

MAINE ASSOCIATION OF REALTORS® PUBLIC POLICY STATEMENT – 2011-2012

The social and economic fabric of our nation, and our state, is deeply rooted in the fundamental right of all people to own, use, and transfer real property. Real property ownership has been and continues to be one of the highest personal priorities of most Americans. Real property is defined as land and anything permanently affixed to the land together with all rights exercisable in connection with such land and fixtures.

Real property ownership inspires a deep sense of personal pride and accomplishment and fosters greater interest and involvement in community affairs. Real property ownership encourages savings and investment and contributes to economic stability and self-sufficiency.

The MAINE ASSOCIATION OF REALTORS® is committed to protection and preservation of the constitutional right of every individual to acquire, occupy, use and dispose of real property as he or she chooses within the law. We oppose all laws, rules, and regulations that impose unreasonable restraints and limitations on the private ownership, use, and transfer of real property. This includes inequitable and counterproductive property and real estate-related taxes.

We are further committed to the protection and preservation of the free enterprise system. We oppose undue government intervention in the affairs of private businesses and look unfavorably upon government guidelines, rules, regulations, and procedures that unnecessarily burden the business community and add to the costs of doing business.

1. PROPERTY AFFORDABILITY

1.1 The MAINE ASSOCIATION OF REALTORS® believes that every individual should have the opportunity to live in safe and decent housing which our Maine families and individuals can afford. We urge all levels of government to adopt and integrate housing policies that respond to the individual and collective housing needs of our society.

1.2 The Association believes that Maine's housing needs and objectives are best served in an economically healthy private market. We support legislative measures and initiatives that serve to increase the availability and affordability of housing through the private sector. The Association supports the right of seller/owners to sell property and take debt obligations from the buyer. We favor government intervention and public assistance only when housing needs cannot be fully or effectively met by the private sector.

1.3 The Association favors joint public and private sector housing initiatives that encourage homeownership by individuals and families at all income levels.

1.4 The Association believes that rental housing needs are best met through private investment. We encourage and support measures that accomplish this objective. MAR opposes rent control.

1.5 The Association supports the existence of a state housing agency to advocate and administer state housing policies and programs.

1.6 The Association believes that real estate investment, development, and revitalization contribute to a sound economic base and an adequate supply of housing which all Maine citizens can afford. We oppose state and local policies and regulations that limit or effectively prevent innovation and development that serve to meet housing needs and changing market demands.

1.7 The Association believes that local planning and zoning policies should allow for development of adequate land and housing which all our families and individuals can afford. We support laws and policies which:

- zone adequate land for all types of housing
- allow growth and residential development
- encourage maximum site utilization and permit development at higher densities when the objectives of affordable housing and preservation of open space are at issue
- streamline the permit and approval process and eliminate unnecessary and costly time delays
- encourage innovations in development and construction techniques and materials
- encourage innovative product design to meet affordable housing needs

1.8 The Association discourages adoption of laws and policies that allow communities to assess impact fees on developers. Such fees discourage development and add to the cost of real property acquisition. When impact fees cannot be avoided, the Association believes that fees should be assessed proportionately and only applied by Municipalities that have: a) a Comprehensive Plan approved by the State Planning Office; b) a Capital Improvement Plan (CIP) with a time schedule for implementation as part of the Comprehensive Plan; and c) Ordinances that implement the Comprehensive Plan and CIP. Developers should be required to pay only for the costs of infrastructure and other public facilities and services directly related to the individual development project.

1.9 The Association recognizes that factory-built housing, manufactured housing and other types of non-stick built housing provide an affordable alternative to traditional types of housing and expand ownership opportunities for people in Maine.

1.10 The Association advocates adoption of local planning and zoning policies that encourage the development and availability of all housing types including manufactured housing. We discourage adoption of local zoning ordinances and codes that exclude factory-built, modular, and manufactured housing or which impose unreasonable standards and controls on these housing types. (See Sections 1.6 and 1.7.)

2. GOVERNMENT REGULATION

2.1 The MAINE ASSOCIATION OF REALTORS® believes that competition in a free enterprise system is the best way to meet the needs and market demands for real property. We urge government at all levels to reduce impediments which will allow the private sector to meet the needs and demands for real property more efficiently and effectively.

2.2 The Association strongly opposes exclusionary zoning, no-growth ordinances, and moratoriums as such laws and policies limit the supply of housing, restrict economic and investment opportunities, and contribute to higher housing costs.

2.3 The Association believes that government at all levels should be efficient, responsive and economical. We support and encourage the cooperation and regionalization of governmental entities in sharing provision of services so as to avoid duplication and cut costs (e.g., the duplicated state lead paint disclosure).

2.4 The Association believes that government regulatory procedures affecting real property should be simplified. Unnecessary and complex regulations, delay real property transactions and increase costs associated with the transfer and use of real property. We oppose implementation of regulations which aren't ready and will cause undue hardship, such as MUBEC inspections.

2.5 The Association advocates just reimbursement and demonstrated proven need as unconditional requirements for the confiscation of private property by the government. We oppose unreasonable dedication.

2.6 The Association endorses measures which optimize the opportunity for our members who are generally independent contractors to procure adequate health insurance coverage at economically viable levels.

2.7. The Association opposes mandatory sprinkler systems in new construction or existing single family homes.

3. TAXATION

3.1 The Association encourages and supports fiscal limitations on spending and commensurate taxation at all levels of government. We oppose legislation and taxation that allow uncontrolled and unchecked government growth and spending. Government should be restrained from creating new programs and positions when the need cannot be justified and when adequate sources of funding for these actions are not available without creating a new revenue source. We encourage all levels of government to periodically review existing programs and sunset programs for which a need can no longer be demonstrated.

3.2 The Association favors a tax system that fosters economic growth and healthy real estate markets. We oppose any primary residence property tax freeze that negatively impacts decisions about homeownership and ownership of real property. We encourage public support of homeownership and real estate investments through income tax advantages. We support income tax deductions that encourage private investment. We support the mortgage interest deduction and oppose any change or diminution of its value.

3.3 The Association believes that government fees should not exceed the reasonable cost of providing the service for which the fee is charged. We oppose an increase of government fees leading to the surreptitious increase of taxes.

3.4 Transfer Taxes. The Association believes that transfer tax revenues from any source should be used for housing needs, with an emphasis on the sale, transfer and ownership of real property. This means that we support continued funding at current levels of the Maine State Housing Authority through transfer tax funds.

3.5 Speculation Taxes. The Association opposes the imposition of speculation taxes or other taxes on capital gains realized on the sale of real property because such taxes discourage private investment in housing and real estate.

3.6 Taxes on Services. The Association opposes any effort to impose a sales tax on real estate brokerage services or on any other real estate-related services (e.g., tax on commissions, rental fees, appraisal fees, tax on advertising, etc.)

3.7 Gross Receipts Taxes. The Association opposes any effort to impose taxes on the gross receipts of Maine businesses.

3.8 Exportability of Taxes. The Association opposes the imposition of additional taxes on second homes or rental lodging which are often owned and used by Maine's citizens and families, and not exported. Exportability of Maine's tax burden is not sound public policy.

4. ENVIRONMENTAL PROTECTION

4.1 The MAINE ASSOCIATION OF REALTORS® supports protection and preservation of Maine's environment and natural resources provided economic development, accessibility of housing for all Maine citizens and private property rights are not overly and unreasonably restricted.

4.2 The Association opposes unreasonable restriction on the use of privately owned property including but not limited to coastal and shoreland zone controls, open space requirements, protection of public/private water supplies, moratoriums and no growth policies that have adverse economic effects on employment, housing and the tax base. The Association urges all levels of government to respect the concept that private property ownership is made up of a bundle of rights, which includes use. If such use is denied or abridged by government for the benefit of the people, the cost of "taking" should be equitably distributed. The individual property owner should not be expected to pay for measures that benefit the public good and a broad number of citizens and which, in effect, limit the individual's private property rights.

4.3 The Association urges collective and cooperative action by lawmakers, government representatives, general industry and real estate industry leaders, and environmental groups to address and resolve the problems and challenges of environmental protection and responsible land use.

4.4 The Association supports efforts to address negative environmental impact due to global climate change, utilizing sound science for decision making, and necessary balance with private property rights protection.

4.5 The Association opposes regulations that do not demonstrate best science, such as vernal pool expansions, radon testing in apartments, and oversized culverts.

5. ENERGY CONSERVATION

5.1 The MAINE ASSOCIATION OF REALTORS® supports voluntary energy conservation measures including favorable financing for costs incurred to reduce energy consumption.

5.2 The Association supports the development and voluntary use of alternative energy sources to reduce dependence on non-renewable forms of energy.

5.3 The Association opposes mandatory energy audits or mandatory energy ratings for homes, but supports voluntary energy audits to assist in decisions to purchase property or upgrade efficiency.

6. AGENCY

The Association supports agency disclosure on single-family residential and 1-4 unit multi-family properties that requires that all licensees provide timely, written disclosure which lists agency relationships available under state law. "Agency" is defined as the relationship that results when one person authorizes another to act on their behalf, subject to their control, and the other person consents to act as their agent.

7. LICENSE LAW AND REAL ESTATE PRACTICE

7.1 The Association supports and endorses real estate brokerage and appraisal licensing and regulation. We support existence of a competent and adequately funded state regulatory agency to oversee the business and professional conduct of real estate licensees. We recognize the importance of professionalism of home inspectors and building contractors that may include licensure, registration, certification, mandatory continuing education, dispute resolution, and standards of conduct, taking into account availability and affordability. The association opposes unfounded and excessive monetary barriers to entrance to a profession.

7.2 The Association believes that real estate brokerage license laws and regulations must reflect the practical demands and dynamics of real estate brokerage practice and business operation.

7.3 The Association believes that appraisal license laws and regulations must reflect the practical demands and dynamics of appraisal practice and business operation.

7.4 The Association advocates professionalism and competency in real estate brokerage practice through formal and informal education, training and research. We support mandatory pre-licensure education and mandatory continuing education for all licensees.

7.5 The Association supports use of technology as part of real estate practice including e-mail and cellular phone communications.

8. FAIR HOUSING

8.1 The MAINE ASSOCIATION OF REALTORS® acknowledges and supports the right of all people to freely choose where they will live, regardless of race, color, religion, sex, handicap, familial status, ancestry, source of income, sexual orientation or national origin. This right is protected under federal and/or state fair housing laws.

8.2 The Association believes that equal opportunity in housing can best be achieved through observance of the law, public and industry education, and mutual cooperation of the real estate brokerage industry and the public in a free and open housing market.

8.3 The Association supports voluntary affirmative action as the best means of accomplishing fair housing objectives related to equal treatment and professional real estate brokerage services. We support 'The One America Principles' as developed by NAR and HUD.

9. CONSUMER PROTECTION

The MAINE ASSOCIATION OF REALTORS® supports and encourages dissemination of information which helps buyers, sellers, lessors, lessees, and other parties in a real estate transaction know and understand their rights and obligations as clients and customers, such as the MAR Residential Property Transaction Booklet.

10. ANTITRUST COMPLIANCE

10.1 The Maine Association of REALTORS® believes that vigorous and fair competition is essential to the preservation of our free enterprise system. We advocate strict compliance with federal and state antitrust laws.

10.2 The Association recognizes that compensation is a matter of individual agreement between agent and client and that any individual or collective attempt to fix, set, or control rates of compensation by the association or any of its members is a violation of federal and state antitrust law.

11. POLITICAL AFFAIRS

11.1 The Maine Association of REALTORS® supports the purpose and objectives of political action committees and will continue to operate and encourage the activities of our political action committee (MARPAC).

11.2 The Association urges its member to work diligently toward effecting more efficient, responsive and economic government at all levels. We encourage the involvement of REALTORS® in local, state, and national government and political activities as a means of achieving public policies and laws which preserve and protect the economic interests of the real estate industry and the right of all people to own, use, and transfer real property.