

REALTOR

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NEWS



COPYRIGHTS IN REAL ESTATE

**Avoid Copyright Infringement
in Your Business**

PAGE 12

4

**Supporting Local
Education for Over
20 Years**

10

**Unintended
Consequences of
Technology**

9

**Act 133 Becomes
an Important Tool
for REALTORS®**



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Mission Statement

The Suburban West REALTORS® Association advocates for the real estate industry and private property rights, and promotes the professional integrity of its members by providing resources that enable them to:

- Deliver superior service to the public
- Maximize their income
- Grow to meet the needs of the future

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Table of Contents

4Chairman’s Message

6CEO Update

8PAR Pulse

9Legislative Front

10Professionalism Tips

11Fair Housing

12Copyright

18Association Scrapbook

20Real News

22Affiliate Spotlight

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Supporting Local Education for Over 20 Years

The Suburban West REALTORS® Association has long made education a foundation of the association. We firmly believe that education is key to both increased professionalism and success within the industry. Thanks to the overwhelming support of our members, we have thousands of members that pass through our school every two years to complete accredited education, required membership training and seminars.

Our affinity for education does not stop with real estate education, though. Suburban West has been a staunch supporter of interscholastic competitions and secondary education throughout the area for over 20 years. From the *It's Mathematical* Competition to Speech Contests to School Awards, the organization has been active in helping to recognize elementary, middle school and high school students for their academic achievements.

Over the years, I have had the privilege of representing Suburban West at the *It's Mathematical* Competition held by some of our area high schools (Lower Merion, Conestoga, Marple-Newtown, Radnor, Delaware County Christian). Student math experts from different schools ranging from JV to varsity would compete several times a year and Suburban West would attend the season finale to hand out the final trophies and ribbons. During the times I've attended, it's been amazing to see these students solve complex math equations in a matter of 60 seconds or so. The quick thinking and thrill of having the correct answer is exhilarating. The ultimate goal was to see who could gather the most amount of points and bring home a trophy. While the scores were being tallied up the students would relax with beverages and snacks, at this time I would ask the kids what their plans were after high school and undoubtedly they were attending some pretty amazing colleges. Once the scores were tallied up I would provide the winners with their prizes. The students are always polite and appreciative of Suburban West's sponsorship coming up on over 20 years.

I've also been fortunate to represent the organization over the past two years during the Paxon Hollow Promotion ceremony. It's been my honor to award the Most Improved Student award to an eighth grader or two who has most demonstrated improvement in their academics during their middle school career. Similarly, other Suburban West volunteers have served this same role in presenting Most Improved Student awards at Culbertson Elementary School.

Education will forever remain an important focus of our organization, both internally and externally. Coupled with our REALTOR® community involvement, it equates to a big part of who we are as members. Remember when "community service is calling, no need for stalling". ■


STEVE D'ANTONIO
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Suburban West Settles Into a New Home

The city of Chester, Upper Darby, Exton, Bryn Mawr, Springfield, Lionville, Newtown Square; these are the various locations that have been home to our Association's headquarters over the past century. And since the merger in 2004 of Chester County Association of REALTORS® and Delaware Valley REALTORS® Association, we've provided member events and services at our centrally located office in Malvern. All of these buildings have housed dedicated staff committed to serving tens of thousands of members throughout the history of Suburban West and its forbearers.

On June 24th, the organization began a new chapter. Still centrally located in Malvern our office moved a short distance to a building at 1 Country View Road. The reason for our move is primarily to better position the organization to best serve its members. As of the publication of this issue, the organization has more than 5,800 REALTOR® and Affiliate members, the largest in our history. So as to best accommodate our growing membership and student base, we moved to a larger office space that can comfortably seat more in our Association of REALTORS® School classroom.

The school features a state-of-the-art educational experience, including updated audio/visuals, a riser to enhance the instructor viewing experience and a common area to better facilitate networking. In fact, the School is located one floor below (Suite 101) the Suburban West office, offering a dedicated space for dedicated knowledge.

The Suburban West offices are located on the second floor (Suite 201) and it too provides a new experience for members who are visiting the organization to: attend a committee meeting, participate in professional standards, obtaining a key, or any other on-site interactions with the organization. The staff looks forward to continuing to provide top-level service in our new facility. We're also thrilled that the Suburban REALTORS Alliance, our local legislative partner, is also moving to the new building and will continue to be located nearby (Suite 202).

The move for the Association also provided us an opportunity to refresh the organization's brand. Hopefully you have seen the new logos and colors for both Suburban West and the Association of REALTORS® School (if not, they are featured on the cover and in various ads). We've embraced a more modern and streamlined aesthetic to best project our organization now and into the future.

Suburban West staff and leadership are excited to embark on this new chapter in Malvern. We hope you will visit us soon for a class, seminar or our soon-to-be-announced Open House event later this summer! ■

A handwritten signature in cursive script that reads "Anne Marie Matteo".

ANNE MARIE MATTEO, CAE, RCE
CHIEF EXECUTIVE OFFICER



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July 25 & 26	Real World Real Estate: First Time Renewal	MCE PASS	\$150.00
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August 3	From Regulation to Practice: Get it in Writing	MCE PASS	\$75.00
August 8	Pricing Strategy Advisor: Mastering the CMA		\$159.00
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More Information and Registration: realtors-school.com or 610-560-4900

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Dispatch From the June PAR Business Meetings

By David Brant, GRI (District 2 Vice President)

The recent PAR Business meetings highlighted how the many “moving parts” of our state organization work to continually serve all of us as real estate professionals and members of the Pennsylvania Association of REALTORS®.

Action Items from two task forces that have steadily worked since the Winter meetings respectively on updates to the composition of Legislative Committee and on the policy for Seller’s Disclosure were approved, keeping our efforts in both those areas current and relevant. A third task force had reviewed our Campaign Strategies and presented their recommended improvements during the course of the meetings.

In addition to these action items, informational reports were presented at the Meetings on: the Welcome Home survey of buyer and seller trends; the status of legislation initiatives, the President

Advisory Group on Teams, and on the status RPAC fundraising efforts.

The overall picture is one of partnerships – between our state leadership, the local associations and with NAR. The goal is to be continually in touch with the needs of our industry as well as with our legislators and others who can affect our business and our consumers. Our leaders in public policy met with the leaders of the Real Estate Caucus, which consists of fellow REALTORS® and others in the legislature who find it in their interest to work with us.

Much of this collective effort is one of vigilance, by staying strong in our mission while addressing long-running issues. This effort is also looking ahead to challenges and opportunities to our industry.

We have great strength in our numbers, in our collective spheres of influence, and in our organizational ability to respond quickly to developments that affect private property rights and the marketplace. We can all help by responding to “Calls to Action”, which reinforce our impact and value. Text “REALTOR” to 30644 to be part of this essential effort.

As always, incorporate regular readings of PARJustListed.com to keep up-to-date with these and other real estate and association happenings that will help in your everyday practice. ■

Do You Have Property Management Contracts?

Learn how to turn them into Monthly Cash!

As a REALTOR®, you may manage tenants and discovered it is not easy. In fact, is a **lot of work for not much money**. The time spent managing tenants’ takes away from your time helping other clients buy or sell a home and **you getting a large commission**. We have found that property management is a volume business, requiring a large volume of properties to make it profitable. It is hard to do on small scale. Maybe you have discovered the same thing and are getting tired of dealing with the 3 “Ts” – tenants, toilets and townships!

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What You Should Know About Act 133

By Jamie Ridge, Suburban REALTORS® Alliance President/CEO

In February, I received a call from a REALTOR® handling a home sale in a Delaware County municipality. With the closing only 2 weeks away, the code inspector in the borough was withholding a use and occupancy (U&O) permit until the seller completed a list of repairs to the home. These repairs included a cracked sidewalk, missing handrails, and window maintenance.

The borough's decision to withhold a U&O permit might have been hard to challenge in 2016. In 2017, circumstances have changed for the better. Thanks to state legislation approved last year and implemented on Jan. 2, municipalities must now issue a permit allowing sales to move forward, regardless of the outcome of completed code inspections.

With the new law in hand, I contacted the township's solicitor and explained the amendments that had taken place. To his credit, the solicitor listened carefully, reviewed the changes, and directed the borough to issue the permit. The sale went through on schedule. A happy ending!

Unfortunately, not every municipality is so willing to bring their inspection practices into compliance with the new state law, officially titled Act 133 of 2016. That's where our services can make a difference for you and your clients. We're here to help you understand the new law, take full advantage of it, and assist you when municipalities try to ignore it.

What Act 133 means to your clients:

- **Once a municipality has conducted a resale code inspection, it must issue a resale certificate (U&O)** to allow real estate settlements to move forward. There are three types of resale certificates: a normal U&O permit; a temporary U&O permit, allowing new owners to move in immediately and make repairs within 12 months; or a temporary access permit, a new type of permit allowing buyers of homes deemed "unfit for habitation" to access the building and make substantial repairs within 12 months.
- **Municipalities can no longer demand escrow money** in connection with resale code inspections that result in required repairs.
- **The term "unfit for habitation" has been more clearly defined** to describe homes that are "dangerous or injurious to the health, safety or physical welfare of an occupant or the

occupants of neighboring dwelling." As a result, code inspectors can no longer deny a U&O permit due to minor issues such as missing house numbers.

Call the Suburban Realtors® Alliance if:

- ...your client is being denied a U&O permit or a temporary access permit. The municipality must provide one as long as they have been given an opportunity to inspect the home.
- ...your client is being asked to provide escrow toward repairs on the home prior to the sale, as a condition of receiving a U&O permit.
- ...a municipal official tells you that Act 133 does not apply to them for any reason.

Nearly every day, the Alliance staff hears from REALTORS® experiencing one of the problems above, so we have experience resolving them. We always recommend that agents schedule inspections at least 30 days before the scheduled closing, to allow sufficient time to work through any code-related issues.

Please note that not all municipalities require point of sale inspections for U&O permits, but many in southeastern PA do.

You can read more about Act 133 in the Issue Briefs section of our website, www.suburbanrealtorsalliance.com. To learn more about the various code inspections required in our four-county territory – including Chester, Delaware, Montgomery and Bucks – you can check out the SRA's comprehensive Municipal Database at: www.suburbanrealtorsalliance.com/municipal-database/ ■



The Unintended Consequences of Technology

By Paula Tansey, RCE, ePro (Association Staff)

Technology is the products and processes designed to improve some aspect(s) of the life of the user. Generally, once adopted, it is expected that technology will make life and work easier. Is easier always better?

In real estate, there are many technologies in use. Examples include zipForms® for preparing and collaborating on documents; DocuSign® for obtaining signatures; Sqaak® for delivering deposit monies; the Multiple Listing Service (MLS) for sharing information about listed property; electronic keys for access to property; and email, text and social media certainly facilitate faster communication. The list goes on.

In many ways, technology has taken the human factor out of our relationships. An argument is often made that this has its benefits. Certainly, taking face to face confrontation can make relationships less messy and less, well, confrontational. However, the anonymity of faceless interaction can have unintended and, for REALTORS®, unethical consequences.

Article 1 brings the overarching principal of protecting and promoting the clients best interest. When sending email, text or posting or interacting with social media consider the recipients, the content and effect of the message or interaction. Is hitting 'send' in the best interests of the client? As one example, consider that in email, senders tend to append a message onto an existing chain. It's certainly easier and faster than retyping. However, as the trail gets longer and longer consider what came before. Was there an exchange further down the line in the forwarded message that should remain confidential on behalf of the client? For another example, remember the interconnectivity of social media. Comments, likes and re-posts become less private as they move across the interconnected web of the Internet.

Article 2 requires REALTORS® to "avoid exaggeration, misrepresentation, or concealment of pertinent facts relating to the property or the transaction." Technology makes it easier to communicate. Typically, this is accomplished with shorthand, acronyms and other abbreviations. Avoiding misrepresentation, exaggeration or concealment often requires more characters and words than is encouraged using various technologies. Disclosure often requires many words rather than few.

Article 3 of the Code of Ethics promotes cooperation while recognizing that, the Seller is still the owner of the home. Electronic key technology certainly makes access easier and more efficient. However, the Seller gets to decide who, when and how access to the property occurs. "Realtors® shall not provide access to listed property on terms other than those established by the owner or the listing broker." (Standard of Practice 3-9).

Article 9, mandates that all agreements be "in writing in clear and understandable language expressing the specific terms, conditions, obligations and commitments of the parties." Technology such as zipForms and DocuSign make compliance easier. However, REALTORS® must also take steps to assure the client understands the content of the writing and the obligations and commitments that go with it. This adds time-consuming but critical steps to the process.

Technology's effect on advertising is enormous and the Code of Ethics and state license law are still working to find the balance between the efficiencies of online marketing and the requirements to present a true picture. Keep in mind that both the Code of Ethics and license law are founded on the principles consumer protection. Therefore, when in doubt REALTORS® should consider how the consumer will comprehend any advertising. This requires putting oneself in the mind of the consumer for it is the consumer's misunderstanding that will result in charges of unethical or illegal conduct.

Lastly, REALTORS® are entitled to their opinions about competitors and competitors business practices. Opinions are one's interpretation of available information and may be misleading. Accordingly, article 15 of the Code of Ethics requires that "Realtors® shall not knowingly or recklessly make false or misleading statements about other real estate professionals, their businesses, or their business practices." The anonymity of some technologies may cause people to say things 'out loud' that are better left unsaid. ■

Reasonable Accommodations for Assistance Animals

Under the Fair Housing Act, people with disabilities are entitled to reasonable accommodations—changes in rules, policies, or practices to allow persons with a disability an equal opportunity to use and enjoy a dwelling. A common example of a reasonable accommodation is a landlord, or other non-exempt housing providers such as a condominium or homeowners association, allowing a person with a disability to have an assistance animal or emotional support animal, even though there is a “no pets” policy for the building where the resident lives.

Assistance animals are considered different than “pets” under the Fair Housing Act, as an assistance animal has a specific role to assist a person with a disability in a way that is related to the disability itself. Similar to people with physical disabilities, people with mental disabilities may require the use of an assistance animal for emotional or mental support. The Fair Housing Act does not specify that an assistance animal needs special training or certification. The Fair Housing Act also does not specify what types of animals may qualify as assistance animals.

Housing providers are required by the Fair Housing Act to permit a person with a disability to have an assistance animal as long the animal’s function has a direct connection to the person’s disability, and the accommodation will not cause an undue financial and administrative burden. While it is unlawful for a housing provider to inquire into the nature or extent of a person’s disability, if the disability is not obvious and the need for the animal is not apparent, it is lawful to request verification from a medical professional. Verification can come from a medical professional such as a doctor or therapist who has treated the individual and recommends the animal as medically necessary or beneficial. Housing providers must also waive any pet fees for a person with a disability who possesses a service animal, regardless of any existing policies that may charge fees for pets.

If the sale of real estate is blocked or stalled because of the refusal by a condominium or homeowners association to make a reasonable accommodation to allow an assistance animal for a buyer with a disability, the REALTOR® along with the buyer has standing to file a complaint of discrimination with HUD to recoup damages including loss of commission.

HUD and the Department of Justice released a joint statement on Reasonable Accommodations that is helpful for understanding rights and responsibilities in asking for and granting reasonable accommodation requests. This statement can be found online at www.equalhousing.org/wp-content/uploads/2014/09/2004-Reasonable-Accommodations-FAQ.pdf.

The Housing Equality Center of PA offers technical assistance to Realtors® and other housing providers with these and other fair housing issues. ■

If you have any questions about the topic covered in this column or if there is a topic you would like to see the Housing Equality Center of PA address in the next column, please contact us at 267-419-8918 or info@equalhousing.org.

FEATURE



COPYRIGHTS IN REAL ESTATE

**Avoid Copyright Infringement
in Your Business**

By Hank Lerner, Esq., PAR Director of Law & Policy

FEATURE

Copyright is one of the hot “new” topics you may have heard about recently. Except that it isn’t new - the basis for copyright is in the U.S. Constitution, and the first federal Copyright Act was passed in 1790. What’s new is that in the last few years organized real estate has begun to fully realize just how much copyright rules can affect your day-to-day business.

This article provides a quick review of some copyright basics and briefly covers several areas where brokers and agents need to pay special attention to protecting themselves. Yeah, it’s a little dry, but you’ll need a handle on these underlying basics to seriously reduce your risks in this area.

And please remember that this is just an overview. If you’re concerned about specific copyright issues you’d do well to consult an attorney with experience in this area of law.

WHAT IS COPYRIGHT?

According to the United States Copyright Office, copyright is “A form of protection provided by the laws of the United States for ‘original works of authorship’, including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations. ‘Copyright’ literally means the right to copy but has come to mean that body of exclusive rights granted by law to copyright owners for protection of their work.”

The simplest way to think about is that once you create something that qualifies for copyright, nobody can do anything with it unless you let them. As the copyright owner you have the pretty much unlimited ability to decide just what can and can’t be done, and on what terms.

There are many types of works that can be subject to copyright, but we’ll focus here on photographs since they’re a part of the listing process that exposes brokers to the greatest potential liability.

RIGHTS: HOW COPYRIGHT IS (AND ISN’T) LIKE REAL ESTATE

At some point in your career you’ve no doubt heard about how real estate incorporates a “bundle of rights” that are held by property owners. Once you own a plot of land you don’t just own the dirt, you own (or maybe don’t own) things like subsurface rights, development rights, timber rights - you name it. Many of these rights can be valued separately and can even be broken off from the main property in different ways.

The same holds true in copyright. Once an item is subject to copyright the original owner can split and transfer all sorts of rights in all sorts of ways. Print rights might be separate from online rights. A particular item could be licensed for “non-exclusive” use by hundreds of different users at the same time, or could be licensed exclusively for one single user. In some ways, copyright rights are only limited by the imagination of the rights owner.

But unlike real estate, there’s no good way to track all those transfers of rights. There’s no good equivalent to a deed search - even if an item is initially registered with the US Copyright Office there’s no way to track every later transfer. If you want to know who owns all the various rights to a particular item you’ve got to figure out how to research what might be decades of contracts. It ain’t easy.

WHO OWNS A COPYRIGHT?

Once a copyrightable thing exists, that thing is automatically vested with a copyright which usually belongs to the person who created the work. Under the current law, nothing else is required - no registration, no copyright notice, no nothing. Just create it, and it’s yours (although registering the work with the US Copyright Office can provide more protection and make it far easier to obtain damages in an eventual infringement lawsuit).

So for photos, the original copyright is usually vested in whoever took the pictures. That might be the agent, the seller, a professional photographer, or any number of other people. Because the copyright could start out in many different places, it’s critical to get those rights secured at the earliest stages of the listing so the chain of use doesn’t get broken later.

Agent Photos

If the agent takes the photo, the broker would likely obtain usage rights through the independent contractor agreement (you do have one of those, right?). One option is to make the content a “work for hire” or require a full assignment of rights, which means the broker actually ends up owning the copyright. This should only be done with great caution, as the work for hire concept might suggest more of an employer/employee relationship rather than an independent contractor relationship.

FEATURE

The other option - and possibly the better one - is to include language that grants the broker an extensive license to use the works, while ownership stays with the agent. The exact scope of that license might vary from broker to broker and could certainly be subject to negotiation.

NAR has some sample language for various options at <https://www.nar.realtor/law-and-ethics/managing-listing-content/agent-independent-contractor-language>, but please don't just copy and paste it into your existing contract. Be sure to speak with brokerage counsel about any updates to your independent contractor agreements to ensure that they offer the protections you're looking for.

Seller Photos

Paragraphs 26 of the PAR Listing Contract (Form XLS), cleverly titled "Copyright", grants the broker a very broad license to use any potentially copyrightable materials that are provided by the seller. Not only do the sellers license their own rights to the broker, they also warrant that anything else they provide has appropriate rights. If the sellers hand over a photo that was taken by Aunt Mary, they're saying that Aunt Mary somehow gave them rights to use the photo for this purpose.

This license is extremely broad, and technically cannot be revoked. Most sellers won't understand this on their own, so if you're getting seller-produced content it's a good idea to discuss this paragraph and explain why their photos might live forever on the internet.

Professional Photographers

If you use a professional photographer, be sure to read and understand their contract. Many photography contracts are very specific in stating the uses and rights that are being transferred. Unfortunately, many of those default contract terms don't work well in real estate.

For example, contracts will sometimes give rights to use photos "until the sale of the property" or "while the property is actively marketed". But once photos get into the MLS and are distributed via syndication it's almost impossible to get them pulled down to comply with that language. If you work with photographers, it's a good idea to discuss the realities of real estate marketing and come to some agreement on how they can modify their contracts in ways that make sense for both of you. NAR has some sample agreements that could be a good starting point: <https://www.nar.realtor/law-and-ethics/who-owns-your-property-photos>.

DON'T BREAK THE CHAIN

Once the brokerage has obtained the relevant rights and licenses from the original copyright holder, those photos will be submitted to the MLS and be sent on to all sorts of other places. Each step of the process relies on the prior step being done correctly, so you should be familiar with each of those contractual steps to understand how the materials can and can't be used.

Broker/Agent to MLS

By submitting listings to the MLS, brokers are giving the MLS certain rights to use that content. Those rights are likely spelled out in the MLS participant and/or subscriber agreements. There might also be indemnity language either in those contracts or in your local MLS rules, that say a broker will cover the damages if his submissions end up causing copyright issues for the MLS or other participants.

MLS to Third Parties

Most MLSs redistribute their data in some way. At a minimum, data is sent back to participants and subscribers through IDX and VOW feeds. Copyright issues here would either be handled as part of the participant/subscriber agreements or would be laid out in an IDX/VOW agreement. Without that transfer of rights, you couldn't post photos from another agent's listing on your own IDX website.

Also, most MLSs also facilitate data syndication in one way or another. The terms of those copyright licenses will be handled in the syndication agreements, which will vary among the syndication partners. Where the MLS is using an agreement provided by the syndication partner it's likely that the copyright license is extremely broad and will include some sort of indemnification. As in "you're giving us the rights to do pretty much anything we want with all the stuff you're sending AND you promise that everyone who submitted stuff to the MLS gave you the ability to license those rights to us."

SO...WHY DO I CARE?

At this point you might be thinking "We've been submitting listing photos to the MLS for decades and it's never been a problem!"

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That may be true...but it's a problem now.

You may have read about VHT, Inc. v. Zillow Group, a case decided in Seattle in early 2017. VHT sued Zillow for, among other things, using photos that were submitted with listings on a sister site called Zillow Digs. VHT won an award for a mere \$8.3 million. There are still plenty of appeals to work through, but that's a big number.

In another part of the suit, Zillow argued that the case should also name all the agents/brokers who submitted VHT photos because those submissions would have been in violation of the original copyright license from the photographer. Though that part of the case was dismissed, it sets up the argument that this online publisher could theoretically use the indemnity language in its syndication contract to go back after every individual broker and agent for their piece of that award.

There are also many individual actions by individual photographers, some of which have settled for tens or even hundreds of thousands of dollars. And you may have heard of the demand letters still going out all across the country from Getty Images, which manages photo copyrights on behalf of photographers and has been aggressively cracking down on unlicensed uses. Because of copyright rules that say anyone who uses the work without permission could be liable, these demand letters are often received not by the agent or broker who entered the photo in the MLS, but by any number of other MLS members who are merely displaying the offending photo on their own site through an IDX feed.

REUSE OF MLS PHOTOS

There are two very practical questions/issues that often come up. Now that you know the basic rules, see if you can figure out the answers:

(1) Broker #1 lost the listing and it's now under contract with Broker #2. Can Broker #2 use the original listing photos?

Answer: It depends. Many MLSs have created specific rules about this sort of reuse (most of which prohibit it), so definitely look at the MLS rules. If your local MLS doesn't have such a rule...well...they probably should.

But before you try to figure out whether you can reuse the photos, ask yourself why you'd want to. Even if the rules allow it, is it really a good practice to just copy and paste a prior listing with a new brokerage name? And is it worth it to deal with the likely complaints from the original broker/photographer even if you're technically operating within the rules?

(2) I left Broker #1 while this listing was still active. If the client comes with me can I still use the photos in the listing with Broker #2? (Or alternatively, can my old firm keep using my photos when a new agent takes over the listing?)

Answer: Again, it depends. Aside from MLS rules, you'd now need to understand the terms of the independent contractor agreement and brokerage policy to know what rights do and don't transfer in this circumstance.

TAKEAWAYS

If you can remember only two things from the article, here they are:

First, don't use stuff that isn't yours. The best way to avoid infringing on someone else's copyright is to just not use stuff from other people.

Second, just like in the rest of your real estate practice, spend the time to read and understand all relevant rules and contracts. Copyright is complicated, but with well-drafted contracts you can greatly reduce your risk across the board. ■

DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA) IMPLEMENTED IN TREND

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A few years ago Inman and other real estate media outlets reported on lawsuits Getty Images was filing against real estate professionals for images used without permission. When this happened, we encouraged you to take your own images to protect you and your listings from this legal action. As a continuation of this effort, and to protect TREND from copyright infringement lawsuits, we are implementing the Digital Millennium Copyright Act (DMCA) Takedown Notice and Procedure.

The DMCA Takedown Notice provides a course of action, outside of a lawsuit, for copyright complaints. Basically, this new procedure allows any individual who believes their copyright interests have been infringed to contact TREND and request the copyrighted materials be removed from TREND. For example, if Getty Images saw one of their copyrighted images used without permission as a listing photo, they could file a request through this new procedure. TREND would promptly investigate the complaint and remove any copyrighted material(s) if the member could not provide written proof that they had the right to use the photo, drawing, video, text, or other copyrighted material.

In order for outside parties to file these complaints, we've added a "copyright claims" button at the bottom of the TREND website login page.

Members who repeatedly use copyright materials without written permission will face consequences as a result of this new procedure. In order for TREND to be compliant with the DMCA provisions, we have implemented a policy for dealing with repeat offenders who use copyrighted materials without permission. That policy has been incorporated into TREND's website Terms Of Use. The policy provides a graduated three-tier approach for dealing with offenses: starting with a warning and required seminar, then a fine (\$1,000 per offense), and finally suspension of member privileges for 60 days.

To avoid running afoul of the DMCA Takedown Provisions, implement the following best practices.

While there is no foolproof way to protect yourself, there are some things you can do to make sure you're in compliance and not putting other real estate agents at risk.

- **DO take your own listing photos:** This is the best way to make sure the images you use for your listings are fully compliant.
- **DO get a license or assignment if you use someone else's photos:** Some people just have a knack for taking great pictures. If you must use someone else's photos, make sure to secure a license or assignment for using them. TREND provides Copyright Materials Forms for your convenience. They include the rights to allow publication on the MLS and syndication to other sites that promote the sale of the property. TREND does not require a copy of this form when you upload photos into the MLS; however, you should keep a copy in your files for a minimum of 3 years. If your use of a copyrighted photo is called into question, you may need to provide proof to TREND or others that you have secured proper permissions to use the photo.
- **DO NOT right click and save:** We've all done it. We see an image on the Internet, we think it's great, so we right click and save it to our desktop. (This is also called "scraping.") Without the written consent of the owner of that photo, the copyright holder, using that image constitutes copyright infringement. So just don't do it.
- **DO pay it forward:** Share this information and educate your fellow real estate professionals so that you don't receive a complaint through the DMCA Procedure.

Remember! A photo or drawing on the Internet that doesn't have a copyright legend or watermark, is still NOT okay to use. The copyright interest belongs to the person who took that photograph or made that drawing or wrote that text, even if it doesn't show the © mark. Legally, their interest arose at the moment they created it. If you didn't create it yourself, make sure you have the express written permission of the owner to use it. ■

Suburban West Awarded Placemaking Grant to Help Improve Lansdowne Community



The Suburban West REALTORS® Association has received a \$4,000 placemaking grant from the National Association of REALTORS® to help Lansdowne Borough create a public gathering space.

“The new gathering spot, the Lansdowne Landing, has enhanced an already vibrant community,” said Suburban West Chairman Steve D’Antonio. “We are glad that this grant has helped create a place where friends and neighbors can come together, and it is our hope that the project will enhance Lansdowne’s historic downtown.”

Inspired by popular outdoor gathering places like The Porch in Philadelphia’s University City neighborhood, Lansdowne Landing has already become a community hub since it opened in May. Fifteen parking spots were painted over with a colorful ground mural by local artist Brad Carney, filled with tables, chairs and toys, and lined with plants. The space has been used for farmers markets, live music performances, meditation classes and other activities and events.

“The Lansdowne Landing planning committee and the Borough Council are thrilled to be partnering with Suburban West Realtors on this exciting project,” said Susan Williams, a member of Lansdowne Borough Council. “The grant monies will go toward finishing up the project, which includes: the creation of about 11 barrel planter/light posts; over 300 feet of string lights to cast a fabulous glow over the incredible ground mural; the three ornamental trees that will be planted in pots to finish the Lounge area of the space; and some final furnishings.”

The grant is intended to help REALTOR® associations partner with others to plan, organize, implement and maintain placemaking activities in their communities. Suburban West REALTORS® collaborated with Councilwoman Williams, Borough Manager Craig Totaro and Mayor Anthony Campuzano on the project. The Suburban REALTORS® Alliance assisted in the grant application.

“REALTORS® live, work, and volunteer in their communities, and they take immense pride in working to improve them,” D’Antonio said. “Placemaking can help foster healthier, more social and economically viable communities. It creates places where people feel a strong stake in their neighborhoods and are committed to making things better.”

Placemaking grants are awarded to local and state REALTOR® associations to help them and their members initiate placemaking projects in the community, like turning a parking lot into a farmer’s market or a vacant lot into a playground. REALTOR® associations and their REALTOR® members are actively engaged in the community and know the neighborhoods and the properties that would benefit most from these improvement efforts.

Lansdowne Landing can be followed online at facebook.com/lansdownelanding. For more about National Association of REALTORS® placemaking grants visit, realtoractioncenter.org/placemaking. ■

Association Scrapbook

Highlighting Suburban West members in action at Association events, classes and community events.

Starbucks Morning: Two Peas in Pod – zipForm and DocuSign Were Meant to Work Together - March 8 (SWRA, Malvern)



Suburban West REALTOR® member Stefanie Hahn provides insightful information, tips and tricks on best utilizing zipForm Plus and DocuSign. This session provided members important education on two of the most used benefits of Suburban West membership.



Over 75 members “attended” (in-person or via webinar) for our March offering of the popular monthly Starbucks Morning series. Suburban West is once again offering over 40 free training seminars over the course of 2017, including the Starbucks Mornings, REALTOR®-Lawyer Seminars, REALTOR®-Appraisal Forums, Step Ahead programs and the Professionalism Exchange.

Commercial Real Estate Boot Camp – May 8 (SWRA, Malvern)



(L to R) The three presenters (Chip Hughes, Andrew Crawford and Dave Specht) from the Commercial Real Estate Boot Camp reconvene to present jointly at Session 4 of the Boot Camp (Commercial Real Estate Issues & Resources). This session was the culmination of our four-session camp and also featured comments from other Commercial Chapter Advisory Council members Craig Fernsler, Margo McDonnell and Harry Pennewell.



Members learn at Session 4 of the Commercial Real Estate Boot Camp. Designed for both new licensees and residential interested in learning more about commercial real estate, the sessions were a big hit. Overall, over 70 members attended at least one session and more than 40 attended all four.

It's Mathematical Competition Awards – April 6 (Lower Merion High School, Ardmore)



The interscholastic “It’s Mathematical” Competition held its finals on April 6 at Lower Merion High School. Pictured is one of the winning teams, Conestoga High School, with REALTOR® member volunteer Steve D’Antonio. Suburban West has sponsored the awards for this competition for many years.

School Awards – June 19 (Culbertson Elementary School, Marple-Newtown)



Past Suburban West chairman Jim Rygal gives a certificate and Amazon Gift Card to one of the three recipients of the Most Improved Student award at Culbertson Elementary School. As Suburban West is dedicated to helping its members improve their business through education, we are proud to support the education achievements of students throughout the area.

Medical Marijuana and Commercial Real Estate – May 18 (APEX, Fort Washington)



William Roark, Esq. presents on the specific property requirements for medical marijuana facilities as well as a broader analysis of medical marijuana's impact on real estate across the country. This session featured attendees from Suburban West's Commercial Chapter, the PA/NJ/DE CCIM Chapter and the Montgomery County Development Council.

Commercial Chapter Happy Hour- May 18 (Jarrettown Hotel, Dresher)

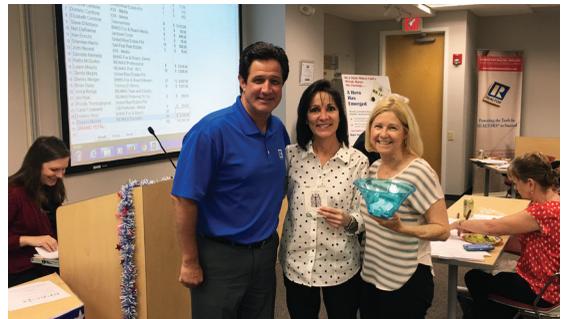


Commercial Chapter members enjoy the first social event held exclusively for Commercial practitioners. The Happy Hour immediately followed our Medical Marijuana and Commercial Real Estate seminar and featured free appetizers and drink specials. The Chapter looks forward to offering more unique social events over the course of 2017.

RPAC Telethon – June 15 (SWRA, Malvern)



REALTOR® Sherman Harris makes phone calls during Suburban West's annual RPAC Telethon. 22 members were present that day helping to raise money for the important legislative work that RPAC helps facilitate on a local, state and national level. The telethon raised over \$32,000 in just one day.



REALTOR® member Debbie West (middle) poses with current Chairman Steve D'Antonio and past Chairman Leann Murphy after having won a raffle for a \$500 Visa Gift Card. Volunteers at our annual Telethon were entered into the drawing. The volunteers making calls are instrumental to the success of the organization's largest RPAC fundraiser of the year.

Broker Invitational – Common License Law Missteps and the Responsibility of the Broker – May 23 (SWRA, Malvern)



Pennsylvania prosecuting attorney Timothy Fritsch presents on the most frequent license law missteps that real estate licensees engage in throughout the state. Timothy discussed how his office investigates potential issues and the process for determining wrongdoing and the potential ramifications to the licensee and broker.



Nearly 70 Designated REALTORS® and managers listen intently to the Broker Invitational presentation. In addition to receiving the latest information on license law issues, attendees enjoyed networking opportunities and lunch. Suburban West conducts eight broker breakfasts and two invitational events over the course of the year.



Association

■ **Chester County Recognizes Value of Home Ownership** – On June 20th, the Chester County Council issued a proclamation showing their recognition and support of home ownership in Chester County. The proclamation spotlights the important, though sometimes overlooked, value home ownership brings to society, from: contributing to a strong economy, building functioning communities and creating economic stability and self-esteem for the individual home owners and their families. While the national average for home ownership is 63.7 percent, more than 75 percent of Chester County households are home owners. Chester County realtors, lenders, title searchers, home builders, non-profit and government agencies work collaboratively to provide the best opportunities for home ownership for Chester County citizens. Suburban West REALTORS® Kathy McQuilkin, Kit Anstey, Bill McFalls, and Dave Brant were in attendance for the proclamation.

■ **SWRA Supports Successful Chester City Homebuyers Fair** – On June 17th, Suburban West helped to sponsor the 16th Annual Chester City Homebuyers Fair. Over 75 attendees were present to learn about the homebuying process, including important information on programs to encourage homeownership within the Chester community. Representing Suburban West at the event was past Chairman Leann Murphy who provided a brief presentation “Selecting a Home and the Homebuying Process” on the value of working with a REALTOR®.

Legislative

■ **Bill to Increase Pre-Licensure Criteria, BPO’s Passes House** – House Bill 863 passed the PA House of Representatives on June 14. The bill would amend the Real Estate Licensing and Registration Act (RELRA) to require additional pre-licensure education to increase the level of professionalism of new licensees. In addition, the bill would allow agents to conduct broker price opinions if permitted by their brokers. Specifically, House Bill 863 would: increase pre-licensure education from 60 hours to 75 hours; require that

all courses for salesperson licenses be completed within five years prior to the date of taking and passing the exam; require a high school diploma or equivalent for licensure as a real estate salesperson; and define a Broker Price Opinion (BPO) as “an estimate prepared by a broker, associate broker or salesperson that details the probable selling price of a particular parcel of real property and provides a varying level of detail about the property’s condition, market, and neighborhood, and information on comparable sales, but does not include an automated valuation model” and provides standards. REALTORS® are urged to continue to make our voices heard as the Senate considers this legislation. Stay tuned for future calls to action.

Memorial Notices

■ **Paul R. Mariano** passed away on April 21st. Paul was the Broker-Owner of Haverford Main Line Realty and was most recently an Associate Broker with RE/MAX Preferred in Newtown Square. He was the father of REALTOR® Andy Mariano also with RE/MAX Preferred in Newtown Square. Paul was a member of the Association for 18 years. In lieu of flowers donations may be made to the charity of the donor’s choice.

■ **Gary A. DeMedio** passed away on May 22nd. Gary was a REALTOR® with Keller Williams Main Line and was a member of the Association for 2 years. In lieu of flowers, donations in Gary’s name may be made to the Borough of Conshohocken, 400 Fayette Street, Suite 200, Conshohocken, PA 19428, (to fund the Community Center at the Fellowship House), or to the American Heart Association, 1617 John F. Kennedy Blvd., Philadelphia, PA 19103. ■



RPAC SWEEPSTAKES

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 - **Promoting Common Sense Property Tax Reform**
- ★ **Have you invested in 2017? Even if you have given, any additional investment in RPAC will go a long way toward protecting your industry and career.**
- ★ **To automatically enter, simply make a \$99 investment into RPAC and you will then have a chance to win a 2-year lease on a Toyota Highlander! The drawing will be held on December 8th!**

**For complete details and to enter, go to
swra.co/wp-content/uploads/2017/06/RPAC-Sweepstakes-Car.pdf**

Contributions are not deductible for income tax purposes. Contributions to RPAC are voluntary and are used for political purposes. You may refuse to contribute without reprisal and the National Association of REALTORS® or any of its state associations or local boards will not favor or disfavor any member because of the amount contributed. Seventy percent of each contribution is used by your state PAC to support state and local political candidates. Until your state PAC reaches its RPAC goal, thirty percent is sent to the National RPAC to support federal candidates and is charged against your limits under 2 U.S.C. 441a; after the state PAC reaches its RPAC goal, it may elect to retain your entire contribution for use in supporting state and local candidates.



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Helping Clients Through the Remediation Process

Bill Young Shares Common Misconceptions About Mold and Water Damaged Buildings

Please share with us your background and career track.

It has been a varied life experience that has led me to this point. I began with a 17 year career in law enforcement during which I spent much of my time doing accident reconstruction in serious and fatal traffic accidents. I then taught at the high school level for 23 years. In 2005 I happened across an unusual product, EasyDECON®, that had been developed by Sandia National Laboratories to neutralize chemical and biological weapons.

What are some of the common misconceptions about mold, mold remediation and water damaged buildings?

The first question I often get is; **Isn't there mold in every building?** The short answer to the question is, of course there is. The difference is that some molds are problematic because of their specific characteristics and the physiology of the individuals occupying the building.

Another question I get is do we have a mold issue in the building? Mold is just a symptom of moisture and so if there is mold growth present at some point there was sufficient moisture to promote mold growth.

Can I just run a dehumidifier and will that take care of the problem? This is a common question and the partial answer is dehumidification is an integral part of the equation and needs to be considered. Mold spores will not go away because you dehumidify. They are designed by nature to protect the biological entity inside, and so they are persistent and protective waiting for the next moisture load.

What should a customer look for in a mold remediation company?

Are the technicians certified by a third party certification body? In some states, such as Maryland licensing is required, however not in Pennsylvania or Delaware at this time. Certification and membership to organizations like IAQA, NADCA, or ECAN are important for training. **What exactly are they doing during a remediation?** This should be spelled out fairly clearly; are they removing material such as drywall, ceiling tiles, moldings, insulation etc. **Do they make testing a part of their remediation process?**

That does not preclude the use of third party testing, but you want to know the remediator is checking their work and gathering data on their jobs.

Is the presence of mold a deal killer?

Absolutely not! With proper remediation the situation can be corrected with relative ease. The source of the moisture must be identified, which is often easier during a remediation process when elements that can hide the source are removed. Any proposal should indicate exactly what products and processes are being used to complete the remediation. It should also include recommendations to prevent a future reoccurrence such as ventilation in attics, sealing crawl spaces, installation of dehumidification etc. The company should be able to provide a limited warranty to provide the seller or buyer with a degree of confidence in the work and the warranty should be transferrable to the new owner. ■



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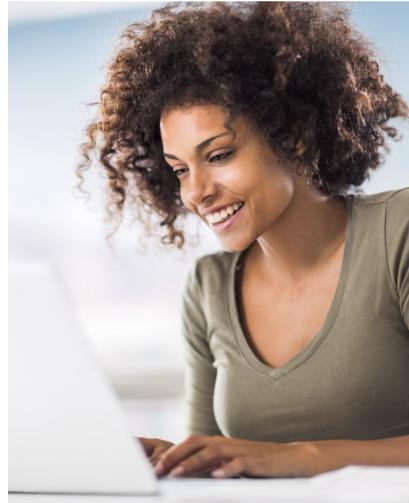
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