

Key & Tour Billing Landing in Your Inbox March 2016!

Read more on page 4



Also in this issue:

- County Adopts Housing Element
- Landlord-Tenant: When is a breach a breach?
- Board of Directors Applications Being Sought
- Real Estate and Land Use Report

OFFICIAL PUBLICATION OF THE SANTA CRUZ COUNTY ASSOCIATION OF REALTORS®

REALTOR®

THE VOICE FOR REAL ESTATE IN SANTA CRUZ COUNTY

The REALTOR® is the official bimonthly newsletter of the Santa Cruz County Association of REALTORS® provided as a member service to inform, educate and update members on local, state and national news.

Santa Cruz County Association of REALTORS®

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THE VOICE FOR REAL ESTATE IN SANTA CRUZ COUNTY



Message From The President

Candie Noel
2016 SCCAR President
Bailey Properties, Inc.
cnoel@baileyproperties.com
831-252-2638

REFAT, Really?

Really, REFAT? Do I really get my fat back? Can that be something good? Actually REFAT is a really, really good thing. REFAT is really the Real Estate Fraud Advisory Team. Fraud in real estate? You have got to be kidding me!

The Real Estate Fraud Advisory Team is a tri-county partnership of Santa Cruz, Monterey, and San Benito Counties. The mission statement of REFAT is to develop private and public sector relationships that will provide the opportunity to share information that will protect the integrity of real estate transactions in our counties. Stopping the scams with early detection rather than waiting several years after the damage has been done and people have lost their homes and/or life savings, is the goal.

The many contested foreclosures of the 2008 housing bust exposed a high level of robo-signing by banks, mortgage companies, loan servicers and real estate agents. Although they have dramatically decreased since 2008, foreclosures are still a reality. With temporary relief measures expiring this year, it is predicted foreclosures will start to rise again. An example is HAMP or Home Affordable Modification Program which was established in 2009. It provided relief to the homeowner for 5 years with a reduced mortgage payment. In year 6 interest rates increase by 1% a year. Many of these HAMP homeowners remain underwater.

In 2014-2015 the Monterey County Civil Grand Jury was tasked with auditing the County's real estate recording documents. They reported that robo-signing was still occurring in today's foreclosures, and there was no system in place to identify robo-signatures. A review of the documents in the Monterey County Recorders Office found numerous defects which were highly suspect and cast doubt on the validity of the documents. Santa Cruz and San Benito will be reviewing the real estate documents in their respective recorder offices.

Real estate scams and potential fraud issues with reverse mortgages are becoming more prevalent now that most people have some appreciation in their homes. The most vulnerable groups are seniors and mono-lingual Hispanics.


The collaboration of the three counties and cross disciplines is important because real estate fraud and scams are multi-jurisdictional. Attendees at REFAT Advisory Team meetings include representatives from the lender community, title companies, district attorney offices, law enforcement investigators, forensic auditors, police officers and sheriffs, county recorders, assessors, BRE representatives, real estate associations and REALTORS®. At each meeting attendees can share their concerns, ask questions and identify warning signs of potential real estate scams. At the second

meeting held on February 11, 2016 Jeff Davi, REALTOR® and former California Real Estate Commissioner stressed the importance of communicating with each other to identify real estate scams. William Atkinson, Santa Cruz County Assistant District Attorney spoke about past fraud cases, how they cross county lines and how collaboration helped identify and solve fraud cases.

Santa Cruz County Assistant District Attorney, William Atkinson, will be giving a special presentation to SCCAR members on real estate fraud and scams, trends, tips on what to be aware of and how REALTORS® can help prevent fraud and scams. Be sure to mark your calendar for **March 11, from 10:00 – 11:30 a.m.** The what's, where's, how's, and who will keep you spellbound. Signups are now being taken.

P.S. Please stop by the Association the first Monday of the month. I am there from 9:30 – 10:30 to chat. Bring your ideas for new programs, events, improvement, concerns, questions, etc.

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Landlord-Tenant

When is a breach a breach?

Terry Rein
Rein & Rein, APC

**Real Estate
Legal
Matters**

In the landlord-tenant case of *Boston, LLC v. Juan Juarez* (2015) 240 Cal. App. 4th Supp. 28, the Appellate Division of the Los Angeles Superior Court upheld the right of the landlord to evict a tenant in a rent-controlled district for failure to maintain renter's insurance.

The landlord served a three-day notice on tenant to perform or quit due, among other things, the tenant's failure to obtain renter's insurance. The tenant failed to obtain the required insurance within the three-day time limit, but he did obtain the insurance one week after being given the notice.

At the trial court level, the tenant argued that he substantially complied with the three-day notice by obtaining insurance one week after being given notice, and in any event, the failure to obtain insurance was not a material breach of the rental agreement.

The landlord, on the other hand, relied on the specific language of the rental agreement, which stated that the tenant was required to maintain renter's insurance. Additionally, the rental agreement provided in relevant part:

Owner and Renter agree that Renter's performance of and compliance with each of the terms thereof, . . . constitute a condition on Renter's right to occupy the Premises and any failure of compliance or performance by Renter shall allow Owner to forfeit this agreement and terminate Renter's right to possession.

The landlord argued that since, pursuant to this forfeiture clause, "any failure of compliance or performance" by the tenant constituted grounds for eviction, the materiality of the breach or defendant's substantial performance with the agreement was irrelevant.

The trial court agreed with the landlord and found that the forfeiture clause in the lease rendered *all breaches* of the agreement to be material. The trial court further ruled, as a consequence of its determination on the impact of the forfeiture clause, that other evidence, such as that related to the tenant's affirmative defenses of substantial compliance, retaliation, and good faith and fair dealing, was irrelevant.

The trial court entered a judgment in favor of the landlord, and the tenant appealed.

On appeal, the appellate division upheld the decision of the trial court. The appellate division emphasized that the rental agreement provided that "any failure of compliance or performance by Renter shall allow Owner to forfeit this agreement and terminate Renter's right to possession." It was undisputed that the tenant breached the agreement by failing to timely obtain renters insurance after being given notice and an opportunity to do so. In upholding the decision of the trial court, the appellate division concluded that under the

facts present, the tenant's claim of "substantial compliance", alleged retaliatory motive, and its alleged lack of good faith and fair dealing, were inappropriate defenses.

The appellate division acknowledged that case law frequently requires that a breach be material in order to justify a evicting a tenant in an unlawful detainer action. However, the Court said that *the language in the rental agreement was critical to the outcome in this case.* The court concluded that the clear and unambiguous terms of this clause permitted forfeiture of the agreement and termination of defendant's right to possession based on any breach, regardless of the breach's importance in relation to the entire agreement.

Generally, under California law, not every breach justifies termination of a contract. In fact, a majority of court cases have concluded that a lease may not be forfeited for a trivial or technical breach even where the parties have specifically agreed that 'any breach' gives rise to the right of termination. While this decision would not be unusual in a commercial context, the outcome of this case is surprising in the context of a dispute involving a residential lease under rent control.

Terry Rein is a Santa Cruz attorney specializing in transactional real estate matters. This is prepared for educational purposes only and does not constitute legal advice.



Important Key Billing Notice

Watch your **inbox** not your mailbox! Beginning this year, 2016 **Key Administration and Tour** bills will be delivered via email. In an effort to be a more eco-friendly business, SCCAR will **NOT** be physically mailing out Key and Tour bills in March. Please be sure SCCAR has your current email address on file to help us ensure proper delivery and avoid deactivation and late fees.

Contact us at 831-464-2000, check your profile [online](#) or ask any staff in person!

DINE FOR CHARITY

Tuesday, April 5, 2016



HOW TO PARTICIPATE: If you are making a reservation for dinner or enjoying appetizers in the Rockroom, please tell your Shadowbrook server your group affiliation is the 'SCCAR Housing Foundation'. Reservations can be made by phone at 831-475-1511 or online at www.shadowbrookcapitola.com

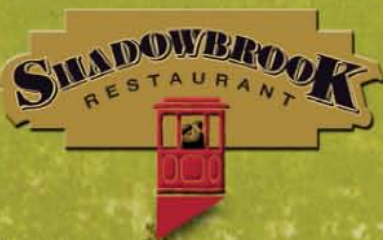
Dine at the award winning Shadowbrook Restaurant and help low income first time homebuyers in our community. On Tuesday, April 7th, the Shadowbrook will generously donate **30% of the evenings sales** to the SCCAR Housing Foundation. These **proceeds help fund our Closing Cost Grant Assistance Program** whose monies help make the dream of homeownership a possibility for those in need. For more information about Housing Foundation programs, visit www.sccarhf.org.



Cornett Family enjoying their new home thanks to a Housing Foundation grant

Tuesday, April 5, 2016

Shadowbrook Restaurant
1750 Wharf Rd., Capitola, CA
Hours 5- 8:45 pm



SCCARHF
P: 831-464-2000 , F: 831-464-2881
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Education & Professional Development



Register Online by visiting our [Web Portal](#)

March

[Intermediate Matrix \(MLS\)](#)

Monday, March 14, 10 – 11:30 am

Cost: Free with RSVP

Build upon the skills learned in the Basic Class, with a focus on searching with maps, customizing data results to meet your specific needs, and communicating your findings to your client.

[Advanced Matrix \(MLS\)](#)

Monday, March 14, 1 – 2:30 pm

Cost: Free with RSVP

Not all search tools return the same results. That's because zip code borders don't match to city lines and so on. Learn the features, benefits and limitations of each search tool, and how map search allows you to create accurate search areas on your own.

[Green Home Expertise for Real Estate Professionals](#)

Wednesday, March 16, 8 am – 4 pm

Cost: \$5

The GREEN home market is growing! Are you in? Earn 7 hours CEUs while learning how to:

- Advance your credibility as a trusted expert
- Understand true green assets & their benefits
- Learn the latest updates on financial incentive and lending options
- Find out what's working in Realization of Maximum market VALUE

[Santa Cruz County Pro Affordable Housing](#)

Friday, March 18, 9:30 am – 12:30 pm

Individual course \$20, series price \$159

The third in a series of presentations designed to provide REALTORS® with knowledge and information to better assist their clients in buying and selling real estate in Santa Cruz County. Topics to be covered: Programs currently available, How to get qualified, Mobile Home Parks facing legal issues which are prohibitive to lending, Different lending guidelines for rent, co-op and parcel-owned mobile parks, County and city update on rent control.

[Duane Gomer License Renewal](#)

Wednesday, March 23, 9 am – 12 pm

See flyer for pricing

All students will receive the three hour mandatory courses of agency, ethics, trust funds, fair housing, risk management, management & supervision and two consumer protection courses by textbook or PDF.

[Listing Management \(MLS\)](#)

Monday, March 28, 10 – 11:30 am

Cost: free with RSVP

Attend this class and you will learn the structure of the MLS Listings listing management input application, along with tools and techniques for enhancing your listing market exposure, keeping the data current and staying compliant with the MLS Listings rules and regulations.

April

[First Class: A Required Training Course for New MLS Subscribers](#)

Monday, April 4, 1 – 4:30 pm

First Class is a required training course from MLS Listings, Inc. for new subscribers that must be attended within the first 60 days of joining the MLS. Contact the MLS 800-546-5657 to register. SCCAR does not take registrations for this class.

[New Agent Training](#)

Wednesday, April 13, 10 am – 12 pm

Unlock the secrets of new real estate agent success! Attend this training and get the answers to the questions every new agent wants to know such as, how successful agents do business, how the top 10% make all the money and where business comes from.

[MLS Listing Management](#)

Friday, April 15, 10 – 11:30 am

Cost: Free with RSVP

Attend this class and you will learn the structure of the MLS Listings listing management input application, along with tools and techniques for enhancing your listing market exposure, keeping the data current and staying compliant with the MLS Listings rules and regulations.

[HomeSnap Pro \(MLS App\)](#)

Friday, April 15, 1 – 2:30 pm

Cost: Free with RSVP

HomeSnap Pro provides an unprecedented amount of real-time information to agents on the go, giving them the flexibility to research homes, interact with each other, and collaborate with clients from their mobile devices. Now, agents and consumers can use the same platform to seamlessly share real estate information and communicate directly.

Continued on page 8

Unless otherwise stated, all Education & Professional Development offerings are held at the SCCAR offices at 2525 Main Street, Soquel, CA 95073

Legislative Day

WEDNESDAY | April 27, 2016



Legislative Day is an annual event in which REALTORS® from around the state meet with legislators to discuss important issues affecting California’s REALTORS® and property owners. Laws created in Sacramento have a tremendous impact on your ability to do business from point of sale mandates to taxes to housing opportunities.

RSVP by Fri., April 8

Free to SCCAR members who contributed the additional \$49 to the REALTOR® Action Fund (RAF). Cost for non RAF participants is \$49. Register online at www.mysccar.org or complete the form below. Reservations made that do not attend will be charged \$49.

**Seating is limited!
Be sure to register early!**

Itinerary in Sacramento

- * **8-9 am : Registration, Sacramento Conv. Center**
> Must be seated by 9 am
- * **9 - 11:30 am: Opening Session;** Hear keynote speakers and be briefed on current and proposed legislation that will affect your business.
- * **11:30 am - 1 pm: Region 10 Luncheon**
- * **1 - 5 pm: Meet with legislators and attend a member director forum**
- * **5 - 7 pm: Capitol Reception; mix, mingle & network with fellow REALTORS & legislators. Free to those who contributed \$148 to RAF!**

Let's Carpool! SCCAR will give the carpool driver a \$50 gas card!

Name: _____ Company: _____

Phone: _____ Email: _____

Cash Visa MasterCard American Express Check #.: _____ Check payable to SCCAR

Name on card: _____ Billing Address: _____

Account#: _____ Exp. date: _____ 3 digit security code: _____

MLS UPDATE

MLSlistings, Inc.

Guiding Home Buyers in the Financing Arena

The new year has no doubt put a new home on the top of many resolution lists, and prospective home buyers will be looking at their financial readiness for such a significant purchase. This is the ideal time – and excuse – for a real estate professional to initiate that first contact with prospects. The financial aspect of the transaction process can be confusing and daunting to the inexperienced and the knowledge that agents and brokers have to share is often overlooked.

According to MLSListings Chairman of the Board Quincy Virgilio, “It helps to start by laying out the various financing options for clients and explaining the difference of each. This may lead to facilitating an introduction to a loan officer who can go into detail and make recommendations based on their individual situation. It’s also important to get up to speed on the details of various loans and programs, as well as new regulations, to be able to position yourself as a trusted advisor to your clients.”

Things you may consider advising your prospective buyers to do in order to get their financial house in order include:

- Obtain a copy of their credit report to get a clearer picture of how it will impact their rate.
- Talk to a lender who can review their credit report and their finances to let them know where they stand and what they can do to improve their chances for securing the best rate.
- Talk to YOU! It’s never too early to get insights on the market, anticipate trends in the coming months, and determine together what the optimum timing might be for their individual situation.

Reaching out and helping prospective buyers figure out how to turn their dream of home ownership into reality is the first step to closing the deal and forming long-term relationships in the process.

Education &

Professional Development *Continued from page 6*

Public Records Search (MLS)

Monday, April 18, 10 – 11:30 am

Cost: Free with RSVP

You will learn how to use the REALIST application to access public records and obtain detailed ownership, transaction and property characteristics information.

Santa Cruz County Pro: County Projects

Friday, April 29, 9:30 am – 12 pm

Course price: \$20

The fourth in a series of presentations designed to provide REALTORS® with knowledge and information to better assist their clients in buying and selling real estate in Santa Cruz County. Topics to be covered: major projects on the table, planning obstacles facing builders, “Historical Registry” and how it can affect a property, solutions to red tags and un-permitted structures and the biggest hurdles working with county/city planning/building depts.

Thanks to all of the Advertisers in this publication for their support of SCCAR.

Please keep that support in mind when ordering services and goods for your business.

Be Part of the Network!



Tens of thousands of REALTORS® now receive REALTOR® Party Mobile Alerts.
Do you?

These REALTOR® members get exclusive opportunities to take action on important real estate issues.

Don't miss out.

Text the word “network” to 30644

Monday Mornings with Candie



Monday, March 7, 2016, 9:30 – 10:30 am

Join SCCAR President, Candie Noel the first Monday of the month to engage in discussion on what's happening in the market, with the association and at C.A.R. Candie encourages you to bring your suggestions, concerns and ideas to share. She is all ears and wants to hear from you!

No RSVP required, just drop by our office for great conversation about our industry and the organizations that support it!

This event will be held at the SCCAR office, 2525 Main Street, Soquel and is **free of charge**. No RSVP required.



Upcoming dates:

- April 7, 2016
- May 2, 2016
- June 6, 2016

SCCAR Welcomes the Following New Members!

REALTOR® Members

Bailey Properties

Tom Doré
Malaka Thompson
Erin Gines

Coldwell Banker Residential Brokerage

Lori Jakubowski

Cypress Realty

Brian Shulman

David Lyng Real Estate

Kathleen Tripp
Lauren Valk

Dwellings RE

Danielle Fox

MBI Real Estate

Debra 'Sophia' Scoffone

RealVest Capital Partners

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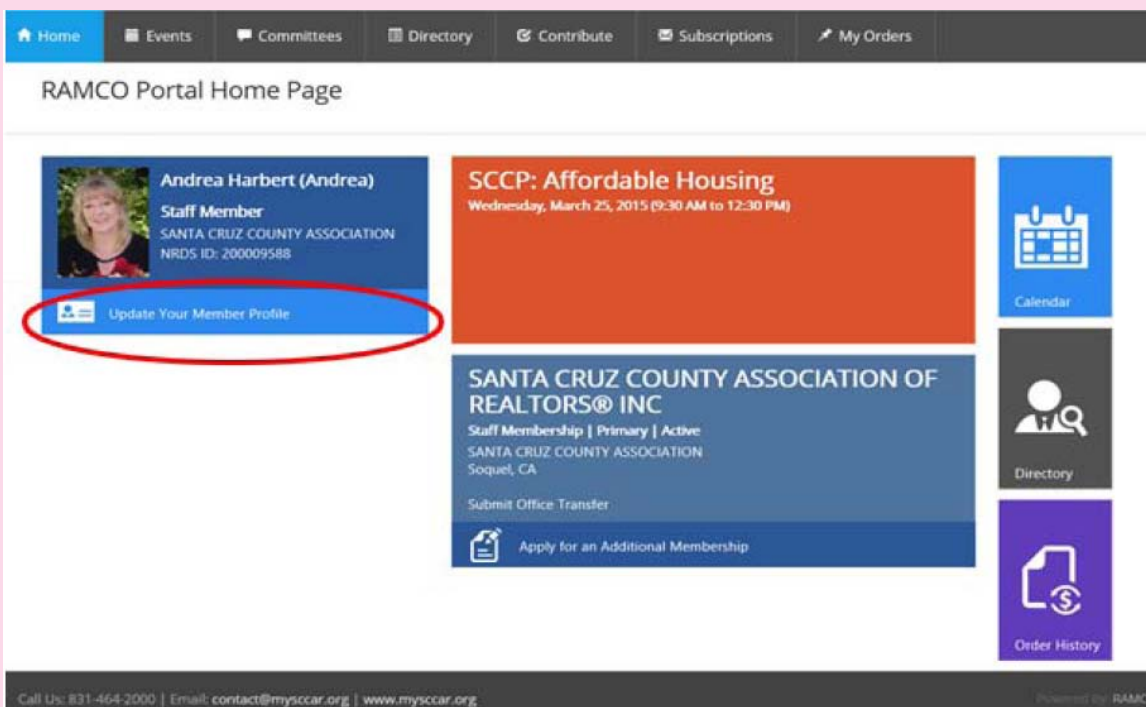
Karen Shipley

Miles Dolinger

Miles J. Dolinger, Attorney at Law

Member Profiles on MySCCAR.org

SCCAR's 'Find a Member' section on our website offers custom fields that the public can search by to help narrow their selection. As a member, you have a profile on this section where you can add more detail to your listing. The highlights of this profile are the photo upload feature, designation search and field of business search. You can also modify your communication preferences, languages spoken and preferred contact method. It's easy and free! Simply log onto our secure member web portal at <https://mysccarportal.ramcoams.net> and click on 'Update Your Member Profile' from the blue profile box.



Local Seniors Need Your Help!

Volunteer for a day with RSVP!

Friday, May 6, 2016



What is RSVP?

RSVP (REALTOR® Service Volunteer Program) is a one day community outreach program that takes place on May 6, 2016. The program provides free assistance to qualified seniors who cannot otherwise perform certain household tasks due to physical or financial constraints.

How Do I Volunteer?

Pick up an application at the SCCAR Office or online at www.mysccar.org/rsvp
Complete the application and email or fax it to the SCCAR Office by Thursday, March 31, 2016.
Time commitment is approximately 4 - 5 hours.

Services We Provide

- Wash windows
- Flip a mattress
- Rake leaves
- Move Furniture
- Change light bulbs
- Light vacuuming
- Remove trip hazards
- Change furnace filters
- Trim overgrown hedges
- Replace smoke detector batteries



What seniors are saying...

"Excellent program. Since I had just had leg surgery, their services were greatly appreciated!"

"My sincere gratitude and appreciation for all you did at my home, you have made my life a lot cleaner and happier."

"Many thanks! So many things were completed. Surprised at the wonderful work that was done."

More Information Online at:
www.mysccar.org/rsvp

THE HOUSING COLLAPSE THE BIG SHORT

Some thoughts about the movie, the real story and why it matters today.

Steve Murray

First, what a movie, great acting and storyline. It is worth watching. It makes it look like it was only greedy bankers, regulators, and underwriters that caused the housing collapse. There wasn't a word in the movie about the greed and stupidity of politicians, and the people running the housing market, those great friends of all of us, Fannie Mae and Freddie Mac.

Were some bankers, underwriters, Wall Street money guys and others out of control and totally concerned only with making money? Absolutely. But, that isn't the whole story. Bigger than all of them was the attempt by the Federal government—starting with President Clinton and extending through President Bush—to push homeownership from a rate of 64 percent in the early 1990s to 70 percent (the stated goal under Clinton's administration). And, the mortgage, real estate, home builders, title insurers and all the rest of the housing industry were in on it as well. They all knew that the only way to get there was to lower credit standards, lower down payment requirements, allow others to assist with down payment assistance, etc., etc., etc. We all remember those days.

Community Reinvestment Act

Banking regulators under the Community Reinvestment Act as much as told banks that unless they met lending quotas to low income communities, they would be restrained from gaining approval for acquisition or expansion. Fannie and Freddie were both lords over and captive to politicians who wanted more low income family lending as a political matter. The same politicians conspired with Fannie and Freddie to ensure that regulations under the Office of Federal Housing Oversight were weak (at best). The same regulators who were supposed to keep a close eye on the two

mortgage giants also had as their second most important task to help more families get into homeownership.

A Broader View

For a broader view of what caused the housing crash, read "Reckless Endangerment—How outsized ambition, greed and corruption led to economic Armageddon," by Gretchen Morgenson and Joshua Rosner. While Lewis's book, "The Big Short," is far more entertaining, Morgenson and Rosner's book will give you a far greater understanding of how it really happened. Be prepared to be overwhelmingly offended.

Why bring up this nasty piece of history now? In case you didn't notice, Fannie and Freddie just launched new investment schemes that allow them to structure new securities that look a lot like the credit default swaps and other exotic instruments that caused a great deal of the problems ten years ago. Yep, the same mortgage giants that lowered standards even after the housing market began to decline in late 2005. They are doing it to keep the pump primed. You don't hear anyone screaming about it, do you?

We haven't even talked about the subprime lending markets for student loans and auto loans. Both are heading towards the same recklessness that sunk the economy in 2007-2009. Clearly, they are not as large as the mortgage market (a few trillion instead of many trillions), but it does make you wonder if the politicians and regulators really learned anything at all.

This article originally appeared in the February 2016 issue of the REAL Trends Newsletter and is reprinted with permission of REAL Trends Inc. Copyright 2016.



Transaction Management Made Easy

zipTMS™ offers enhanced capabilities for real estate professionals.

Formerly known as relay®, zipTMS™ allows a broker, agent or transaction coordinator the ability to have a higher degree of consistency in transaction management and a greater degree of transparency. The platform tracks and manages all transaction information and activities from listing through closing, including: listing and sale information, transaction contacts, documents, client satisfaction and all communication.

Integrated with zipForm® Plus

Stay on task every day and handle all of your transactions from start to close with one easy to use platform. Woven within zipForm® Plus, the transaction management functionality is built into the platform, quickly enabling brokers and agents to become more productive.

Manage transactions

Plan transaction tasks in the "Checklist" tab. Task due dates are populated from forms or adjusted in the checklist tab. Set dates to

be "relative" for automatic adjustment based on others (ex. Closing = 10 days after escrow).

Checklist templates

Set tasks in templates with relative dates and task due dates will automatically populate from form data. Include placeholder documents as reminders to upload required documents (ex. Sellers disclosures).

Notifications

As due dates approach or as tasks/documents become overdue, in-application notifications are displayed or emails are sent to the user.

Transaction history

Recording of tasks and their completion builds an extensive audit trail of the entire transaction.

[Click here](#) to see a full list of features.

View C.A.R.'s [upcoming webinars](#) to learn more.

Real Estate and Land Use Law Update

By Miles J. Dolinger, Esq.

City's minimum age requirement for short-term vacation rentals did not constitute illegal age discrimination under the Unruh Civil Rights Act.

In *Harrison v. City of Rancho Mirage*, (2015) 196 Cal.Rptr.3d 267, the court held that a city ordinance could impose a minimum age requirement on short-term vacation rental tenants. The City of Rancho Mirage passed an ordinance regulating short-term vacation rentals in private homes. Among other things, the ordinance required that all short-term vacation rental contracts be signed by a person 30 years or older who agreed to be responsible for ensuring that all occupants follow the rules and regulations. The intent of this provision was to minimize negative secondary effects on surrounding homes and neighborhoods. [Read more.](#)

Anti-SLAPP motion brought in response to unlawful detainer was without merit.

In *Olive Properties v. Coolwaters Enterprises, Inc.*, (2015) 241 Cal.App.4th 1169, the court held that an anti-SLAPP motion brought in response to a commercial unlawful detainer action was without merit. The sequence of events was initiated by a commercial tenant in a shopping center property, which filed a lawsuit against the landlord alleging that it breached the covenant of quiet enjoyment by allowing an adjacent pizza restaurant to use all the parking spaces. [Read more](#)

City was equitably estopped from modifying conditions of approval regarding its agreement to build a parking structure as part of a hotel development project.

In *HPT IHG-2 Properties Trust v. City of Anaheim*, (2015) 243 Cal.App.4th 188, the court held that the City of Anaheim was equitably estopped from changing the conditions of approval of a hotel development project. In 1999, the City of Anaheim issued a conditional use permit (CUP) approving the development of two hotels on property owned by the plaintiff. The project was near the site of a future City overpass project, which would require the City to acquire (by eminent domain), property adjacent to the hotel project site and would leave a triangle-shaped remnant property (owned by the City) after construction of the overpass. As the result of some negotiation in the hotel project design, including upgraded setbacks and landscaping, the City agreed to build the parking structure on the triangle with the same setback and landscaping features it required for the hotel. [Read more](#)

NEW CEQA CASES

- **Court clarifies general rule that CEQA requires an analysis of a project's effects on the environment and not the effects of the environment on a project and project users.**
- **Rodeo event at Santa Cruz county fairgrounds was exempt from CEQA.**
- **Court affirms EIR for Cal State Hayward expansion master plan.**
- **Court affirms EIR for sand mining mineral leases in San Francisco bay.**



Diet Myth #173: Eating the candles on your birthday cake helps you burn calories.

Help Direct the Future of SCCAR!

SCCAR is now accepting applications for service on the 2017 Board of Directors.

Join a distinguished group of professionals to support the mission of SCCAR: "The purpose of the Santa Cruz County Association of REALTORS® is to enhance the professionalism and integrity of our members, promote homeownership and protect private property rights." Being a part of this process provides a great opportunity to exercise your leadership abilities!

Interested REALTOR® members of SCCAR are encouraged to complete and submit an [application](#) no later than Friday, April 1, 2016.

If you have questions, please contact Kathy Hartman at 831.464.2000 or email kathy@mysccar.org

INSTALLATION CELEBRATION



2016 Board of Directors



Lifetime Achievement award winner, Frank O. May



Marilyn Koll, Community Service award winner



Serena Wagner wins Affiliate of the Year



Jeff Wickum takes the award for REALTOR® of the Year



President Candie Noel and MLS Listings, Inc. CEO, Jim Harrison



Immediate Past President Randy Turnquist



Morgan and David Lyng



Director Debra Calloway with Joseph Gianelli and Donna Teale, Sereno Group



Kim Bradburn-Gonzalez, Sereno Group, SCCAR Director Connie Landes and Lisa Gerety, Bailey Properties

More

INSTALLATION CELEBRATION



Past Presidents line up (l to r), David Lyng, Barbara Palmer, Robert Bailey, Candace Bradfield, Sandy Kaplan and Steve Allen



Loree Doan, Stewart Title and Lisa Mazzei, Blue Adobe Mortgage



President-elect Candace Bradfield with Karen Kirwan, PVAOR AE



Lindy Harte Coastal Homes and Mark Wise, Century 21 M & M



Kim Scadina, Old Republic Title with Immediate Past President, Randy Turnquist

Crowdfunding for Real Estate

RealtyShares launched as a new way for investors to put small amounts of money into real estate projects, kind of like a "LendingClub for Real Estate." Now the company is launching a way for them to focus on investing in specific markets around the U.S.

They work to crowdfund available real estate investments, allowing investors to put in as little as \$5,000 into single-family homes, multi-family homes, and even commercial real estate projects. The cost of those projects ranges from \$100,000 to the tens of millions.

For developers looking for funding, RealtyShares provides an easy way to quickly raise money for their projects. It funds about 10 to 20 projects per month and it takes an average of just four days for each investment to be funded. That compares to weeks or months for more traditional funding sources.

The company had amassed about \$300 million in real estate property value through more than 200 different properties across 59 different cities and 17 states. Average return on investment has ranged from between 8 percent and 29 percent, depending on the type of project funded.

Most investors that have joined the platform so far have been IT professionals who are looking for new investment opportunities. As a result, the company has rolled out a new product that will allow them to focus on the areas that they know best — that is, the cities they live in.

RealtyShares has identified five specific markets with burgeoning tech and real estate sectors where it sees opportunities for investment. Those markets are Seattle, Dallas, Austin, Miami and Chicago, where the company hopes to more efficiently connect borrowers and investors.

Those market-specific products will enable developers to find funding from local investors who have an interest in development in their cities. And investors get the benefit of profiting from better yields in markets that have not yet been overdeveloped.

RealtyShares has raised \$1.9 million in funding led by General Catalyst, with other investors that include E*Trade COO Greg Framke and president of Gold Bullion International Savneet Singh.

LGR Committee Report

Robert Singleton, GAD

gad@mysccar.org

County Adopts Housing Element: Makes Step Toward Housing Affordability



On February 16th the County Board of Supervisors voted unanimously to adopt some of the most forward thinking housing policies in decades when they formally approved the County Housing Element. A Housing Element at its core is really a 7 year plan to be able to accommodate changes in population growth for a given area, as certified by the State. With the passage of this new plan, Santa Cruz County has committed to providing up to 1300 new housing units by making some zoning changes.

However, what makes the Housing Element adopted this past Tuesday so unique is that it goes above and beyond just planning for new units. Instead, it actually outlines a series of policies that

should be adopted alongside the plan to 1) make it easier to build higher density, mixed use projects 2) streamline the permit process so that developers and property owners spend less time in the approval process, and 3) Modernize out of date County regulations.

To learn more about the County Housing Element you can read one of the following articles:

<http://www.kionrightnow.com/news/local-news/step-forward-in-santa-cruz-housing-crisis/37924078>

<http://www.santacruzsentinel.com/article/NE/20160208/NEWS/160209683>



Want to Be President? Live in Virginia

Eight U.S. presidents were born in Virginia, which boasts the greatest number in the country. Thirty-one states have never produced a President.

Source: *NationalGeographic.com*

Early Voters

According to a Gallup poll this October, people age 65 and older were the most likely to vote before election day (26%), compared to 7% of people age 18-29

The Boomer Effect

More than half the voting-age population is now over age 45, and 70% of baby boomers vote.

Source: *Mediapost.com*

Polls, Polls Everywhere

The Gallup Poll has accurately predicted every presidential election since 1936 with the exception of two: 1948 when Harry Truman beat Thomas Dewey and 1976 when Jimmy Carter beat Gerald Ford.

Source: *Gallup*

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In all seriousness, we know the advantages of aerial photography: stunning views, enhanced marketing of a listing, longer buyer view times, higher priority on internet searches and highlighting an agent's use of the most up-to-date tools of the trade.

Drones can be purchased by anyone, from the hobbyist to high-end users. What to do then when a friend says their high school kid has a drone and can take cool photos? Compliment the youth's command of futuristic equipment. Just because you own equipment and can fly it does not mean you should or that it is legal to do so. Hiring a hobbyist drone operator versus a legal operator could become a risk to real estate agents and homeowners. In 2014 an Iowa real estate agent was fined \$10,000 for using a drone. This case led our industry to lobby for the rights of use now in place.

The FAA now regulates Unmanned Aircraft Systems (UAS) – aka drone usage. Drones used for commercial purposes, including professional real estate must secure an FAA airworthiness certificate and operate pursuant to FAA rules requiring an FAA Certificate of Authorization (COA) too be in compliance with FAA's "Section 333" guidelines. Approved pilots must operate under the rules of FAA333 COA; making it prudent to hire someone who stays current on the changing tides of rules and has an FAA333 and/or COA waiver.

Indeed, FAA guidelines control flight height limits within 5 miles of an airport; unless they have the air-traffic control tower's permission and pilots must also keep their aircraft within sight and fly only during the day. Further rules apply to safety and traversing private and public space. Drone ID's are required to locate the owner in the case of an accident or lost UAS.

So with new FAA guidelines it's imperative that drone pilots be FAA compliant and well insured in case the worst happens. Say the drone loses control and crashes through a window, knocking over grandma's ashes in the Ming Dynasty urn on the mantel. You'll want the pilot to have enough insurance to pay for damages and grandma's urn.

In closing, if you ask a drone pilot "do you have an FAA 333 certificate and insurance?" and you hear silence, hang up the

phone. Place your next call to a pilot who can supply your aerial needs professionally and legally. Aerials will take your marketing to a new height. Become an agent who is known for utilizing the greatest variety of up-to-date methods to present listings, attract buyers and perform for your sellers.

Contact Tour Factory / Bay Area at 408-370-3801 to create an aerial marketing plan with professionals such as Soaring Eagle Eyes, one of our approved aerial photography services.



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2016 Signature Affiliate

Where Is The El Niño Winter We Were Promised?

Chris Gordon
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At the time this article was written we have been basking in three weeks of beautiful spring-like weather. So what gives? The forecast for an El Niño winter may not materialize after all. This may be due to global warming or climate change uncertainties. Climate scientists have become very good at identifying El Niño but not so good at understanding the future effects of climate change. The latest theory from climatologists to explain why El Niño might not show is that the warming ocean waters at the poles are causing temperatures to equalize with the ocean waters at the equator. This equalization is causing the jet stream to slow down and meander. This larger meandering effect is creating and trapping high pressure ridges like the one that has parked itself off the coast of California for the last four years. This high pressure ridge is acting like a shield deflecting storms like El Niño northwards. I personally think that El Niño will still prevail. There is still a lot of unspent energy stored up in the eastern Pacific waters that needs to be released. I believe we will see El Niño rainfall in March and April. We will see. If not, the consequence would be a fifth consecutive year of drought for us, an unpleasant thought to ponder.

Keeping my positive thoughts towards having a wet El Niño, I am often asked about flood certificates, flood elevation certificates and how they can affect flood insurance requirements for properties in FEMA flood zones. It is useful to understand the differences because it could save your client money and you the sale.

If a property is disclosed in a “GeoDisclosure Report” as being in a FEMA flood zone, does that mean the lender automatically requires flood insurance for the home and property? Not necessarily. In transactions where a lender is involved, the lender will usually order a flood certificate. The **Flood Certificate** is a map-based determination of whether a property and the home are within the 100-year flood zone. The fee for a flood certificate is low and may be the document that satisfies the lender not to require flood insurance for the home, resulting in a lower premium. Flood Certificates are reported on an official FEMA Standard Flood Hazard Determination Form and state whether the structure is in or out of the flood zone. This is a good first step to take.

If both the home and property are reported as being in a flood zone with a Flood Certificate, the prospective purchaser or seller may wish to obtain a Flood Elevation Certificate to certify that the structure does not require flood insurance. This certificate reports the actual elevation of the lowest floor of the structure in relation to the base flood elevation (BFE) used by FEMA. This is a more involved and costly step and may not guarantee positive results. Flood Elevation Certificates can only be completed by a licensed land surveyor, engineer, or architect and cost from \$500 to \$2,000 depending on the location. This information is then used by insurance companies to determine the premium, which

could be a reduced amount, or in some cases eliminated. Be sure to consult with a surveyor/ engineer before taking this step to know if this will help your client. An existing Flood Elevation Certificate sometimes can be obtained from the seller or developer of the property, through the property deed, or from the flood plain manager of the community’s National Flood Insurance Program.

To summarize, if a property is in a FEMA 100-year flood zone, then the flood zone status of a property can further be defined by use of a Flood Certificate, or Flood Elevation Certificate for determining the amount of flood insurance required by the lender.

For additional information on flood zones, maps, and flood elevation certificates, visit <http://www.fema.gov/flood-zones>. “GeoDisclosure” can provide Flood Certificates upon request. If you have questions related to flood insurance premium reduction, please contact your local experts at “GeoDisclosure”.

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TECHNOLOGY UNDERESTIMATES THE VALUE OF PEOPLE

*Learn from leaders where tomorrow's opportunities and threats lie.
2016 will be a year of surprises for the industry.*

By Steve Murray, REAL Trends publisher

“Real estate brokerage is truly a unique animal,” says Lorne Wallace, CEO of Lone Wolf Real Estate Technologies and head of one of the largest and longest-lasting technology providers in the real estate space. “I can’t think of too many other businesses where technology has had so little impact on the functioning of the market. It is not that technology isn’t prevalent throughout our industry because it is, but, so far, it hasn’t changed the relationship between service provider and customer.”

Wallace founded Lone Wolf over 27 years ago, essentially starting from scratch and building a company with more than 250 employees and servicing several thousand brokerage firms throughout North America. The company’s financial and other management tools are the most widely used among leading brokerage firms. His thoughts are revealing (especially for a technology leader).

“This business is a people business—always has been, likely always will be. Short of people living in virtual reality cubicles of 300 square feet, a home will still be a personal choice by individuals and families. Agents, who are both cheerleaders and devil’s advocates for their clients, are going to be a part of the decision process.

Does technology play a role? Of course, it helps speed information to wider audiences, helps process transactional information, and assists brokerage firms manage their business better. No one can dispute that. But even in the middle of this technology usage, it is the technology that has to be configurable to the customer, not the other way around. Technology leaders can build enormously sophisticated systems, but if you can’t customize that solution to the broker or agent good luck. Practitioners love some of these tools, but know that that is all they are—tools.

Wallace said much of this is because so many in the industry are ‘right brain’ type of people, caring, empathetic, thinking, emotionally driven whereas most technologists are ‘left brain’ with great analytic skills. He thinks it is what makes it so interesting a business and yet in many ways so trying. Technologists fall in love with their inventions; agents and brokers just want it to work to help them do their jobs easier and faster.

When asked about what breakthrough technologies are around the corner Wallace said “what seems interesting to me is that the industry is spending hundreds of millions if not billions each year on reaching online customers and building better marketing mousetraps yet we are aren’t selling one more home, or creating one more listing. All of the marketing dollars and all of the real estate TV shows haven’t added one wit to housing sales, yet they seem to be multiplying day by day.

The reasons for people buying or selling are almost always about personal change. Better job, relocation, deaths, births, divorces, marriages, retirement and downsizing. Sure the investing class has grown but the reasons people buy and sell are almost entirely about a change in their personal lives. And I don’t see how technology

changes that fact. It certainly doesn’t change the demographics of who is buying or selling.”

Where is Lone Wolf investing today? Wallace says that his company’s focus is on what he refers to as the ‘ecosystem of the real estate workspace.’ With all of the systems that a brokerage uses, full integration remains an elusive goal for most brokerage firms. He said that while his firm has invested in virtually every segment of the real estate brokerage business, getting all of it to work together easily is no easy task. “As I have said before, every technology solution has to be customized, or configurable to each customer. This creates enormous complexity. Yet, you cannot compete in the real estate technology space expecting that your customers will adapt to your systems.”

Wallace says that even technology firms have to have people on their teams that get the fact that real estate people are just that, people. And that this makes it challenging and fun. “This is a great business, and the people in it are fascinating, smart and fun to work with. We do have to keep in mind that technology is just a tool, not a panacea for what brokers and agents face.”

This article originally appeared in the February 2016 issue of the REAL Trends Newsletter and is reprinted with permission of REAL Trends Inc. Copyright 2016.

SCCAR Announces YREP for New REALTORS®!

SCCAR recently formed the Young Real Estate PROS (YREP) Committee. YREP’s goal is to provide newer members in the real estate profession a platform to network and build relationships and increase awareness of SCCAR benefits and activities. The committee held its first meeting in February and is excited at the many ideas for learning; networking and socializing that will be implemented throughout the year.

If you’re interested in being part of a great group, want to help plan activities for building participation in SCCAR and want to help new members in our industry, please come to a meeting! YREP meetings are held the second Monday of the month at 1 pm. For more information please contact Andrea Harbert, 464-2000 or andrea@mysccar.org.





Affiliate News

Serena Wagner
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SCCAR Affiliate Committee Off to a Great Start!

The SCCAR Affiliate Committee has started the year off strong with 16 committee members at our first meeting! During this meeting we discussed and decided on our mission statement.

Our top three goals were set for 2016 and include, 1) marketing events to our members, 2) increasing affiliate attendance and 3) increasing overall attendance at events.

The annual membership Spring Fling BBQ has been set for June 8, 2016 so mark your calendars as this is always a great event to mingle with fellow SCCAR members. More information coming soon!

Affiliate Committee Members

Barbara Dimitruk, Barry Braverman, Dennis Spencer, Dick Cornelsen, Dimitri Timm, Jasari Daire, Jim Tedsen, Julie Lynn, Karen Shipley, Kathy Hugi, Loree Doan, Paul Regan, Robin Ronzano, Serena Wagner, Suzanne Schmidt, and Tamar Frey.

Please contact me with any ideas or questions. New members are always welcome please contact Kathy Hartman, kathy@mysccar.org to sign up.



Happy St. Patrick's Day

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Santa Cruz County Housing Statistics

January 2016: Santa Cruz County - Single Family Residential

City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	12	31	19	77	\$898,307	\$817,500	\$452	99%	\$17,067,840	1,861	26,068	1.4
Ben Lomond	1	7	3	61	\$520,666	\$533,000	\$512	104%	\$1,562,000	933	10,092	1.2
Boulder Creek	5	14	13	74	\$535,013	\$500,000	\$381	98%	\$6,955,175	1,412	51,873	1
Brookdale	0	0	0									
Capitola	5	6	3	16	\$748,333	\$750,000	\$700	100%	\$2,245,000	1,203	2,236	2.3
Corralitos	2	3	3	32	\$1,391,666	\$1,335,000	\$420	96%	\$4,175,000	3,475	213,030	1
Davenport	0	1	0									
Felton	13	23	6	39	\$596,408	\$600,000	\$418	101%	\$3,578,450	1,485	16,059	2.7
Freedom	3	6	2	40	\$502,250	\$502,250	\$313	101%	\$1,004,500	1,634	7,449	3.6
La Selva Beach	1	4	3	72	\$884,333	\$828,000	\$291	97%	\$2,653,000	2,634	15,159	3
Los Gatos	4	17	1	225	\$2,135,000	\$2,135,000	\$434	93%	\$2,135,000	4,924	145,055	6.4
Mount Hermon	1	1	0									
Santa Cruz	36	78	23	40	\$851,823	\$774,000	\$471	99%	\$19,591,950	1,693	11,049	2.3
Scotts Valley	9	22	2	51	\$727,500	\$727,500	\$443	99%	\$1,455,000	1,647	9,279	3.5
Soquel	1	9	3	65	\$900,500	\$720,000	\$406	96%	\$2,701,500	2,200	11,906	1.7
Watsonville	12	43	15	29	\$495,666	\$503,000	\$301	98%	\$7,435,000	1,811	5,717	2.4
Royal Oaks	3	10	2	109	\$487,000	\$487,000	\$290	98%	\$974,000	1,685	29,368	2.7

January 2016: Santa Cruz County - Common Interest Development

City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	11	19	5	173	\$653,300	\$665,000	\$527	97%	\$3,266,500	1,245	784	3
Boulder Creek	1	2	1	48	\$410,000	\$410,000	\$219	99%	\$410,000	1,872	1,917	2
Capitola	4	7	2	16	\$504,944	\$504,944	\$522	101%	\$1,009,888	966	828	2.3
Freedom	1	1	0									
La Selva Beach	2	4	3	159	\$839,666	\$859,000	\$475	99%	\$2,519,000	1,743	2,091	2.4
Santa Cruz	13	17	8	16	\$489,812	\$442,500	\$452	100%	\$3,918,500	1,065	840	1.6
Scotts Valley	3	4	1	16	\$680,000	\$680,000	\$452	96%	\$680,000	1,504	1,612	1.2
Soquel	4	4	1	21	\$469,000	\$469,000	\$465	100%	\$469,000	1,008	653	4
Watsonville	4	10	4	16	\$563,750	\$580,000	\$528	98%	\$2,255,000	1,170	1,031	2.7

December 2015: Santa Cruz County - Single Family Residential

City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	9	39	22	93	\$967,963	\$807,650	\$439	97%	\$21,295,187	1,878	18,267	1.6
Ben Lomond	2	9	8	39	\$680,187	\$708,500	\$386	101%	\$5,441,500	1,866	15,529	1
Boulder Creek	0	20	14	54	\$559,944	\$522,500	\$384	99%	\$7,839,229	1,543	53,505	1.5
Brookdale	0	0	1	88	\$889,000	\$889,000	\$307	99%	\$889,000	2,893	30,144	0
Capitola	1	7	3	21	\$938,666	\$928,000	\$730	101%	\$2,816,000	1,272	6,084	2.3
Corralitos	0	4	4	82	\$635,000	\$690,000	\$399	96%	\$2,540,000	1,524	46,185	1.3
Davenport	0	1	0									
Felton	5	15	10	71	\$585,450	\$498,500	\$447	102%	\$5,854,500	1,366	412,936	1.6
Freedom	1	5	1	22	\$480,000	\$480,000	\$438	100%	\$480,000	1,096	6,011	3.8
La Selva Beach	1	9	0									
Los Gatos	2	21	4	87	\$1,310,000	\$1,305,000	\$418	93%	\$5,240,000	3,017	140,677	4.8
Santa Cruz	26	79	43	43	\$991,161	\$829,000	\$471	99%	\$42,619,925	1,931	15,789	1.9
Scotts Valley	5	17	9	22	\$787,377	\$725,000	\$484	99%	\$7,086,400	1,666	6,648	2
Soquel	7	13	7	125	\$1,090,857	\$761,000	\$456	100%	\$7,636,000	2,583	41,550	2.4
Watsonville	15	48	24	49	\$536,075	\$552,500	\$282	98%	\$12,865,800	1,965	18,838	2.4
Royal Oaks	3	9	6	59	\$523,250	\$492,500	\$300	97%	\$3,139,500	1,714	75,332	2.5

December 2015: Santa Cruz County - Common Interest Development

City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	2	13	7	57	\$590,771	\$580,000	\$431	98%	\$4,135,400	1,352	1,693	2.3
Boulder Creek	0	3	1	5	\$275,000	\$275,000	\$423	100%	\$275,000	650	450	2.3
Capitola	4	7	4	51	\$408,250	\$397,500	\$446	99%	\$1,633,000	819	588	1.4
Freedom	0	0	1	22	\$415,000	\$415,000	\$249	100%	\$415,000	1,665	1,176	0
La Selva Beach	1	4	2	125	\$523,000	\$523,000	\$642	96%	\$1,046,000	815	0	6
Santa Cruz	9	17	11	71	\$432,363	\$450,000	\$469	99%	\$4,756,000	952	881	1.5
Scotts Valley	1	2	3	58	\$537,500	\$592,500	\$370	98%	\$1,612,500	1,451	1,394	0.5
Soquel	0	1	1	10	\$525,100	\$525,100	\$488	105%	\$525,100	1,076	523	1.5
Watsonville	5	9	5	25	\$321,800	\$289,000	\$265	100%	\$1,609,000	1,211	1,341	1.9

Data provided by MLS Listinos, Inc.

March 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3 Tour Marketing Meeting 8:30 - 9 am MLS First Class	4 Local Govt. Relations Committee 9 am	5
6	7 Monday Mornings with Candie 9:30 am	8	9 Housing Foundation Mtg. 2 pm	10 Tour Marketing Meeting 8:30 - 9 am	11 Affiliate Meeting 11 am REFAT Seminar 10 am	12
13	14 Education Committee 9:30 am Intermediate Matrix 10 am Advanced Matrix 1 pm	15	16 Green Home Expertise 8 am - 4 pm	17 Tour Marketing Meeting 8:30 - 9 am Happy St. Patrick's Day! 	18 Board of Directors 8:30 am SCCP: Affordable Housing 9:30 am- 12:30 pm	19
20	21 Budget & Finance 10 am	22	23 Duane Gomer License Renewal 9 am - 12 pm	24 Tour Marketing Meeting 8:30 - 9 am	25 SCCAR Closed	26
27 	28 MLS Listing Management 10 am	29	30 Health Screenings	31 Tour Marketing Meeting 8:30 - 9 am		

April 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 LGR Committee 9 am <i>BOD Application Deadline</i>	2
3	4 Monday Mornings with Candie 9:30 am MLS First Class 1 pm	5 Dine for Charity @ Shadowbrook 5-8:45 pm	6	7 Tour Marketing Meeting 8:30 - 9 am	8 Board of Directors 8:30 am Affiliate Meeting 11 am <i>Legislative Day RSVP Deadline</i>	9
10	11 Education Committee 9:30 am	12	13 Housing Foundation 2 pm New Agent Training 10 am	14 Tour Marketing Meeting 8:30 - 9 am	15 Listing Management 10 am HomeSnap Pro 1 pm Past President's Panel 9 - 11 am	16
17	18 Public Records Search 10 am Budget & Finance 10 am	19	20	21 Tour Marketing Meeting 8:30 - 9 am	22	23
24	25	26	27 Legislative Day Sacramento 	28 Tour Marketing Meeting 8:30 - 9 am	29 SCCP: County Projects 9:30 am	30