Political Action Committee (RPAC) major investors are a passionate group of REALTORS® whose investments shape the political future of the real estate industry.

On July 8, 2021, Wisconsin Gov. Tony Evers signed the 2021-23 state budget into law. The recently passed budget includes several provisions that are beneficial for homeowners, taxpayers and REALTORS®, including:

- \$650 million property tax cut for homeowners.
- \$225 million for broadband expansion in Wisconsin.
- \$5 million for DSPS tech upgrades to simplify online credentialing.
- Removal of several proposals that would have been detrimental to real estate.

To become a major investor, contact your local association executive, government affairs director or the WRA's Joe Murray at jmurray@wra.org or Sandy Bolgrihn at sandyb@wra.org.



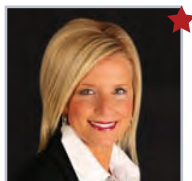
"Every day, I see the impact of the lack of affordable workforce housing on our community and our industry. I am grateful for all the work the REALTORS® association is doing to address this problem. Advocacy on issues like the workforce housing shortage is one of the many reasons I decided to join the Large Donor Council as a Major Investor."

Mike Karisny, Acre Realty, Appleton

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Mary Ruffedt
Elite Realty Group LLC
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This icon designates an influential group of REALTORS® who contribute \$2,000 directly to REALTOR®-friendly candidates in response to requests from NAR and RPAC trustees.



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**REALTORS® Association of South
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CRYSTAL "R"s (\$2,500) \$1,750 Direct Giver; \$750 NAR RPAC



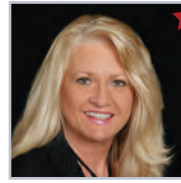
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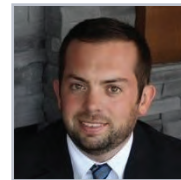
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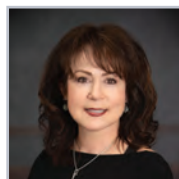
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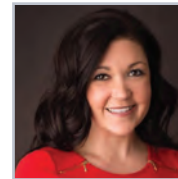
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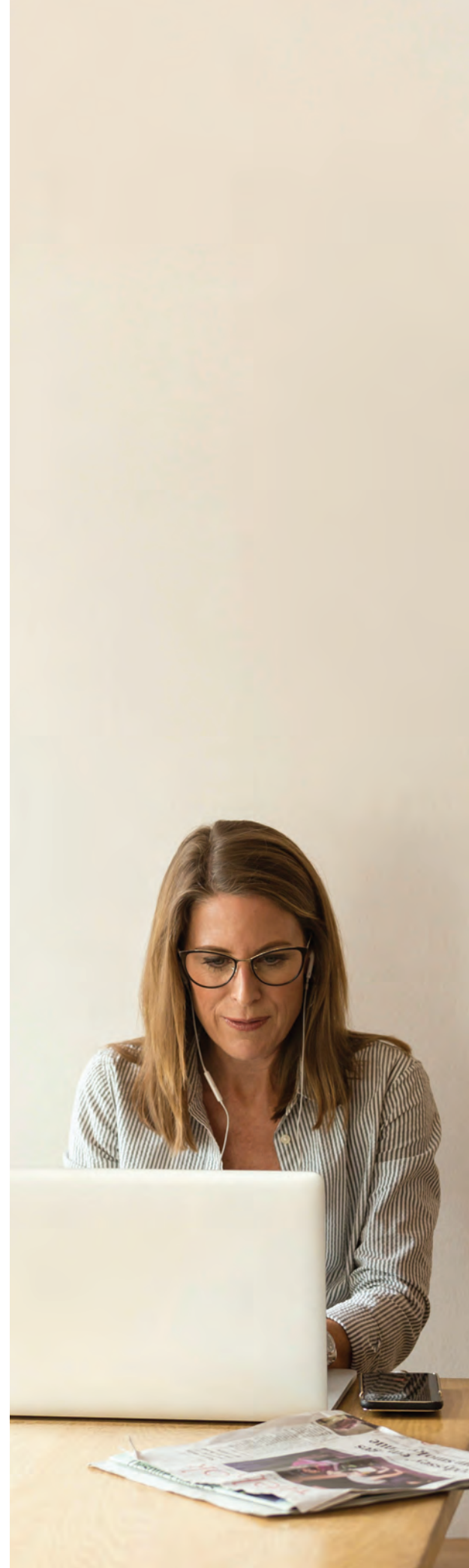
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More information: WWW.WRA.ORG/JULY21-BPL

TRAINING PRODUCT	TRAINING FORMAT	DETAILS & REGISTRATION
EVENTS		
WRA Annual Convention: October 4-6, 2021	Milwaukee and virtual	www.wra.org/July21-Convention
PRE-LICENSE TRAINING		
ONGOING TRAINING		
Appraisal Pre-license Course	On Demand	www.wra.org/July21-APL
Broker Pre-license Course	On Demand	www.wra.org/July21-BPL
Sales Pre-license Course	On Demand	www.wra.org/July21-SPL
SCHEDULED TRAINING		
Sales Pre-exam Review Webinar: August 6, 2021	Virtual webinar	www.wra.org/July21-SPLwebinar
Sales Pre-exam Review Webinar: September 3, 2021	Virtual webinar	www.wra.org/July21-SPLwebinar
PROFESSIONAL DEVELOPMENT		
ONGOING TRAINING		
GRI On Demand	On Demand	www.wra.org/July21-GRI
Line by Line Forms Training	Online Video Series	www.wra.org/July21-LinebyLine
Quick Start	On Demand	www.wra.org/July21-QuickStart
REAL ESTATE CONTINUING EDUCATION		
SCHEDULED TRAINING		
Course 1: September 9, 2021	Virtual	www.wra.org/July21-VirtualCE
Course 2: September 9, 2021	Virtual	www.wra.org/July21-VirtualCE
Course 3: September 14, 2021	Virtual	www.wra.org/July21-VirtualCE
Course 4: September 14, 2021	Virtual	www.wra.org/July21-VirtualCE
Course 5: September 22, 2021	Virtual	www.wra.org/July21-VirtualCE
Course 6: September 22, 2021	Virtual	www.wra.org/July21-VirtualCE
Course 1: October 14, 2021	Green Lake	www.wra.org/July21-GreenLakeCE
Course 2: October 14, 2021	Green Lake	www.wra.org/July21-GreenLakeCE
Course 3: October 21, 2021	Green Lake	www.wra.org/July21-GreenLakeCE
Course 4: October 21, 2021	Green Lake	www.wra.org/July21-GreenLakeCE
Course 5: October 28, 2021	Green Lake	www.wra.org/July21-GreenLakeCE
Course 6: October 28, 2021	Green Lake	www.wra.org/July21-GreenLakeCE
Course 5: November 4, 2021	Sturgeon Bay	www.wra.org/July21-SturgeonBayCE
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LEGAL UPDATE LIVE

Wisconsin real estate legal discussion



RECENT EPISODES: "Being Competitive" Miniseries

EP. 18: "Specific Seller Terms of the Offer"

EP. 17: "Cash Offers, No Financing Contingency"

EP. 16: "No Inspection Contingency"

EP. 15: "Multiple Offers"

EP. 14: "Sight-unseen Offers"

EP. 13: "'Dear Seller' Letters"

Watch the "Being Competitive" miniseries: www.wra.org/LUL/Ep13-18

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Real estate advocacy podcast



RECENT EPISODES

EP. 27: "Occupational Licensing in Wisconsin: Open a Door or Build a Wall?"

EP. 26: "Will Gov. Evers Sign the GOP Budget Bill?"

EP. 25: "Wisconsin Needs More Broadband"

EP. 24: "Workforce Housing Tax Credit? Great Idea!"

EP. 23: "Red Alert! The Need for Wisconsin Workforce Housing"

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