April 2023 Vol. 39, No. 5

WISCONSIN REAL ESTATE MAGAZINE

RGD 23

REALTOR® & GOVERNMENT DAY

INSIDE this Issue:

A PUBLICATION OF THE WISCONSIN REALTORS® ASSOCIATION

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THE LATEST VIDEOS

HOUSING MINUTE

Monthly analysis in Wisconsin housing

February 2023 Housing Recap

Low inventories hampered home sales and boosted prices in February 2023. “Home affordability in the state has certainly fallen as prices and mortgage rates have both increased. However, buyer interest remains high, especially among first-time buyers in the millennial and gen-Z generations. We’re still seeing multiple offers at or above asking price, and as a result, homes are moving quickly,” said 2023 WRA Chairman Joe Horning.

Watch: www.wra.org/HousingMinute

MINI COURSES

Mini courses, major training

New Mini Courses Are Here

The WRA’s new Mini Course Series gives you cutting-edge training and original knowledge to help you navigate the market. But a mini course doesn’t mean mini impact. This new course series offers exclusive training you won’t find anywhere else, taught by some of the top subject matter experts in Wisconsin real estate.

Watch: www.wra.org/Mini

2023 GOVERNMENT DAY

What’s on the April 26 event agenda

Property Tax Freeze

Since Wisconsin placed a freeze on local property tax levy increases in 2011, Wisconsinites have saved $3.5 billion. But thawing isn’t always good.

On April 26, 2023, join fellow REALTORS® from across the state for your chance to speak to Wisconsin lawmakers as one voice to advocate for maintaining Wisconsin’s property tax freeze.

Watch: www.wra.org/RGD23/Snowman

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FEBRUARY HOUSING

LOW INVENTORIES HAMPER HOME SALES AND BOOST PRICES

BY DAVE CLARK
PROFESSOR OF ECONOMICS AT MARQUETTE UNIVERSITY AND PRINCIPAL AT ECON ANALYTICS LLC

February 2023 Wisconsin housing at a glance:

- Home sales have fallen for five straight months.
- Home affordability is down by 30% since last February.
- Every Wisconsin region saw declines in home sales.
- The median home price rose 11.7% since last February.
- The housing market has low supply but solid demand.

See the full report: **www.wra.org/HSRFeb2023**

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.

FEBRUARY HOUSING

3,184
CLOSED SALES FEB 2023
-21.1%
FROM FEB 2022

$262,500
MEDIAN PRICE FEB 2023
+11.7%
FROM FEB 2022

ACTIVE LISTINGS BY

PRICE RANGE	NUMBER OF LISTINGS
$0-$124,999	1,141
$125,000-$199,999	2,218
$200,000-$349,999	3,541
$350,000-$499,999	2,822
$500,000 & higher	2,860

12,582
TOTAL STATEWIDE LISTINGS FEB 2023
-17.2%
FROM FEB 2022

MEDIAN PRICES BY REGION

CENTRAL	$210,000
NORTH	$235,000
NORTHEAST	$240,000
SOUTH CENTRAL	$310,000
SOUTHEAST	$255,000
WEST	$271,750

AVERAGE DAYS ON MARKET
81 DAYS FEB 2023
COMPARED WITH
83 DAYS FEB 2022

MONTHS OF INVENTORY
2.0 FEB 2023
2.0 FEB 2022

HOUSING STATISTICS MONTHLY ACTIVITY

Statewide	February 2023	February 2022	% Change	YTD 2023	YTD 2022	% Change
New Listings	4,042	5,617	-28.0%	N/A	N/A	N/A
Total Listings	12,582	15,194	-17.2%	N/A	N/A	N/A
Closed Sales*	3,184	4,431	-28.1%	6,348	9,133	-30.5%
Median Sales Price	$262,500	$235,000	+11.7%	$256,500	$232,900	+10.1%
Months of Inventory	2.0	2.0	0.0%	N/A	N/A	N/A
Avg. Days on Market	81	83	-2.4%	N/A	N/A	N/A
Affordability Index	142	203	-30.1%	N/A	N/A	N/A

	Median Price			Closed Sales		
Region	February 2023	February 2022	% Change	February 2023	February 2022	% Change
Central	$210,000	$195,000	+7.7%	223	289	-22.8%
North	$235,000	$213,500	+10.1%	234	392	-40.3%
Northeast	$240,000	$200,000	+20.0%	543	758	-28.4%
South Central	$310,000	$286,500	+8.2%	672	861	-22.0%
Southeast	$255,000	$235,000	+8.5%	1,248	1,726	-27.7%
West	$271,750	$255,000	+6.6%	264	405	-34.8%

*Report criteria: Reflecting data through February 2023. *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

MAKE A DIFFERENCE WITH COMMITTEE SERVICE

Interested in serving on a committee for the WRA next year? The WRA is now accepting applications for 2024 committee positions. If you are interested in serving on a committee, apply at **www.wra.org/committees**. Application deadline: May 1, 2023.

Diversity, Equity and Inclusion Committee: Provides resources and tools for members and local associations on fair housing laws.

Legal Action Committee: Selects and funds legal expenses in administrative matters and cases that are of statewide interest and concern to the real estate industry.

Professional Standards Committee: Resolves allegations of ethical violations and controversies between REALTORS® as described in the WRA bylaws.

Public Policy Committee: Monitors, analyzes and takes positions on state legislation, regulations and public policies that impact the WRA, property owners and the real estate industry.

Real Estate Forms Committee: Provides counsel and advice on behalf of the WRA regarding the use of and modification to Wisconsin forms utilized in real estate transactions.

Wisconsin REALTORS® Foundation Committee: Provides financial support to statewide charities as well as relief efforts in response to natural disasters in Wisconsin.

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RGD 23

REALTOR® & GOVERNMENT DAY

ONE DAY. ONE VOICE.

Wisconsin has a workforce housing shortage.

Barriers like new development opponents
and lack of financing tools perpetuate the shortage.

On **April 26**, advocate for legislation saying no
to development opponents and yes to financing
tools to increase workforce housing.

Monona Terrace
Madison, WI
04/26/23

REGISTER TODAY

www.wra.org/23RGDay

REALTOR® & GOVERNMENT DAY

HELPING YOU GET A BETTER NIGHT'S SLEEP

BY CORI LAMONT
WRA SENIOR DIRECTOR OF LEGAL AND PUBLIC AFFAIRS

What keeps you up at night? Lack of housing inventory? Extremely high property taxes? NIMBYs crushing your development plans? Waiting to hear back from the Department of Safety and Professional Services (DSPS)?

If one or even all these issues keep you up at night, you can't miss REALTOR® & Government Day (RGD) in Madison on April 26, 2023.

IS RGD ABOUT POLITICS?

No. RGD is about policy. It's about policy that changes the landscape of your business, your transactions and private property rights. RGD is all about your business, your clients, your customers and real estate.

Regardless of political affiliation, or lack thereof, Wisconsin REALTORS® have come together one day every year, for more than 40 years, in the state Capitol to lobby on issues that impact your business and real estate.

At RGD, it's about being a REALTOR® and about finding legislative changes that can help get you a better night's sleep.

WHY SHOULD YOU ATTEND RGD?

RGD gives you the unique chance to speak directly with your lawmakers and advocate for issues impacting the real estate industry. As a practicing REALTOR®, you live with these issues every single day. You hear and feel the frustration from your clients and customers about the hurdles they may face from regulatory limitations, such as the lack of inventory or overwhelmingly high property taxes preventing them from being able to afford a property. While the WRA advocacy team can convey the same story to lawmakers, the way you personalize the story because you have lived it is what cuts through the noise for the lawmakers.

WHAT ISSUES WILL YOU ADVOCATE FOR THIS YEAR AT RGD?

At every RGD, the WRA advocacy team arms you with information and hard-copy materials during the live briefing to help you understand the issues you'll lobby for at the Capitol. Your job at RGD is to tell the story. Tell the lawmaker about a client, a customer, a transaction or your business, how they were impacted, and how the legislation could help.

Every odd-numbered year, the state passes a budget to fund the state for the next two years. Therefore, this year's RGD is a combination of the WRA's priorities relating to the budget as well as legislation.

The following are brief overviews of some issues you likely will lobby for with your legislators at the 2023 RGD to help provide you a better night's rest.

Workforce housing

Wisconsin employers are having difficulty recruiting workers to fill thousands of job openings due to a historic shortage of affordable housing options for workers. With statewide housing inventory at historic lows, median home prices continuing to rise and apartment rent increases outpacing wage growth, Wisconsin has a major workforce housing shortage problem.

The WRA is pursuing different solutions to create more housing by addressing both NIMBYs and financing tools.

1. NIMBY opposition

One of the biggest barriers to new home building in communities is the opposition from existing residents who complain "not in my backyard" (NIMBY) about the development. Regardless of what new development is being proposed, someone in the community is bound to object.

Communities often spend years and thousands of dollars on outside consultants, public hearings and staff time in order to develop a comprehensive plan to guide future development in the community, only to ignore the plan due to public opposition when a developer actually tries to build the type of housing specified in the plan.

The list of reasons for NIMBY opposition is long and may include the loss of open space, increased density, traffic, overcrowding in schools, neighborhood character, property tax increases or just change in general.

While developers are often the targets of NIMBYs, the victims of "NIBMYism" generally are those who would potentially occupy these new homes. By opposing the development of new housing, NIMBYs limit the supply of housing necessary to meet demand, causing prices to increase further. In addition, when people can't afford to live in the communities in which they work, they are forced to move farther away to find homes they can afford, consequently putting more cars on the road for longer commutes and creating more wear and tear on our roads, among other things.

The WRA will pursue legislation aimed at limiting the ability of NIMBYs to stop or delay the development of new housing.

2. Financing tools

With the levels of statewide housing inventory at historic lows and median home prices continuing to rise, Wisconsin has a major workforce housing shortage problem. Employers are often unable to successfully recruit new employees to fill job openings because affordable and attractive housing options are unavailable. New infrastructure financing tools will help increase the supply of workforce housing to help Wisconsin employers compete in the global marketplace, which will benefit our state and local economies. New infrastructure and other financing tools will create more workforce housing, which is necessary to attract workers in Wisconsin.

To help increase the supply of workforce housing, the WRA will advocate for legislation to provide financing tools such as:

- A development infrastructure loan program at the state level to fund infrastructure, such as streets, water, sewer and sidewalks, for residential developments.
- Provide funding for Wisconsin Housing and Economic Development Authority (WHEDA) workforce housing rehabilitation loans to make low-interest or no-interest rehabilitation loans to update Wisconsin's older housing stock.
- Create a main street residential housing rehab loan program that reduces the local regulatory costs related to building workforce housing.
- Provide a vacant commercial-to-housing conversion loan program to assist in the development of new and the rehabilitation of existing workforce housing.
- Fund the workforce housing tax credit program for Wisconsin's low-income housing tax credit program (LIHTC) to promote the development of low-to-middle income housing.

DSPS

Gov. Evers' 2023-25 state budget proposes to provide $6 million over the next two years for technology infrastructure support for the DSPS and also provides for over 60 positions for license processing, customer service, credentialing, as well as the expediting of building plans to four weeks and one week for small plan review.

The DSPS regulates and licenses more than 208 different types of credentials, including real estate licensees. The DSPS has issued more than 430,000 Wisconsin real estate licenses, making the WRA and its members the fourth-largest license holder. With this volume, the WRA is highly invested in making sure the DSPS is responsive, timely and efficient.

For more than a decade, the DSPS has suffered from lack of technology as well as staffing challenges. The inability to retain staff has eliminated any institutional knowledge necessary to help understand the DSPS' various stakeholders, such as real estate licensees.

The governor's budget offers a financial investment to improve the DSPS user experience for prospective licensees and current

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licensees. Additionally, the budget creates a private sector solution to ensure greater compliance, better consumer protection and reduce government costs that would allow education providers, such as the WRA, to certify licensees who complete courses have satisfied state requirements through an assured provider pilot program for REALTORS®' continuing education.

Property taxes

The 2023-25 state budget proposes to increase property taxes by allowing local governments and technical colleges to increase the levies by the value of net new construction or 2%, whichever is greater. Property taxes affect the affordability of homes and the profitability of businesses. High property taxes create a barrier to homeownership and job growth in Wisconsin.

Since 2011, Wisconsin has successfully controlled property tax increases by placing strict levy limits on municipalities and counties. Prior to 2011, property taxes on a typical home increased by approximately 27% in the prior decade, with an annual increase of 5.7%, according to data from the Wisconsin Policy Forum.

For the last decade, Wisconsin lawmakers have saved Wisconsin property owners more than $3.5 billion by having this strict levy limit in place and allowed control over property tax increases to be in the hands of voters through referenda.

However, even after these measures, property taxes in Wisconsin remain too high, and Wisconsin relies too heavily on the property tax to fund local units of government. While alternative revenue sources are explored and discussed by the legislature, the local property tax levy limits must remain.

Does RGD Really Make a Difference?

Without a doubt, having hundreds of REALTORS® in the Capitol advocating for issues creates a positive return on the WRA's legislative priorities.

Over the last 40 years, Wisconsin REALTORS® have advocated for a variety of issues relating to the Wisconsin state budget, such as opposing the doubling of the Wisconsin transfer tax and supporting a property tax cap.

In the last 10 years alone, the following are just some of the issues that were on the RGD issues agenda:

Property taxes
Condition reports
Piers
Right to rent
Nonconforming structures
Broker experience requirements
Appraisal management companies (AMCs)
Vested rights
Real estate licensee two-year statute of limitations on liability
Codifying the *Dinger* case
Time of sale requirements
Broadband expansion
Housing affordability
Wetland regulatory reform,
Modernization of landlord tenant laws
DSPS website upgrades
Seller surveillance
Right to place a pier
Improving inspection reports
Chasing sales
Increasing the workforce housing supply

All of these issues were passed into law or defeated, thanks to your involvement at RGD.

Visit **www.wra.org/priorities** to learn more about the WRA's legislative victories since 2012.

FINALLY!

ONE HOUR CE CREDIT — NEW FOR 2023!

For the first time ever, attend RGD 2023, complete and pass the exam, and earn one hour of CE credit for the 2023-24 Wisconsin real estate biennium.

EVENT DETAILS AND REGISTRATION

When you attend RGD, you can let your state lawmakers know what keeps you up at night and impacts your business, your clients and property rights. And after your visit to the Capitol, enjoy complimentary drinks and hors d'oeuvres with your fellow REALTORS®.

Advocating for policies that impact your business, your clients and property rights. One hour of CE. Free drinks and food. And a solution to those sleepless nights. There's no better way to spend a day in April!

AGENDA

- 12:30 p.m. Registration desk open
- 1:00 p.m. Welcome
- 1:15 p.m. Guest speaker (Gov. Evers invited to attend)
- 1:40 p.m. WRA advocacy issues briefing
- 3:00 p.m. Move to Capitol
- 3:15 p.m. Capitol office visits
- 4:30 p.m. Reception

REGISTER FOR FREE

WRA.ORG/23RGDay

SPEAK LOUDLY AND CARRY A BIG STICK

BY MICHAEL THEO
WRA PRESIDENT & CEO

Perhaps the most fundamental of fundamental rights protected in the U.S. Constitution is embodied in the words of the cherished First Amendment, which protects — in addition to free speech and religion — the freedom to assembly and the right to petition the government for a redress of grievances.

To freely congregate and advocate on key issues impacting our industry and our profession is not only critical to our business; it is the living embodiment of our most fundamental constitutional right. Enter REALTOR® & Government Day!

I had just started my career with the WRA when I experienced my first REALTOR® & Government Day (RGD). At the time, we had a whole committee, known as the WRA Governmental Affairs Committee, that did very little but plan for our big day in the Capitol. The year was 1985, and the industry was facing some tough issues. Most notably, a proposal to limit, or "cap," the state mortgage interest deduction was making its way through the legislature. The proposal came from a Democratic governor and was being considered by a legislature controlled by Democrats in both the Senate and Assembly. My previous eight years as a capitol staffer taught me what any third grader would know: this was not an ideal legislative scenario for us.

Turns out this wouldn't be the only major issue facing the WRA in those first years of my career as your chief lobbyist. Other proposals included legislation to increase the real estate transfer tax and an administrative rule that mandated expensive basement insulation in all new and existing multifamily dwellings in the state, to name a few.

After contemplating what I might do after being fired for losing, we set about creating a plan that focused on mobilizing our large and ubiquitous membership to explain to lawmakers, the media, other interest groups and the general public why this proposal was a bad idea. A key element to our plans was to flood Madison with active, well-informed and energized members at RGD! And boy, did it work.

In 1985 and 1986, we had among the highest RGD turnout of members EVER, and they were fired up. From the podium, the leadership team and I could feel the emotion as we walked the attendees through our talking points and the plan for the day. REALTORS® came from every corner of the state, carrying our message but also their own homemade messages. Some of our northern members had hats with the big words "No Caps!" in big, bright letters, referencing the proposed limits on the

mortgage interest deduction. Other attendees had T-shirts, oversized buttons, banners and placards. They were ready to engage! We supplied them with literature, polling data and leave-behind pieces making our case against the proposal. When we reconvened at the end of the day, we shared food, drinks and stories from the Hill. Based on the member feedback, I got the distinct feeling we had turned an important corner. Seemed to me that many legislators who supported these proposals were taken aback by the persuasiveness of our messaging, but also the sheer number of our messengers.

As I walked the halls of the Capitol in the weeks that followed, it was clear the tide had turned. I found our supporters energized, and I found our opponents questioning — and in many cases changing — their positions. The punchline: We were able to stop the limits on the mortgage interest deduction and every one of the other onerous proposals that followed. Perhaps more impressively, in nearly every case, those bad ideas were never reintroduced in the intervening 38 years.

Looking back over these past nearly four decades, I've seen issues small and large come and go. I've seen RGD attendance go up and down. But I've also seen every governor, cabinet secretary and legislative leader of both parties accept our invitation for them to join us, whether they agreed or disagreed on any given issue in any given legislative session.

Over the arch of history, RGD is one of the best things we ever created. Many organizations hold similar events, but very few, if any, have experienced our successes. For a heavily regulated industry like ours, having an active, informed, energized and engaged membership is an absolute must. And harnessing the power of those members in a focused, single day in the Capitol has made a huge difference.

Speaking of history, President Theodore Roosevelt once said of American foreign policy: "Speak softly but carry a big stick; you will go far." I say let's speak *loudly* and carry a big stick, and we will go further! Come join us on April 26 in Madison for our latest edition of RGD. One day. One voice. Once again!

THE BEST OF THE LEGAL HOTLINE

BY WENDY HOANG
WRA STAFF ATTORNEY

HIGHLIGHTING THE WRA'S LEGISLATIVE SUCCESSES

During the 2021-22 legislative session, the WRA passed 14 top legislative priorities that touch all sectors of the real estate industry. WRA legislative accomplishments are achieved through REALTOR® support, including participation at REALTOR® & Government Day. The following discussions from the WRA Legal Hotline are some of the shared successes passed during the last legislative session by the WRA and REALTORS® like you.

40-YEAR ACCESS EASEMENTS

An agent is listing a house that has a right-of-way that was recorded in the 1970s. The right-of-way is still on the title. Is this still a valid easement?

On March 11, 2022, Gov. Tony Evers signed one of the WRA's legislative priorities addressing this very issue, creating 2021 Wis. Act 174, which can be found at **docs.legis.wisconsin.gov/2021/related/acts/174.pdf**.

The law eliminated the 40-year "expiration" on access easements unless the easement itself includes an end date. Access easements are commonly executed on commercial, residential and agricultural parcels to provide access to landlocked parcels, hunting land and waterways.

Prior to Act 174, Wisconsin law provided that if an access easement wasn't re-recorded at the register of deeds within the 40 years, the easement was extinguished and unenforceable, even if the original easement agreement provides it goes forever.

Act 174 allows recorded private access easement agreements recorded on or after January 1, 1960, to run in perpetuity, while also allowing access easements recorded before that date to run in perpetuity if certain events occur, such as a re-recording or proof of physical evidence.

To read about the law guarding against access easements becoming invalid when not re-recorded every 40 years, see "Wisconsin's New Access Easement Law," in the May 2022 *Wisconsin Real Estate Magazine* at **www.wra.org/WREM/May22/AccessEasementLaw**.

INSPECTION REPORTS

A home inspector provided an inspection report with items but did not mark the items as defects. Instead, the inspector wrote "recommend repair" next to the items. The listing agent believes that the items that need to be repaired should be labeled as defects. Does the home inspector have to label items that need repair as defects?

2021 Wis. Act 17 requires a home inspector to label in the inspection report items identified as a "defect" during the home inspection and to provide a summary page as part of the report.

Wis. Stat. § 440.97(2m) of the home inspector statute defines "defect" as:

> *"… a condition of any component of an improvement that a home inspector determines, on the basis of the home inspector's judgment on the day of an inspection, would significantly impair the health or safety of occupants of a property or that, if not repaired, removed, or replaced, would significantly shorten or adversely affect the expected normal life of the component of the improvement."*

See the following resources for further discussion about home inspections and home inspection reports:

- Legal Update Live Episode 12, "New Law, New Home Inspection Report": **www.wra.org/LUL/Episode12**.

- "The Rumor Mill Stops Here" in the May 2021 *Wisconsin Real Estate Magazine*: **www.wra.org/WREM/May21/RumorMill**.

- "The Home Inspection in a Competitive Market" in the May 2021 *Wisconsin Real Estate Magazine*: **www.wra.org/WREM/May21/Inspection**.

- "The Best of the Legal Hotline: Home Inspections: Back to the Basics" in the May 2021 *Wisconsin Real Estate Magazine*: **www.wra.org/WREM/May21/Hotline**.

- May 2021 *Legal Update*, "Legislation Makes Requirements for Home Inspection Reports": **www.wra.org/LU2105**.

HOMEOWNERS ASSOCIATIONS

An agent has a listing that is part of a homeowners association (HOA). The buyers want to temporarily rent out the property after closing, but the HOA is planning to restrict rental properties in the neighborhood. The agent has requested a copy of the HOA's rules and regulations to review the rules regarding rentals in the neighborhood. The HOA, however, does not have any written bylaws. Does the HOA have to provide the HOA rules and regulations to the agent?

In the last legislative session, one of the WRA's legislative priorities that helped to create transparency for Wisconsin homeowners associations was signed into law as 2021 Wis. Act 199 (Act 199). Act 199 allows residents living in or purchasing properties within an HOA to have access to the rules and regulations impacting the property.

Under the new Wis. Stat. § 710.18, Wisconsin HOAs must annually file public notices that include both general information and contact information. This information will be searchable on the Wisconsin Department of Financial Institutions (DFI) website and thus will help owners, sellers, buyers and licensees learn how to contact an HOA representative and how to find any applicable HOA rules and regulations affecting the use of the property and the liability of owners for fees and any penalties.

The DFI has established forms for HOA notices found at **www.wdfi.org**. HOAs must pay a $25 fee to register. The HOA online notice form requires the following information:

1. The name and mailing address of the association and, if applicable, the name and mailing address of any management company for the association.

2. The name of the county and the city, village or town in which the residential planned community is located

3. The name, mailing address, and electronic mail address or daytime telephone number for an individual who is authorized to respond on behalf of the association to requests for copies of the covenants and restrictions as well as other information and documentation related to the subdivision or development.

4. If the association posts information related to the subdivision or development on a website, the address of the website.

See these additional resources:

- "What's That? There's HOA Confusion?" in the January 2023 *Wisconsin Real Estate Magazine*: **www.wra.org/WREM/Jan23/HOA**.

- August 2022 *Legal Update*, "The Regulation of Homeowners Associations": **www.wra.org/LU2208**.

- WRA consumer brochure, "Homeowners Associations: What You Need to Know Before You Buy": **www.wra.org/consumerbrochures**.

- "Notice of Homeowners Associations" notice form can be found in Transactions (zipForm Edition) as well as the WRA's subscription-based PDF forms library.

- Addendum HOA to the Offer to Purchase can be found in Transactions (zipForm Edition) as well as the WRA's subscription-based PDF forms library.

CONDITION REPORT

An agent is listing a single-family home and asks the seller to complete a real estate condition report (RECR). The agent always reminds sellers that all questions must be answered, and questions answered with a "yes" response must be explained with a written response. The seller completed most of the questions on the RECR, but has left multiple questions blank and has not provided an explanation for any "yes" responses. Does the seller need to fill out every question on the real estate condition report?

In all transactions, the licensee is to inspect the property prior to listing it and to ask the seller for a written statement of the property condition, generally by using the RECR. The seller completes the RECR according to Wis. Stat. Ch. 709, the directions and definitions in the RECR, and advice of legal counsel as needed.

If a seller leaves questions blank, a licensee cannot advise the seller how to complete those questions but may suggest the seller speak with a real estate attorney regarding their obligations to disclose under Wis. Stat. Chapter 709.

Wis. Stat. § 709.01 requires a residential seller to complete a § 709.03 RECR, whether they are firm-assisted or For Sale By Owner (FSBO), or risk rescission of the offer to purchase. Wis. Stat. § 709.03 generally applies to all persons who transfer real estate containing one to four dwelling units, including condominium units, timeshare property and living quarters in a commercial property.

Wis. Stat. § 709.02 says:

> *"A report under Wis. Stat. § 709.03 or § 709.033 is considered complete only if the owner answered, or supplied information under § 709.035 for, each item on the report. A prospective buyer who does not receive a report within the 10 days may, within 2 business days after the end of that 10-day period, rescind the contract of sale or option contract by delivering a written notice of rescission to the owner or to the owner's agent and is entitled to the return of any deposits or option fees paid in the transaction."*

See the following for further discussion about condition reports and seller disclosure:

- 2021 Wis. Act 96: **docs.legis.wisconsin.gov/2021/related/acts/96**.

- November 2021 *Legal Update*, "Revisions to the Real Estate Condition and Vacant Land Disclosure Reports — 2022": **www.wra.org/LU2111**.

YOUR VOICE MATTERS

The WRA's legislative successes were made possible by REALTOR® advocacy and enthusiasm for the real estate industry. REALTORS® across the state have the opportunity to be a part of the legislative process that passed these laws by attending REALTOR® & Government Day (RDG) on April 26, 2023. At RDG, members can meet with state lawmakers and advocate for issues that impact the real estate industry, homeownership and property rights in Wisconsin. Be a part of our next legislative victory!

30-DAY EVICTION NOTICE FOR CARES ACT PROPERTIES

DID YOU KNOW THAT 30-DAY NOTICES ARE REQUIRED TO EVICT TENANTS FROM CARES ACT PROPERTIES?

BY DEBBI CONRAD
WRA SENIOR ATTORNEY AND DIRECTOR OF LEGAL AFFAIRS

While the eviction moratoriums are over, and benefits and programs from the Coronavirus Aid, Relief, and Economic Security (CARES) Act have ended, the 30-day eviction notice provision for nonpayment of rent does not have a sunset clause and remains in effect, unknown to many landlords, property managers, attorneys and even judges.

The CARES Act requires landlords to provide a 30-day notice to tenants prior to eviction for nonpayment of rent if the rental property is a covered property. Determining whether a tenant's rental unit is a covered dwelling under the CARES Act can present a challenge.

COVERED DWELLING UNITS

The basic requirement is that a tenant living in a "covered dwelling unit" must receive a 30-day notice to vacate before an eviction can be commenced for nonpayment of rent. It's the status of the property, not the tenant, that is key.

The act defines "covered dwelling" to include substantially any type of residential tenancy so long as the premises is in a "covered property" and the tenant actually occupies the premises. The term "covered property" includes any property that participates in certain federal housing programs or that has a federally backed mortgage loan. While the definition is detailed, it essentially boils down to whether there's federal government funding or backing of the unit. Or it may depend upon whether any tenant in the premises receives Section 8 or other rental assistance.

The CARES Act covers properties supported by the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Agriculture (USDA) and the U.S. Treasury under the low-income housing tax credit (LIHTC), as well as properties with federally backed mortgages, for example, from FHA, Fannie Mae and Freddie Mac. Covered housing programs include programs such as Section 8 housing and properties that are eligible for the LIHTC. Last year, the Consolidated Appropriations Act of 2022 expanded covered housing programs to encompass federal housing programs providing affordable housing to low- and moderate-income persons by means of restricted rents or rental assistance.

DETERMINING IF A PROPERTY IS COVERED BY THE CARES ACT

- NLIHC database: The National Low Income Housing Coalition (NLIHC) has a searchable database at **nlihc.org/cares-act** that helps identify if a property is covered by the CARES Act. It contains data on millions of apartments in multifamily housing insured by the FHA or securitized by Fannie Mae or Freddie Mac, and millions more supported by LIHTC, HUD and USDA programs. A database visitor can search the table by ZIP code or city. The database is not comprehensive; it does not include data on single-family rental homes of one to four units that are also covered under the CARES Act, and it may not include all Fannie Mae and Freddie Mac multifamily mortgages.

- HUD property search: FHA-insured or multifamily-assisted properties can be searched using the database at **www.hud.gov/program_offices/housing/mfh/hsgrent/mfhpropertysearch**. The FHA tool does not include properties that are part of HUD's Public and Indian Housing, Housing Choice Vouchers, Project-Based Vouchers, Public Housing, or Community Development Block Grant programs.

- Fannie Mae property search: The Fannie Mae tool can be found at **www.knowyouroptions.com/rentersresourcefinder**.

- Freddie Mac multifamily property search: The Freddie Mac tool can be found at **myhome.freddiemac.com/renting/lookup**.

There are currently no lookup tools that include rental properties of one to four units backed by Fannie Mae or Freddie Mac.

Aside from the search tools, landlords should have access to mortgage documents they or their attorneys can use to determine if a property is covered by the CARES Act. For federal housing programs, these documents may include housing assistance payment contracts, HUD lease addenda, or other documents or correspondence with public housing agencies, voucher administrators or other such entities. For mortgage loans, landlords should have copies of their notes or mortgage instruments, closing documents, servicing notices, account statements or other correspondence. Landlords can also contact their mortgage loan servicers to ask about the presence of federal mortgage insurance.

A 30-day notice must be used if the landlord is seeking eviction due to nonpayment of rent and the property is a covered property under the CARES Act.

LANDLORD POINTERS

Property is not a CARES Act-covered property

If the premises where the tenant lives is not a CARES Act-covered property, the landlord can serve notices for nonpayment of rent and any other rental agreement breaches and proceed with evictions per state law.

In these instances, tenants or their attorneys may question whether proper notices are being served. A landlord's failure to provide the 30-day notice for a CARES Act property can be used by tenants as a defense to an eviction action. A faulty notice could be grounds for a dismissal of the eviction, and, at worst, investigation and sanction by the Consumer Financial Protection Bureau (CFPB), which administers and enforces the CARES Act.

Landlords may work with their attorneys if a tenant's counsel or the court question whether the premises is a CARES Act property requiring the 30-day notice.

In this situation, the following might be needed:

- A landlord affidavit that there is no mortgage on the premises, perhaps with evidence from the title company confirming that fact.

- A landlord affidavit that the landlord is seeking remedies for nonrent breaches or filing an eviction based on nonrent breaches. The CARES Act only applies to a failure to pay rent.

- An affidavit from the landlord's mortgage loan servicer or lender that the premises is not a CARES Act property.

Property is a CARES Act-covered property

The basic requirement is that a tenant living in a "covered dwelling unit" must receive a 30-day notice to vacate before an eviction can be commenced for nonpayment of rent.

- A landlord may wish to use the WRA's new form, Thirty Day Notice to Vacate — Nonpayment of Rent — Cares Act Property. This form is available for WRA members in the Transactions (zipForm Edition) program as well as subscribers of the WRA's PDF forms library.

- A landlord can consult with their attorney for advice for the best plan of action.

- Some landlords swear by mediation. There is far less confrontation with mediation rather than going to court, and the mediator may help the tenant seek rental or other assistance.

RESOURCES

- "30 Days' Notice Requirement: Making or Breaking Eviction Cases," in the February 2023 issue of the Wisconsin State Bar's *Wisconsin Lawyer Magazine*: **www.wra.org/CaresAct/WisLawyer**.
- The National Housing Law Project's "Enforcing the CARES Act 30-Day Eviction Notice Requirement" PDF handout: **www.wra.org/CaresAct/NHLPhandout**.
- Mediation resources: In the Milwaukee area see Mediate Milwaukee at **www.mediatewisconsin.org**. Also see Mediation in Wisconsin at **www.tenantresourcecenter.org/mediation_in_wisconsin**.
- See the pointers for giving notice using WRA landlord/tenant forms at **www.wra.org/GivingNotice**.

CARES ACT EXCERPT

SEC. 4024. [15 U.S.C. 9058] TEMPORARY MORATORIUM ON EVICTION FILINGS. — Provisions applicable to the CARES Act 30-day notice requirement.

(a) Definitions

In this section:

(1) Covered dwelling

The term "covered dwelling" means a dwelling that-

(A) is occupied by a tenant-

(i) pursuant to a residential lease; or

(ii) without a lease or with a lease terminable under State law; and

(B) is on or in a covered property.

(2) Covered property

The term "covered property" means any property that-

(A) participates in-

(i) a covered housing program (as defined in section 12491(a) of title 34); or

(ii) the rural housing voucher program under section 1490r of title 42; or

(B) has a-

(i) Federally backed mortgage loan; or

(ii) Federally backed multifamily mortgage loan.

(3) Dwelling

The term "dwelling"-

(A) has the meaning given the term in section 3602 of title 42; and

(B) includes houses and dwellings described in section 3603(b) of title 42.

(4) Federally backed mortgage loan

The term "Federally backed mortgage loan" includes any loan (other than temporary financing such as a construction loan) that-

(A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(5) Federally backed multifamily mortgage loan

The term "Federally backed multifamily mortgage loan" includes any loan (other than temporary financing such as a construction loan) that-

(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(b) Moratorium

During the 120-day period beginning on March 27, 2020, the lessor of a covered dwelling may not-

(1) make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges; or

(2) charge fees, penalties, or other charges to the tenant related to such nonpayment of rent.

(c) Notice

The lessor of a covered dwelling unit-

(1) may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate;

As Amended Through P.L. 117-328, Enacted December 29, 2022

LEGAL RESOURCES

THE LATEST UPDATES AND RESOURCES ABOUT WISCONSIN REAL ESTATE LAW FROM THE WRA

NEW CARES ACT EVICTION FORM

The Coronavirus Aid, Relief, and Economic Security (CARES) Act requires landlords to provide a 30-day notice to tenants prior to eviction for nonpayment of rent if the rental property is a covered property under the CARES Act. The WRA recently created a new form, the Thirty Day Notice to Vacate — Nonpayment of Rent — CARES Act Property, available for landlords to use in such situations.

This form is available for WRA members in the Transactions (zipForm Edition) program as well as subscribers of the WRA's PDF forms library.

LEGAL UPDATES

The latest issue:
February 2023: "The REALTOR® Complaint Process"
Learn about the REALTOR® complaint process and types of alternative dispute resolution options.

See more: **www.wra.org/LegalUpdates**
(WRA login required)

LEGAL HOTTIPS

WRA membership gives you access to the WRA Legal Hottips online library: a collection of discussions from the WRA Legal Hotline. Be sure you're prepared for Fair Housing Month by exploring past fair housing-related legal hottips. You'll find discussions about the Americans with Disabilities Act, service animals, advertising and much more.

Search the Q&As: **www.wra.org/LegalHottips**
(WRA login required)

WRA LEGAL HOTLINE

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

SUBMIT YOUR QUESTION
By phone: 608-242-2296 or 800-799-4468
Online: Visit the hotline webpage

HOTLINE HOURS
Monday-Friday, 8:30 a.m. to 4:30 p.m. Central

www.wra.org/LegalHotline

THE DO'S AND DON'TS OF ADVERTISING

BY JENNIFER LINDSLEY
WRA STAFF ATTORNEY AND DIRECTOR OF TRAINING

Advertising. Advertising gives real estate licensees a time to shine and express their creativity. So much of real estate is law-this and contract-that. Rules and regulations and contracts. Throw in some of those WRA attorneys, and you have the opposite of a party going on. But then licensees have advertising where they can conjure up the hit show *Mad Men* and channel their inner Don Draper to put their creative spin on their business.

Think about all the different ways licensees can express themselves in advertising: business cards, websites, television, radio, social media, bus stops, billboards, postcards, fliers, podcasts, sponsorships, newsletters, yard signs, speaking at events, cultivating referral networks, and you probably just thought of five more in the time it took to read through that list. Endless possibilities.

But whatever methods of advertisement a licensee uses, they must follow Wisconsin laws on advertising. Contrary to many statutes, Wisconsin's laws as they relate to advertising are pretty simple. You see that, over there in the red box? That is it — that's the entire advertising statute. Seems simple enough, right? That is true, but there are some areas where agents take some liberties with interpretation or simply do not know the rules and get themselves in trouble.

Let's take this section by section and review the do's and don'ts for advertising by a Wisconsin real estate agent.

Wis. Stat. § 452.136 Advertising by Licensees

(1) False advertising. A licensee may not advertise in a manner that is false, deceptive, or misleading.

(2) Disclosure of name.

(a) Except for advertisements for the rental of real estate owned by the licensee, a licensee shall in all advertising disclose the firm's name exactly as printed on the license of the licensed individual broker or licensed broker business entity or disclose a trade name previously filed by the firm with the department and shall in either case clearly indicate that the firm is a business enterprise and not a private party.

(b) Except for advertisements for the rental of real estate owned by the licensee, a licensee associated with a firm shall advertise under the supervision of and in the name of the firm. The firm's name as used in advertising shall be clear and conspicuous. This paragraph does not apply to a licensee engaged in independent practice as provided in s. 452.30 (6).

(c) Notwithstanding pars. (a) and (b), a licensee may advertise the occasional sale of real estate owned by the licensee or may engage in the occasional solicitation of real estate for purchase by the licensee without complying with pars. (a) and (b), provided that the licensee clearly identifies himself, herself, or itself as a real estate licensee in the advertisement.

(3) Advertising without agency agreement prohibited. A firm and any licensees associated with the firm may not advertise a property unless one of the following applies:

(a) The firm is the listing firm for the property.

(b) The firm or a licensee associated with the firm has obtained consent to advertise the property from the listing firm for the property.

(4) Advertised price. A licensee may not advertise property at a price other than that agreed upon with the owner, except that the price may be stated as a range or in general terms if it reflects the agreed upon price.

WIS. STAT. § 452.136(1) FALSE ADVERTISING

A licensee may not advertise in a manner that is false, deceptive or misleading.

DO

Attribute square footage, acreage, lot size and other measurements to a source such as "per tax record" or "per seller."

Refer buyers to the zoning authority for questions about zoning, whether a lot is buildable and the permitted uses of a property.

Advertise nonconforming "bedrooms" as "seller uses as a bedroom" or some other way without stating it is a legal bedroom.

Remove yard signs in a timely manner after the transaction has closed or the listing terminates.

DON'T

State measurements such as square footage, lot size and other measurements without attributing them to a source.

Virtually stage a property unless it is disclosed or it is clear from the photos that it has been virtually staged.

Advertise a property before the term of the listing contract begins.

Advertise buyer agency services as "free" unless the agent is truly not charging fees for the buyer agency services.

WIS. STAT. § 452.136(2) DISCLOSURE OF NAME

(a) Except for advertisements for the rental of real estate owned by the licensee, a licensee shall in all advertising disclose the firm's name exactly as printed on the license of the licensed individual broker or licensed broker business entity or disclose a trade name previously filed by the firm with the department and shall in either case clearly indicate that the firm is a business enterprise and not a private party.

DO

Include the firm's name in all advertising, including business cards, websites, social media, postcards and all other advertising.

Register trade names with the DSPS before using.

DON'T

Advertise in a "team" name without including the firm's name.

Shorten the firm's name or alter it in any way.

(b) Except for advertisements for the rental of real estate owned by the licensee, a licensee associated with a firm shall advertise under the supervision of and in the name of the firm. The firm's name as used in advertising shall be clear and conspicuous. This paragraph does not apply to a licensee engaged in independent practice as provided in s. 452.30 (6).

DO

Follow any company policies regarding advertisements including branding, color schemes and any other rules.

Include the firm's name in a clear and conspicuous manner.

DON'T

Spend a bunch of time and money designing advertising without first checking company policy regarding advertisements.

Hide or minimize the firm's name.

(c) Notwithstanding pars. (a) and (b), a licensee may advertise the occasional sale of real estate owned by the licensee or may engage in the occasional solicitation of real estate for purchase by the licensee without complying with pars. (a) and (b), provided that the licensee clearly identifies himself, herself, or itself as a real estate licensee in the advertisement.

DO

Check company policy regarding personal transactions; some firms require their agents to run personal transactions through the firm.

Identify yourself in the advertisement as a real estate licensee.

DON'T

Engage in personal transactions without checking company policy.

Forget to disclose you are licensed in the advertisement.

WIS. STAT. § 452.136(3) ADVERTISING WITHOUT AGENCY AGREEMENT PROHIBITED

A firm and any licensees associated with the firm may not advertise a property unless one of the following applies:
(a) The firm is the listing firm for the property.
(b) The firm or a licensee associated with the firm has obtained consent to advertise the property from the listing firm for the property.

DO

Get a listing before advertising a property.

Get permission from the listing firm before advertising another firm's listing.

Advertise only during the term of the listing contract.

DON'T

Advertise a property without a listing contract.

Advertise another firm's listing without getting consent from the listing firm.

Forget that the advertising rules still apply when you are advertising on social media.

WIS. STAT. § 452.136(4) ADVERTISED PRICE

A licensee may not advertise property at a price other than that agreed upon with the owner, except that the price may be stated as a range or in general terms if it reflects the agreed upon price.

DO

Advertise the price accurately.

DON'T

Misrepresent the price of the property.

That's it! That's the entire advertising statute that regulates how real estate licensees advertise in Wisconsin. But while we are here, let's take a look at what the REALTOR® Code of Ethics has to say about advertising.

Article 12 of the REALTOR® Code of Ethics is the article that tells us the do's and don'ts of advertising for REALTORS®. Article 12 and its accompanying Standards of Practice go into way more details and specifics than Wis. Stat. § 452.136, but they mirror the basics of the Wisconsin Statutes.

REALTOR® CODE OF ETHICS ARTICLE 12

REALTORS® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing, and other representations. REALTORS® shall ensure that their status as real estate professionals is readily apparent in their advertising, marketing, and other representations, and that the recipients of all real estate communications are, or have been, notified that those communications are from a real estate professional. (Amended 1/08)

Article 12 has several Standards of Practice that further elaborate on the advertising rules. Here's a summary of other topics addressed by the Article 12 Standards of Practice.

Standard of Practice 12-1	**Don't claim your services are free unless they really are free.**
Standard of Practice 12-3	**You can offer incentives but make sure the party has a clear, thorough, advance understanding of the terms of the offer.**
Standard of Practice 12-4	**Don't advertise without authority and advertise the real price.**
Standard of Practice 12-5	**Include the firm's name in a reasonable and readily apparent manner in all advertising.**
Standard of Practice 12-6	**When advertising property in which the REALTOR® has an ownership interest, disclose it.**
Standard of Practice 12-7	**Don't claim you "sold" the property unless you are the listing firm or a cooperating firm.**
Standard of Practice 12-8	**Present a true picture in representations to the public and use reasonable efforts to make sure your website is current.**
Standard of Practice 12-9	**The firm's website must disclose the firm's name in a reasonable and readily apparent manner.**
Standard of Practice 12-10	**The obligation to present a true picture in advertising applies to internet content, images, and URLs and domain names.**
Standard of Practice 12-11	**If you intend to share or sell consumer information gathered via the internet, disclose it in a reasonable and readily apparent manner.**
Standard of Practice 12-12	**Don't use or register URLs or domain names that present less than a true picture.**
Standard of Practice 12-13	**Don't advertise that you have designations, certifications and other credentials unless you actually have them.**

The entire REALTOR® Code of Ethics, including Article 12 and all of its useful Standards of Practice, is available at **www.wra.org/CodeOfEthics/SOP12.**

Simple and easy-to-follow rules guide advertising practices for real estate licensees in the state of Wisconsin, and Article 12 further guides REALTOR® members.

MEET A 2023 MAJOR INVESTOR

"Oftentimes, REALTORS®' greatest victories receive no notice and little fanfare. A bad bill could die quietly in committee, or an amendment that creates a tax on REALTOR® commissions could be pulled from the agenda and go away. I strongly encourage all my fellow REALTORS® to become RPAC major investors in 2023. Why? The Wisconsin Legislature introduces more than 3,000 bills each session. The WRA monitors each one and, when appropriate, works to influence the bill's direction. RPAC isn't Republican; it isn't Democrat. It doesn't represent the independent voter; it doesn't buy votes. It is simply a strong voice — and sometimes the only strong voice — fighting for Wisconsin REALTORS® and homeowners in Madison. With your financial support as a major investor, the REALTOR® voice will be heard loud and clear."

Chris Carillo
Metro MLS, Milwaukee

RPAC

REALTORS® POLITICAL ACTION COMMITTEE

MEET 2023 RPAC MAJOR INVESTORS

The REALTORS® Political Action Committee (RPAC) major investors are a passionate group of REALTORS® whose investments shape the future of the real estate industry. It's critical for REALTORS® to join forces and speak with one voice about the the statewide real estate industry and its positive effects on the state of Wisconsin. 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**.

RPAC President's Circle

PRESIDENT'S CIRCLE
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.

RPAC HALL OF FAME
This icon designates members of the RPAC Hall of Fame with an aggregate lifetime investment of $25,000 or more.

PLATINUM "R"s
($10,000) $7,000 Direct Giver; $3,000 NAR RPAC

Jim Imhoff
First Weber Inc.
Madison

Mary Rufledt
Elite Realty Group
Eau Claire

GOLDEN "R"s

($5,000) $3,500 Direct Giver; $1,500 NAR RPAC

Brad Lois
Bear Realty of Burlington Inc., Burlington

Tom Larson
Wisconsin REALTORS® Association, Madison

Mike Theo
Wisconsin REALTORS® Association, Madison

Joe Horning
Shorewest REALTORS® Brookfield

John Horning
Shorewest REALTORS® Brookfield

John Flor
Keller Williams Realty Diversified, Chetek

CRYSTAL "R"s

($2,500) $1,750 Direct Giver; $750 NAR RPAC

Peter Ogden
Ogden & Company Inc. AMO, Milwaukee

Rose Bogosian
Gonnering Realty Inc. Kenosha

Joe Murray
Wisconsin REALTORS® Association, Madison

Cori Lamont
Wisconsin REALTORS® Association, Madison

Brittany Voigt
Century 21 Ace Realty Neenah

Becky Merwin
Berkshire Hathaway Starck Real Estate, Lake Geneva

Michael Zahrt
First Weber Inc. Wausau

Chuck Olson
Coldwell Banker River Valley REALTORS® Onalaska

STERLING "R"s

($1,000) $700 Direct Giver; $300 NAR RPAC

Mark Bourque
Berkshire Hathaway HomeServices Epic Real Estate, Kenosha

Scott Revolinski
Founders 3 Real Estate Services, Milwaukee

Ned Purtell
Founders 3 Real Estate Services, Milwaukee

Andrew Hess
Founders 3 Real Estate Services, Milwaukee

Robert Flood
Founders 3 Real Estate Services, Milwaukee

David FitzGerald
Kleven Real Estate Inc. Eau Claire

Roger Mater
RE/MAX Service First LLC, Brookfield

Chris Carrillo
Metro MLS Milwaukee

Brett Moravitz
Dane Arthur Real Estate Agency, Cumberland

Darin Moravitz
Dane Arthur Real Estate Agency, Turtle Lake

Kevin Marciniak
RE/MAX Realty Pros New Berlin

Lindsey Kate
Acre Realty Appleton

Judy Hearst
Coldwell Banker Realty Milwaukee

Stacey McKinney
McKinney Realty Cable

STERLING "R"s continued

($1,000) $700 Direct Giver; $300 NAR RPAC

Joe Germain
Woods & Water Realty Inc.
Chippewa Falls

Stacey Hennessey
Century 21 Affiliated
Appleton

Catherine Bade
Edina Realty Inc.
Bloomer

Jeff Hoffman
The Boerke Company
Inc., Milwaukee

Robert Morrone
Prime Realty Group
Kenosha

Shawna Alt
First Weber Inc.
Madison

Stephen Provancher
Newmark
Milwaukee

Gary Grolle
Keating Real Estate
Genoa City

Tim Besaw
Besaw & Associates
Realty Ltd., Green Bay

Jeff Theisen
RE/MAX Real Estate
Group, Eau Claire

Cora Frank
RE/MAX Affiliates
Menomonie

Steve Anderson
Anderson Commercial
Group LLC, Franklin

Dan Lawler
Feather Real Estate
Group, Rice Lake

MaryKay Shumway
Kellerstrom Ray Agency
Sister Bay

Ted Dentice
Shorewest REALTORS®
Brookfield

Jackie Kumm
Edina Realty Inc.
New Richmond

Michael Pietrek
BHHS North Properties,
Onalaska

Char Glocke
La Crosse Area
REALTORS® Association
La Crosse

Todd Schwartz
Chippewa Valley Real
Estate, Eau Claire

Scott Bush
Greater Milwaukee
Association of REALTORS®
Milwaukee

Barbie Murawski
Coldwell Banker
Success, Fitchburg

Denise Schultz
Lakes Area REALTORS®
Association, Elkhorn

Dan Lee
First Weber Inc.
Madison

Tom Didier
RE/MAX United LLC
Port Washington

Dan Kruse
Century 21 Affiliated
Madison

Jack Drzewiecki
Acre Realty
Appleton

Ray Leffler
RE/MAX Newport Elite,
Racine

Matt Moroney
Metropolitan Builders
Association, Milwaukee

Andy Hay
Guy Lloyd Inc.
Racine

Peter Sveum
Coldwell Banker Success
Stoughton

Margaret Labus
Berkshire Hathaway Starck
Real Estate, Lake Geneva

Becky Kirchner
RE/MAX Plaza
McHenry, IL

RPAC major investors are current as of March 13, 2023, and appear in the order in which they pledged contributions.

STATE AND LOCAL ADVOCACY A TOP PRIORITY FOR THE WRA

BY NATHAN CONRAD AND JOE MURRAY
WRA DIRECTOR OF POLITICAL ADVOCACY
AND WRA DIRECTOR OF POLITICAL & GOVERNMENTAL AFFAIRS

Advocacy on behalf of the real estate industry is serious business for the WRA. That's why we get involved in statewide elections, local elections and issue advocacy campaigns. Candidate elections decide who sits at the table and votes on issues that impact WRA members, homeowners and property owners across the Badger State. Issue campaigns are different but very often have a huge impact on property owners as well.

As this article went to press just days before the April 4 election, we did not know the outcome of the 2023 election for Wisconsin Supreme Court or the special election for Senate District 8 in southeastern Wisconsin. What we do know is that getting involved in these elections and issue campaigns is critically important to shaping the real estate business today and into the future.

The outcomes of the elections for the Wisconsin Supreme Court and Senate District 8 are extremely important to the industry and make a massive impact on the advocacy efforts of the WRA. Many decisions that have been made by the Wisconsin Supreme Court over the last decade with regards to the real estate industry may come back before the court if the judicial philosophy of the court shifts this spring. Efforts that were made through the legislative process may be seen in a different light in terms of landlord-tenant relationships, levy limits, and other property rights reforms that have been enacted into law. A change in the court could bring these reforms back to the forefront of conversations if the court were to deem it necessary and take up cases that had previously been settled.

The same can be said for the race in the 8th Senate District. The WRA lost a longtime friend of the industry with the early retirement of former Sen. Alberta Darling. Rep. Dan Knodl has been an ardent supporter of the WRA's legislative priorities for the duration of his 14 years in the state Assembly, and we know that his support will be extremely helpful in the state's upper chamber.

POTENTIAL OUTCOMES OF THE WISCONSIN SUPREME COURT SPRING ELECTION

2023 started off with a bang after the November elections. The legislature has a massive allotment of new members, and the budget cycle is now underway. Heading into spring, there's no possibility of advocacy or politics slowing down. At the same time, there is a hotly contested race for an open seat on the Wisconsin Supreme Court. By the time you read this article, the outcome of the race between former Justice Dan Kelly and Milwaukee Circuit Court Judge Janet Protasiewicz will have been decided.

For more than a decade, the state's highest court has had a conservative bend to its decision-making. The result of this race has the opportunity to change that outlook. Judge Protasiewicz focused her campaign on her values and progressive ideals, while Kelly focused on his record as a constitutional conservative on the bench.

The outcome of this race can drastically change the court's decisions going forward. Areas of interest that have not been approached by the current judicially conservative court will undoubtedly become front-and-center issues if the court were to flip to a judicially liberal majority.

It is without question that a number of issues will be brought back in front of the court with the express understanding that an entirely new viewpoint on the constitution and how the previous decisions made by the court would be seen.

The state could see a dramatic change in direction when it comes to reproductive rights, collective bargaining, and district lines for state and federal elected offices, just to name a few.

Another major change that would take place would be the election of a new chief justice. The system now in place has the justices vote for their chief justice. This replaced an older standard that placed the chief justice by tenure.

These reasons alone help create an understanding on why the Wisconsin Supreme Court spring election has been so high profile and also the most expensive court race in our nation's history.

SPECIAL ELECTION FOR SENATE DISTRICT 8 AND THE REPUBLICAN SUPERMAJORITY HANGING IN THE BALANCE

The recent retirement of Sen. Darling also brought another very visible Wisconsin Senate special election to the forefront this spring. Vying for the vacated seat were Republican Rep. Knodl along with attorney and textile mill executive Democrat Jodi Habush Sinykin.

This district has been in Republican hands since 1992, when former Sen. Darling first won the seat. The district has trended more centrist in the last few election cycles. With the main focus of spending in this race centering around reproductive rights, it is no surprise a previously solid Republican seat has moved into the "toss up" category in terms of the electorate. While we do not know the outcome of the race at the time of publication, it is safe to say that what would normally be a quiet special election has ramped up in volume due to Republicans attempting to once again reach a supermajority in the state Senate, and Democrats using this race to hold off Republicans from that accomplishment.

A supermajority does not give the state Senate the ability to override a governor's veto, as this would require a two-thirds majority in both houses of the legislature. However, if the supermajority were to be attained in the state's upper house, the possibility for Republicans to suspend Senate rules and expedite legislation as well as impeach and remove state officials from office — including the governor, cabinet secretaries and judges — would be on the table. These actions do not come lightly if they are taken. The removal of a public official in Wisconsin in this method has only been undertaken once, more than 169 years ago, and it was unsuccessful.

Whether Knodl or Habush Sinykin emerge from this election the victor, the truth behind this race remains the same. Both sides have put up an enormous fight to ensure that their way of thinking is paramount in the state Senate: one side to assert more power and influence throughout state government, and the other side to help dissipate the appetite for single-party control in the legislature.

LOCAL ADVOCACY EFFORTS AT THEIR FINEST

Many times, we look at the top of the ticket or at statewide issues during campaign season, and we neglect to dig a little deeper and see what can be done on a local level to bring about change for our industry.

A great, and recent, example of efforts at the local level to impact decision-makers and help shape public policy was seen in Madison under the direction of the REALTORS® Association of South Central Wisconsin (RASCW). It is well-established that throughout Wisconsin, we are in the midst of a debilitating housing shortage that must be addressed at the local and statewide level. RASCW did just that by implementing a six-figure advocacy campaign to highlight the need for expansion and passage of transit overlay districts in the city of Madison. These districts would increase the available housing stock near transit stops to help facilitate density-building in the city of Madison.

The program was administered by RASCW, with assistance from the WRA, and through some grant funding by the National Association of REALTORS®. The direct mail, digital and streaming service advertisement program that reached voters throughout Madison made hundreds of thousands of impressions and was able to outshine aggressive arguments from a small but vocal group of "not in my backyard" (NIMBY) opponents of the transit overlay district proposal. In the end, the proposal was passed by the city council by an overwhelmingly large margin, and the city will be better off in the future due to this smart, local decision-making.

This giant success for housing opportunities in Madison would not have happened if the local, state and national REALTOR® organizations had not worked together to ensure success through a cohesive message.

The program outlined above showcases the need for local advocacy interaction. If you have an issue at the local level, please take it to your local board and ask for help in highlighting an issue to your community in order to make a dramatic impact in your own backyard.

NEW MINI COURSES ARE HERE

An ever-evolving industry means you need ever-evolving knowledge. The WRA's new Mini Course Series gives you cutting-edge training and original knowledge to help you navigate the market. But a mini course doesn't mean mini impact. This new course series offers exclusive training you won't find anywhere else, taught by some of the top subject matter experts in Wisconsin real estate.

Whether you're looking for information about inspections, antitrust violations, mortgage products or more, you'll find the answers in a new mini course. And with these one-hour courses entirely online, there's no schedule or physical classroom to visit — simply watch online at your leisure!

Plus, most of the new mini courses qualify for credit when you're working toward earning you Graduate, REALTOR® Institute (GRI) designation.

The power and wisdom you need to strive is right here — you just need to tune in.

MINI COURSE TOPICS

- Advertising
- Agency
- An Introduction to Mortgage Lending
- Asbestos and Real Estate
- Brand Development
- Community Involvement
- Compensation and Procuring Cause
- Developing CMAs
- Disclosures
- Dodd-Frank Act and Mortgage Qualifying
- Drafting Enforceable Contracts
- EIFS and Water Intrusion
- Identifying Housing Types and the Inspection Process
- Keep It Professional
- Lake Homes and Environmental Issues
- Mold: Beyond the Basics
- More Than You Wanted to Know: Odors
- Neighborhood and Property Amenities
- Radon and Real Estate
- The Art of Seller Relationships
- Unauthorized Practice of Law
- Understanding the Mortgage Loan Origination Process
- Water Rights, Shoreland Zoning and Wetlands
- Working Safely Begins with Awareness

MINI COURSE INSTRUCTORS

- Bonnie Dixon, Wisconsin REALTOR® and national trainer
- Ryan Fulcer, Wisconsin REALTOR® and business speaker
- Beth Jaworski, Wisconsin REALTOR®
- Rudy Ibric, mortgage planner and banker
- Paul Kent, water rights attorney
- Cassidy Kuchenbecker, microbiologist
- Jennifer Lindsley, WRA attorney and director of training
- Tracy Rucka, WRA attorney
- Michael Sewell, real estate attorney and REALTOR®
- Josh Walitt, residential appraiser

WWW.WRA.ORG/MINI

PROTECT YOUR BUSINESS WITH E&O COVERAGE

Negligence. Failure to meet a deadline. Even breach of contract. While you can follow all the proper procedures in your real estate practice, an unfortunate scenario could pop up in your transaction, despite your best efforts. And errors & omissions (E&O) insurance can be a life-saver in these unique situations.

With the WRA's partnership with Pearl Insurance, you can rest easy knowing that E&O coverage is protecting your biggest real estate asset: your practice. On top of course discounts, legal news and more, the WRA partners with outside companies to add even more value to your membership. And when it comes to protecting your business, your WRA membership has you covered with the WRA partnership with Pearl Insurance.

With nearly 150 years of experience in protecting real estate professionals with professional liability insurance, Pearl Insurance is the most trusted option in E&O coverage for your business.

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WRA EXCLUSIVE PARTNERS

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Resources for your real estate marketing.

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WRA MEMBERSHIP BENEFITS

The WRA offers members-only products and services to give you a competitive edge.

ADVOCACY
The WRA advocates for a healthy real estate market by working with state lawmakers and pro-real estate candidates.

LINE BY LINE FORMS TRAINING
Enhance your contract knowledge with Wisconsin's most in-depth real estate forms training video series.

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Make your transactions paperless with Transactions (zipForm Edition).

WRA LEGAL HOTLINE
Discuss your real estate practice questions with a real estate attorney.

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Get the latest news, award-winning commentary, special reports and more.

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BIAS OVERRIDE CERTIFICATE

NAR certificate virtual course: April 11

Instructor Amy Peterson highlights how you can avoid pitfalls in your transaction and provide equal, professional service to your customers and clients. At the end of this three-hour training course, you'll earn the official "Bias Override: Overcoming Barriers to Fair Housing" certificate.

- Course: "Bias Override: Overcoming Barriers to Fair Housing"
- Date/time: April 11, 9:00 a.m. – 12:00 p.m.
- Fee: $45

Register: www.wra.org/BiasOverride

POWER UP YOUR PRICING

PSA virtual course: April 13-14

Take the guesswork out of pricing by taking a deep dive into pricing strategy with Pricing Strategy Advisor (PSA) training with instructor John LeTourneau. You'll finish the course with an improved understanding of pricing and comparative market analyses (CMAs) to better guide clients through the CMA to ultimately list and sell properties at the appropriate price.

- Course: "Pricing Strategies: Mastering the CMA"
- Date/time: April 13-14, 9:00 a.m. – 12:00 p.m. each day
- Fee: $145

Register: www.wra.org/PSA

ADD INVESTMENT TO YOUR SKILL SET

ABR elective virtual course: May 17–18

Explore the fundamentals of real estate investment with instructor John LeTourneau. You'll learn how to expand your business services and meet the unique needs of real estate investors. Thinking about becoming a real estate investor yourself? You'll learn it all here!

- Course: "Real Estate Investing: Build Wealth Representing Investors and Becoming One Yourself"
- Date/time: May 17-18, 9:00 a.m. – 12:00 p.m. each day
- Fee: $135 early bird pricing good through May 2

Register: www.wra.org/PSA

EMBRACE DIVERSITY IN YOUR PRACTICE

AHWD virtual course: July 26-27

Help buyers of all cultural backgrounds achieve homeownership with At Home With Diversity (AHWD) training. In the AHWD course, instructor Amy Peterson analyzes strategies for working effectively with diverse populations so you can build business success in today's multicultural real estate market.

• Course: "At Home With Diversity"
• Date/time: July 26-27, 9:00 a.m. – 12:00 p.m. each day
• Fee: $95 early bird pricing good through July 11

Register: www.wra.org/AHWD

BECOME A MARKETING MAVEN

ABR elective virtual course: May 24-25

Dive into traditional and cutting-edge strategies to strengthen your marketing efforts and take them to the next level. Instructor Robbie English examines various tools that can help you maximize lead generation and market impact.

• Course: "Marketing Strategy & Lead Generation"
• Date/time: May 24-25, 9:00 a.m. – 12:00 p.m. each day
• Fee: $135 early bird pricing good through May 9

Register: www.wra.org/ABR

OFFERING	FORMAT	DETAILS & REGISTRATION
WRA EVENTS		
REALTOR® & Government Day: April 26, 2023	Live in Madison	www.wra.org/RGD2023
WRA PRE-LICENSE TRAINING		
SCHEDULED TRAINING		
Sales Pre-license Course: July 10-14, 17-19, 2023	Madison	www.wra.org/SPL
ONGOING TRAINING		
Broker Pre-license Course	On Demand	www.wra.org/BPL
Sales Pre-license Course	On Demand	www.wra.org/SPL
WRA PROFESSIONAL DEVELOPMENT TRAINING		
SCHEDULED TRAINING		
Bias Override Certificate Course: April 11, 2023	Virtual	www.wra.org/BiasOverride
PSA Certification Course: April 13-14, 2023	Virtual	www.wra.org/PSA
ABR Real Estate Investing Course: May 17-18, 2023	Virtual	www.wra.org/ABR
ABR Marketing Strategy Course: May 24-25, 2023	Virtual	www.wra.org/ABR
AHWD Certification Course: July 26-27, 2023	Virtual	www.wra.org/AHWD
ONGOING TRAINING		
GRI On Demand	On Demand	www.wra.org/GRI
Line by Line Forms Training	On Demand	www.wra.org/LinebyLine
Mini Course Series	On Demand	www.wra.org/Mini
Quick Start	On Demand	www.wra.org/QuickStart
WRA BUSINESS FORUMS		
SCHEDULED TRAINING		
Valuation Variations: May 4, 2023	Virtual	www.wra.org/BLF
PARTNER WEBINARS		
THE PAPERLESS AGENT WEBINARS		
April 13, 2023	Virtual	www.wra.org/PaperlessAgent
April 25, 2023	Virtual	www.wra.org/PaperlessAgent
May 18, 2023	Virtual	www.wra.org/PaperlessAgent
May 23, 2023	Virtual	www.wra.org/PaperlessAgent
REALTORS® PROPERTY RESOURCE WEBINARS		
April 12, 2023	Virtual	www.wra.org/RPR
April 13, 2023	Virtual	www.wra.org/RPR
April 18, 2023	Virtual	www.wra.org/RPR
April 19, 2023	Virtual	www.wra.org/RPR
April 20, 2023	Virtual	www.wra.org/RPR

See the complete calendar: www.wra.org/coursecatalog


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THREE MAGICAL THINGS YOU CAN DO WITH NEWER IPHONES

Apple's latest software update, iOS 16, introduced features that leverage AI and new built-in technology, putting a little magic in your pocket. Apple bills the new enhancements as "all-new personalization features, deeper intelligence, and more seamless ways to communicate and share."

Here are three new features that can benefit real estate agents on the go.

MAGICALLY REMOVE THE BACKGROUND OF AN IMAGE

Creating newsletters, blog posts and other marketing materials often requires accompanying images. Those images can often be more powerful when you remove the background. While online tools like remove.bg work great, your iPhone now has the power to do this even faster than online tools.

Most people may not realize that the iPhone's built-in photo-editing software was already able to remove the background of a photo, but it took about a half-dozen steps to accomplish.

Now, you can lift a subject from its background almost instantly. Here's how:

- Select your photo.
- Then simply touch the subject you want to keep and hold it with your finger.
- The subject is instantly outlined, and a small "copy/share" button appears at the top to select.
- When you choose "share," you can now paste your image with the background removed inside an email, a text or another application, or save it as a new photo.

This new tech tip isn't just limited to your photo app. You also can lift a subject from its background in a screenshot, a quick look, Safari and more.

COPY TEXT FROM ANY PHOTO AND EVEN TRANSLATE IT

New image recognition software can optically scan and convert text inside any image or photo, allowing you to paste the text into a document, text, note, email and more.

Try it for yourself: Take a picture of a traffic sign. Now hold your finger on the text in the photo. It will instantly highlight and allow you to copy and paste the text.

For a real estate agent, the uses are endless. You can take photos of any business card and copy and paste the text into a document, making it easier to update your contacts. You can take pictures of a document to share and paste the text into an email instead of an image. Instead of taking notes from something in writing, take a picture of the text, then copy and paste the information from the photo into an email, note or other app that allows you to paste text.

Better yet, turn on the new "Live Text" feature to capture information from photos, videos and images. Live Text recognizes information within your photos, videos and images you find online. You can use Live Text to make a call, send an email, or look up directions with just a tap.

UNSEND AN EMAIL OR TEXT

We've all been there. You are in the middle of writing an email or a text, and you accidentally hit the send button. You cringe because what you sent does not make sense since you were not yet finished. Now, Apple has the new "Unsend" command.

What your newer iPhone is doing is akin to hitting a slight "pause" button so you can retrieve the mistake. It works immediately after you send a text or email, as an Unsend command appears at the bottom. Of course, you must act swiftly, but if you select Unsend, the message will no longer appear on the recipient's screen or email inbox.

Apple describes this new feature as "everyday messaging enhanced" because it gives you time to edit and fix your sent message by retrieving it.

One additional feature: you now can mark a text message as "unread" if you want to come back later to respond.

MORE NEW FEATURES

Apple added a lot more magical and practical features with its latest update in addition to these. But keep in mind all of these features may not be active for all iPhones. Overall, many of these new iPhone features and tools can be incredibly useful for real estate agents in their daily work — and play.

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Definitely a front porch with a swing...
#homeownershipgoals
The WHEDA Advantage loan has everything your home buyers need to achieve their home ownership goals.
Visit www.wheda.com to learn how.
Certain program restrictions and eligibility requirements apply.
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