Ventura County Coastal August 2016

Is it a Home or a Vacation Rental? For REALTORS[®], No Easy Answers





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UPCOMING Meetings/Events

SEPTEMBER 9

SEPTEMBER 13

SEPTEMBER 14

SEPTEMBER 14

SEPTEMBER 15

SEPTEMBER 16

AOR Parking Lot

SEPTEMBER 20

SEPTEMBER 27

SEPTEMBER 28

SEPTEMBER 29

Training Room

9.45 AM

MIS Basic

9:00 a.m.

Affiliates Committee Board Room

Training Room 9:00 AM

VCCAR Shredding Event

Board of Directors Meeting Board Room

New Member Orientation

SEPTEMBER 28-OCTOBER 1

C.A.R. Fall Business Meetings Long Beach

IGR Committee

Board Room 1:00 PM

Board Room

10:00 AM

9:00 AM

9:00 AM

YPN Committee

Board Room

9:45 PM

REFAT

Board Room

Glendale AOR

9:00 AM

Budget & Strategic Planning

CARETS Board of Directors

AUGUST 16 Board of Directors Meeting Board Room 9:00 AM

AUGUST 18 REFAT Board Room 10:00 AM

AUGUST 22-23 NAR Leadership Summit Chicago IL

AUGUST 24 Affiliates Committee Meeting 9:45 AM

AUGUST 24 Budget & Strategic Planning Board Room 1:00 PM

AUGUST 25 MLS Basic Class Training Room 1:30 PM

AUGUST 25 Real Talk Toastmasters Training Room Noon

AUGUST 30 MLS Advanced Class Training Room 2:00 PM

AUGUST 31 C.A.R. Leadership Symposium

SEPTEMBER 1 C.A.R. Leadership Symposium

SEPTEMBER 5 Labor Day Holiday VCCAR Offices Closed

SEPTEMBER 9 Education & Equal Opportunity Training Room 10:00 AM



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PRESIDENT'S CORNER

County Economy Could Be Doing a Lot Better, Economist Says

Mark Chacon 2016 VCCAR President

Last month, the Board of Directors heard an interesting presentation from economist Mark Schniepp, Ph.D., who directs the California Economic Forecast, a full-service economic consulting firm that specializes in California matters. Dr. Schniepp walked us through the county's current economic picture.

The presentation was depressing to say the least.

On the employment front, jobs are still being created, but at a very low rate – just over 1 percent last year. That's by far the lowest rate in Southern California. The county's office vacancy rate is 17.5 percent, significantly higher than most regions of the state. And while the state continues to add people in the prime working ages of 25-54, here in Ventura County the number of people in this key demographic has been in decline. As a result, the number of people in our labor force has dropped for four straight years.

And as major companies continue to downsize or leave the county altogether, what job growth there is has primarily been in the relatively low-paying leisure and hospitality sector, which now employs nearly 38,000 people. The average salary in the west county was \$47,079 last year, compared to \$78,134 in the Conejo Valley. Fewer and fewer people can afford to buy a home, with the current median sales price now around \$675,000.

With rising prices and strong demand, normally you would see strong increases in newhome construction, but that isn't the case. In the past four years, new construction has totaled about 1,000 units a year, less than half the units produced each year in the decade before the recession hit. We're basically at the same level of new construction as Santa Barbara County.

Why? All of us in real estate know the answer to that. It's incredibly difficult to get a building permit, growth control measures limit where new housing can be built, and, of course, existing homeowners don't want higher-density housing in their back yards.

While the jobs-housing ratio is fairly good in the west county – 1.6 jobs for every home and apartment, compared to 1.79 in the Conejo Valley – the cost of living here requires many people who work in Ventura/Oxnard to commute long distances and thus increase traffic congestion. Commute times range from 30 minutes for folks living in Simi Valley to 22.7 in Camarillo. Nearly 82,000 county residents commute to neighboring counties and nearly 40,000 commute into the county each day. That's a lot of traffic.

As you know, two competing growth control measures will be on the November ballot. The Association will be taking positions on them in the near future, and you'll be hearing

more about that and the jobs-housing imbalance in the months to come.

On a more upbeat note, be sure to mark your calendars for several always-popular events. The annual Shredding Event will be September 16, the Trade Fair will be October 6, the Chili Cook-Off will be October 12, the Fall General Membership Meeting will be October 13, Vino for Vets which honors all who have served, will be November 10, and the Installation Dinner will be December 9.

As always, I urge you to participate in both our government affairs programs and our social events to help you get the absolute most out of your membership.





Mark Chacon

Have you seen us on Facebook?



Mark Schniepp

CEO CORNER



MLS Rules and Code of Ethics Bar Conditional Offers of Compensation

For the past two months, I have written about REALTOR® ethics issues, based on information, calls, and questions that have been asked about most often during the past month. Past columns have dealt with advertising another agent's listing without his or her express permission (MLS Rule 12.8) and truth in advertising (MLS Rule 12.10 and Code of Ethics Article 12).

This month, based on calls and questions from members plus discussion at the Board of Directors meeting, I want to touch on conditional offers of compensation. What does that mean? Essentially, that there cannot be a commission offered through a listing filed in the MLS that has a condition included regarding being paid a commission for the sale of real property.

MLS Rule 7.15, Unilateral Contractual Offer; Subagency Optional, states: "...in filing a listing with the AOR/MLS, the Broker Participant makes a blanket unilateral contractual offer of compensation to the other Broker Participants for their services in selling the property." Furthermore, the compensation offered through the MLS should be the amount paid the selling Broker, not be negotiated as a condition of a written offer of acceptance or in a counteroffer.

To make it even more clear, further down in the middle of MLS Rule 7.15 is this: "The amount of compensation offered through the MLS may not contain any provision that varies the amount of compensation offered based on conditions precedent or subsequent or on any performance, activity, or event."

An example of such a condition is where new tract homes listed in the MLS requires the selling agent or the agent representing a prospective buyer to be present at the tract with the buyer in order to be paid a commission. This is considered a conditional offer of compensation.

Of course, if an agent representing a perspective buyer has the opportunity to take the prospective buyer to the new development they should do so, thus avoiding any discussion regarding commission earned. That is just common sense. Take control of your buyers and protect not only them but your possible commission. You owe it to them and yourself as well.



Randy McCaslin

SAVE THE DATE

VCCAR Shredding Event – September 16 Trade Fair – October 6 Chili Cook-Off – October 12 General Membership Meeting – October 13 Vino for Vets – November 10 Installation Dinner – December 9

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What's a REALTOR® Supposed to Do?

Short-Term Vacation Rental Issue Poses Challenges Without Easy Answers

By Marta Golding Brown

The controversy over the benefits and problems posed by the growing trend of renting out homes to vacationers has hit Ventura County, with the county and a number of cities either having enacted ordinances regulating – or banning – the practice, and others considering doing the same.

Even brokers and agents are torn on the issue. On the one hand, REALTORS® traditionally are strong supporters of private property rights, which have always been taken to include the right of an owner to rent his or her property.

But REALTORS[®] also live in the community, and some have spoken up at public hearings to urge their elected officials to toughen regulations. Brokers and agents are required to disclose that a nearby property is used for vacation rentals during the sale of property, and some cases these disclosures have stopped the sale.

VCCAR President Mark Chacon said this dilemma is reflected in the oath each REALTOR® takes.

"I have the honor of swearing in our new members into the Association," Chacon noted. "In the ceremony, each new member states that a REALTOR'S" responsibilities include: To take an active interest in the welfare of our community; to promote legislation beneficial to personal and private ownership of real property; and to oppose legislation harmful thereto.'

"With that in mind, if a member represents themselves as a REALTOR" in a public forum our duty bonds us to support private property rights as long as the owner abides by the law," he said. "A REALTOR" may always speak as a private citizen about issues at public hearings, but once you state you are a REALTOR" you are invoking the oath taken and you are bound to its tenets."

VCCAR believes that reasonable regulations to prevent nuisances may be justified in many cases, but that local officials must keep private property rights in mind as well.

"We believe narrowly tailored regulations can be enacted that will protect neighbors' rights while also ensuring that the property owner's rights are not unduly infringed upon," Chacon said.

The National Association of REALTORS® also urges local brokers and agents to be part of the solution.

"REALTORS® should engage in collaborative problem solving, and urge local governments to seek input from all stakeholders when considering rental regulations. REALTORS® can help communities avoid over-regulation by suggesting alternatives to new residential rental restrictions, such as stronger enforcement of existing ordinances governing noise, public nuisances, parking, and property maintenance standards," an NAR fact sheet states.

In Ventura County, the cities of Ventura, Fillmore, and Ojai have enacted ordinances, while the county and the city of Oxnard is in the process of doing the same and other communities are closely looking at the issue.



Marta Golding Brown

Continued from page 6

In Ventura, owners of short-term rentals must obtain a permit and a business license, and collect 10 percent of the rental agreement in taxes, and also let nearby residents know who to complain to if renters cause problems.

"The primary purpose of the ordinance is to minimize the impact of short-term vacation rentals on the surrounding neighborhood," according to a memo from the City Treasurer's Office. "By providing persons occupying property surrounding a short-term vacation rental with the name and number of the rental's owner or agent, they can contact the owner or owner's agent directly 24/7 in the event of loud noises or other nuisance conditions."

A report to the Board of Supervisors earlier this month indicates the Ventura model appears to be working well. "According to city of Ventura staff, this system has proven effective at reducing nuisance problems and has not raised any significant enforcement issues," County staff reported.

However, the City Council last month directed staff to present recommendations in September to allow for review and possible changes in the ordinance, which was adopted in 2009. The Council is also expected to place a moratorium on new permits during the review period.

In contrast, Ojai has banned all short-term rentals, even when the property owner just rents out a portion of the home and remains on the premises with the renters, while Fillmore's ordinance is similar to Ventura's but also requires a conditional use permit and a building inspection.

Carpinteria, meanwhile, adopted a temporary moratorium last October prohibiting new rentals but allowing existing ones to continue operating. City officials expect to extend the moratorium this October, and have tentatively approved a permanent proposal to ban all short-term rentals outside of the beach area and set a cap on new licenses that can be issued.

The state Coastal Commission has expressed concerns about banning the rentals in coastal areas – including Ventura County's beach communities – because state law states that "lower-cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided" in the coastal zone. The Commission must ultimately review and approve ordinances affecting coastal areas.

The county held a public hearing on the matter earlier this month and directed staff to develop specific recommendations for future action that would affect unincorporated areas such as the beach communities and Ojai Valley. County officials say they plan to bring an ordinance back for consideration in October or November. The Board set the following priorities in developing an ordinance:

- · The quality of life and fabric of the neighborhood
- Ensuring it would not be unduly restrictive for long-term rentals
- And ensuring regulations enhance, not detract from, the local economy.

Oxnard, meanwhile, is planning to hold a similar hearing on August 16.

Housing Decisions Being Made in Sacramento, D.C.

State lawmakers are back in session following the break for the major party conventions, while Congress remains on its summer district work period through Labor Day. But a number of issues affecting REALTORS® are being addressed.

In Washington, President Obama last month signed H.R. 3700 into law. The Housing Opportunity Through Modernization Act includes reforms to current FHA restrictions on condominium financing, among other provisions, and was supported by both C.A.R. and NAR.

Changes include efforts to make FHA's recertification process "substantially less burdensome," while lowering FHA's current owner-occupancy requirement from 50 percent to 35 percent. The bill also requires FHA to replace existing policy on transfer fees with the less-restrictive model already in place at the Federal Housing Finance Agency.

This legislation will help offer relief to well-qualified potential home buyers who have been facing tight housing inventories, rising home prices, and strict mortgage credit underwriting guidelines.

Continued on page 8

Owners: Please post in a conspicuous place in the Short-Term Vacation Deelling



WELCOME SHORT-TERM VACATION GUESTS GOOD NEIGHBOR GUIDELINES

The City of Ventura is pleased to welcome you as a short-term vacation guest in our beautiful city. We hope you enjoy your stay here and take advantage of all that Ventura has to offer.

As a short-term guest in this neighborhood, we ask that you be respective of the long-term residents that live here. Ventruris Ordinance entitled "Short-Term Vocation Rentaria" has been adopted to sensure that our short-term vacation resters do not neighborhood their year-touch form.

You and your visitors must comply with the following conditions:

- Park only in space assigned to your unit and obey posted parking signs.
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- PLEASE OBEY SPEED LIMITS AND WATCH OUT FOR CHILDREN.
 streets in this area are narrow and may or may not have sidewarks.
 Trashvitter must be placed in appropriate containers. Avoid overfilling.
- Comply with Ventura's Noise Ordinance: It is unlawful to make continued loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood.

Your landlord has provided a <u>Nulsance Response Plan</u> accessible to all neighbors within a 300-hoot natious. Any nuisance activities, such as loud stimhours parties or noise, disrupplie behavior, illegal parking, excessive and/or overflowing trash, or any activity that disrupts the neighborhood peako can and will be reported. If unacceptable conditions are not remediad immediately. Ventura Police Department and/or Code Entorcement will respond. Continued unacceptable behavior is subject to clation and fines.

Enjoy your vacation and please be a good neighbor.

What's a REALTOR® Supposed to Do?

Continued from page 7

Meanwhile, new rules released last month by the Consumer Financial Protection Bureau should help real estate professionals more easily obtain copies of the closing disclosure.

CFPB last year revised longstanding closing procedures under an initiative called Know Before You Owe, and some lenders and settlement agents began refusing to share the closing disclosure with brokers and agents, citing privacy concerns under the new policy.

On July 29, the agency released a proposed rule that would allow the information to be shared.

"The Bureau understands that it is usual, accepted, and appropriate for creditors and settlement agents to provide a closing disclosure to consumers, sellers, and their real estate brokers or other agents," CFPB said in its announcement of its proposed changes.

CFPB will be taking comments on the changes until October 18.

In Sacramento, the top housing issue is Governor Brown's proposal to allocate \$400 million for low-income housing projects but only if lawmakers give developers the right to build apartments and condo projects so long as their plans meet local zoning rules and 20 percent of the units are set aside for low-income families. The proposal would stop antihousing activists, labor unions, and environmentalists from filing CEQA lawsuits to block these "by right" projects.

Negotiations are continuing behind closed doors but the Legislature must approve any bill before it adjourns for the year on August 31.

More Information Available

More information about short-term rentals is available from

- Oxnard CLICK HERE
- the county **CLICK HERE**
- Ventura CLICK HERE,
- and about the Fillmore ordinance CLICK HERE

You can also access information from NAR. Use the link from this page (<u>CLICK HERE</u>) to find more detailed information in the members' section.



VCCAR ELECTION CYCLE



VCCAR to Interview Local Candidates

The presidential primary election held in June set the stage for the November general election. The Ventura County Supervisor District 1 race was decided in the primary, with incumbent Steve Bennett winning 59 percent of the vote over David Grau. The 3rd Supervisorial race will be determined in November between Carla Castilla and Kelly Long. Veteran incumbent Kathy Long (no relation to Kelly Long) is retiring.

Many local races will be determined in the November election, including several mayors, city councils, and school and special districts. During September and October, the VCCAR Local Candidate Recommendation Committee (LCRC) members will consider recommendations for candidates for county supervisor and for mayors and council members for Camarillo, Fillmore, Oxnard, Port Hueneme, Santa Paula, and Ventura.

The LCRC will be interviewing candidates in many of these races and determining the candidates who best understand and represent the real estate perspective. It is the responsibility of the LCRC to provide recommendations to the California Real Estate Political Action Committee (CREPAC), and the California Real Estate Independent Expenditure Committee (CREIC) on local candidates seeking support from C.A.R. REALTOR® PACs. These committees manage funds voluntarily contributed by association of REALTOR® members statewide and make contributions to and independent expenditures on behalf of recommended California candidates seeking office.

Filing for the local races closed on August 12, unless the current office holder or incumbent did not enter the race, in which case the filing period runs through August 17.



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UPCOMING EVENTS

C.A.R. Expo, VCCAR Trade Fair Among Upcoming Events

The California REALTOR* Expo will take place Sept. 27-29 at the Long Beach Convention Center. The event is free to all C.A.R. members and will feature more than 30 free seminars as well as access to the trade show. A number of luncheons and conferences are paid events, including the all-day Tech Tuesday session featuring seminars and classes. To register and for more information, visit the Who's Your REALTOR* Expo home page at http://expo.car.org/index.html

VCCAR is also holding a number of upcoming events through the end of the year, including:

Shredding Event, September 16, 9 a.m.-1 p.m. in the VCCAR parking lot. Let us help you clear the clutter! Shred up to 12 copy boxes or six banker boxes of paper at no charge.

Trade Fair, October 6. Join your fellow REALTORS® and Affiliates for the biggest event of the year on the VCCAR calendar. See what new services, products, and educational opportunities are available from dozens of exhibitors. Best of all – it's free!

Chili Cook-off, October 12. In this mouth-watering annual event, Affiliates round up some of the best chili anywhere, created by our member offices. Make sure and sign up – your office might go home with the Judge's Trophy or the Members' Choice Award. Chili, desserts, and sodas are free – beer and wine are \$5.

Fall Membership/BOOMER Meeting, October 13. Details coming soon.

Vino for Vets, November 10. This fundraising event honors all who served their country.

Installation Dinner, December 9. This year, we're returning to holding installation dinner to honor Outgoing President Mark Chacon and welcome in President-Elect Lyle Elliott and the 2017 Board of Directors. In addition, the Association's highest awards – REALTOR* of the Year, Broker/Owner/Manager of the Year, and Affiliate of the Year – will be presented. And don't forget – member offices can sponsor this major event. Contact the VCCAR office for more information.



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MEMBER UPDATE

A Day At The Ball Park

VCCAR members cheered on the boys in blue at the Dodger-Diamondbacks game on July 29, which also featured post-game fireworks. (Below) members get ready for the bus ride to Chavez Ravine. (Right) Michael Padilla and Janet Dorsey are wearing blue. The Dodgers won 9-7.







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August First Wednesday Event



August's First Wednesday event at the twenty88 wine bistro in Camarillo was a big hit with members, with the \$5 at the door contribution benefitting the Coalition for Family Harmony. "The Endless Summer" event was sponsored by RE/MAX Integrity, Dignified Home Loans, and Retirement Funding Solutions. Among those attending were, from left, Mike Love, Mark Chacon, Wendy Lawson, Tim Comstock, Barry Clement, Tammy Calhoun, and Jose Valenzuela.



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NEW MEMBERS

July New Member Orientation



July 26, 2016 The following new REALTORS® were sworn in and presented with their pins on July 26 during VCCAR's monthly New Member Orientation.

Front row, left to right:

Simone Herrmann, Keller Williams Realty; David J. Hawkins, Keller Williams Realty: Leonel Castillo, Keller Williams Realty Westlake Village; Mariann Rodriguez Mateo, Keller Williams Realty; VCCAR President Mark Chacon; Debbie Kantor, RE/MAX Gold Coast Realtors; Frances Starr, Shoreline Real Estate; Lucy Rodriguez, Century 21 Homeland; Flor Aguilar De Santiago, Cal-Properties; Rita Avila, The Oscar's Real Estate Team.

Back row, left to right:

Lyle Ensminger, Paradise Real Estate Services; Warren Weston II, Coldwell Banker Residential; Ryan Mulhall, Century 21 Troop Real Estate; Jason Wenn, Berkshire Hathaway HomeServices, Louis Guevara, Coldwell Banker Residential; Dianna Marcello, Engel & Voelkers Westlake Village; Paul Vawter, Comstock & Calhoun Real Estate Co.

Not Pictured: Jacob Ford, Tri County Realty





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Date: September 15 & 16, 2016 Time: 9:00 am – 4:30 pm Cost: \$250.00 (normally \$299.00) Location: Ventura County Coastal Association of REALTORS® 2350 Wankel Way Oxnard, CA 93030 Register online at:

www.coachingtoexcellence.com/sres

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Ventura County Coastal AOR is hosting a Shred Event for members!

Limit per members: 12 Copy Boxes or 6 Banker Boxes (12" x 10" x 15") Please ioins us

Friday, September 16, 2016

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