

From the GAD's Desk **April 2006**

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Government Affairs Director

Federal Issues

The U.S. Department of Justice continues to battle with NAR regarding how brokers' display their listings on the Internet. Recently, the DOJ filed a brief against NAR's request to dismiss the DOJ antitrust lawsuit.

In a recent letter to association and MLS leaders, NAR President Tom Stevens reiterated NAR's position on the lawsuit and on the DOJ's latest move. Stevens explained how NAR and DOJ are at odds on three main issues.

First are the MLS rules regarding whether brokers can display competitor listings on their Internet sites. According to NAR, the DOJ claims that displaying other brokers' listings on an Internet site is an inherent right of participation in the MLS. Brokers who do not want to permit such Internet display must drop out of the MLS. It is NAR's position that in order to preserve the cooperation that has made MLS so valuable, it is necessary to allow each broker to determine whether her listings can be displayed on competitors' websites.

The second issue, according to NAR, is that the government believes that any licensed broker may use MLS listings, including making money from the display of those listings on their website. It is NAR's position that brokers must be "engaged in the business of either listing or selling properties" to be entitled to participate in the MLS.

Finally, NAR says the government persists in mischaracterizing its suit as one to protect "innovative" brokers who use the Internet against "traditional" bricks and mortar brokers. Specifically, NAR is concerned that the DOJ continues to ignore a listing broker's right to control their hard-earned asset – their listings.

For more information about the DOJ lawsuit and NAR's response, please visit <http://www.Realtor.org>.

Local Issues

The City of Hayward has extended its moratorium on condominium conversions through December 2006. The moratorium allows city staff and elected officials to revise the outdated condominium conversion ordinance. However, Hayward city staff report that a revised ordinance could be completed by June and the moratorium lifted.

Hayward staff conducted a focus group meeting in early March to gather information about issues related to condominium conversions from property owners, managers and the real estate community. Bay East was represented at this meeting.

In the Tri-Valley area, the City of Livermore is considering adopting a special assessment district to pay for the recently completed downtown streetscape improvements. The downtown project was approved and completed without a plan for paying for the ongoing maintenance of the improvements. The assessment district would generate revenue from fees levied on downtown commercial and residential property owners.

City of Livermore staff has conducted a series of community meetings to gather input from affected property owners about the assessment district. Bay East members and staff have represented the concerns of the real estate community regarding this issue and the manner and timing in which it was proposed.

As the April issue of the Guide goes to press, the latest news is that the Livermore City Council is scheduled to consider the assessment district in early April. Watch this space for more details. If you would like more information on this proposal, please call me at (925)730-4068.

From the GAD

The times they are a changing! This classic Bob Dylan lyric is a great summary for the current real estate market. But don't let America's top folk-rocker convince you until you see the numbers, current market statistics also reflect these changes. Want to learn more? I'll be happy to make a presentation on real estate market trends and predictions at your office meeting, service club meeting or for other groups. Please contact me at (925)730-4068 or via email at: davids@bayeast.org for more information or to schedule a presentation.