

# Legal Activities Research Guide

## NAR Archives Research Guide

The National Association of REALTORS® Archives produces Research Guides with the goal of helping members, scholars, and staff locate information held in the Archives. Each Guide covers one series of records, providing historical background and context on how the materials relate to NAR as a whole. In addition, the Guides contain content lists, brief notes about the materials, and box locations within the Archives. Researchers can use these Guides to gain a better understanding of the materials and quickly decide which records may be most relevant to their research.

### Legal Activities

#### Series B10

<https://realtor.soutrnglobal.net/Portal/Members/en-US/RecordView/Index/5792>

From the very beginning, the National Association of Real Estate Exchanges outlined in its Constitution and By-Laws that the Executive Vice President could “employ a general counsel and such other assistance as may be necessary, and to approve an office for the conduct of the affairs of the Association.”

The first General Counsel of the Association was Colonel Nathan William MacChesney. MacChesney served as the General Counsel of NAREB from 1908 until 1947, helping to build a firm legal foundation for the Association. He helped to draft the charter, constitution and bylaws, and wrote the first model real estate license act. From 1947 until 1961 Joseph Fleming was the General Council. From 1961 until 1971, NAREB used outside counsel from Kirkland, Ellis, Hodson, Chaffetz & Masters. In 1976, NAR created the Legal Affairs Department and in 1980 NAR hired William D. North as General Counsel. North served as NAR’s General Counsel until he was appointed as Executive Vice President of NAR in 1986. From 1987 until 2013, Laurie Janik served as the General Counsel. In 2014, Katie Johnson became General Counsel, a position she still holds today.

## Collection:

### B10:01 Legal Department

Purpose of the Legal Department: "The attorneys employed by NAR provide legal counsel to NAR leadership, committees and staff on the programs and policies of the Association. They defend or supervise litigation where NAR is a party and author amicus curiae briefs in cases of significance to the real estate industry. They also administer various risk management programs for REALTORS®."

#### B10:01 Box 1

- Special Committee on Expert Real Estate Testimony, 1926-1927
  - Material from special committee appointed by BOD in 1926 to cooperate with an American Bar Association investigation into abuses of expert testimony
- Standardization of Legal Forms, 1920-1938
  - Correspondence about the standardization of legal forms in real estate. Includes sample contracts, lease agreements, etc.
- Creation of a Legal Department, 1938
  - A letter from Nathan MacChesney, General Counsel, to Herbert U. Nelson, Executive Vice President, requesting the creation of a Legal Department at NAREB.
- Legal Affairs profile, 1996
  - An informational brochure about NAR's Legal Affairs Department, including profiles of each staff member in Legal Affairs.
- Legal Action Committee minutes 1989-1997
  - "The principle purpose of the Legal Action Program of the National Association of REALTORS® is to provide financial assistance to support litigation of significance to the Association, including matters relevant to the practice of real estate, the operation of real estate associations, ownership and the use of real estate, and private property rights...The Legal Action Committee hears requests for and makes recommendations to the NAR Board of Directors regarding financial assistance to be provided in appropriate cases."
- REALTOR® Lawyer Committee, 1935-1954
  - A committee formed to study, with the American Bar Association, the legal implications of lawyers seeking commissions from real estate transactions.

#### B10:01 Box 2-6

- Legal Seminars
  - Legal seminars conducted by NAR's Legal Affairs Department for Board leadership and legal counsel
    - Boards of REALTORS® and the Law, 1979-1989
    - Legal Seminar for Local Board and State Association Legal Counsel, 1990-2018

## B10:02 REALTOR® Trademark

### B10:02 Box 1

- Trademark Usage Pamphlets
  - Pamphlets instructing REALTORS® and local boards on how to use the trademark, what sets REALTOR® apart from real estate agent, and how to protect NAR from trademark violations
    - REALTOR®: Its Meaning and Use, 1922
      - Includes a 1923 letter from the Executive Secretary to the Tulsa Real Estate Board explaining the pamphlet and the emblem
    - REALTOR®: Its Meaning and Use, 1965
    - And Now...a word about the REALTOR® trademark, 1977
    - On Your Mark: A Trademark Pocket Reference for Members, 1994-2003
- REALTOR® Service Bulletin, 1945-1947
  - A newsletter from the Committee on REALTOR®, charged with promoting the term REALTOR®
- Membership Marks Manuals
  - Manual on Promotion of the Term REALTOR®, 1937
    - “This manual is designed to assist individual REALTORS®, local boards of REALTORS®, and state associations of REALTORS® in promoting the use of our designation REALTOR® and to make the public aware of the term and its real meaning.”
  - Identification and Communication Standards Manual, 1973
    - “The following Identification and Communication Standards Manual will help us incorporate the Identification program into our day-to-day business operations, while offering established principles on the proper usage of the term REALTOR® and REALTOR-ASSOCIATE®.”
  - Collective Membership Marks Handbook, 1976
    - “The introduction of the new REALTOR® logo also marked the beginning of an intensified program to preserve and protect the REALTOR® mark and other marks of the National Association...This handbook is a ready reference tool, it includes: introductory information about the marks, the protection program and your role as a member; answers to the most common questions on proper use of our marks; examples of proper and effective use of the REALTOR® logo in stationary designs and ads; and official reproduction proof for use in your copy preparation.”
  - A writer’s and designer’s guide to proper usage, 1979
    - A guide on trademark usage for designers and artists asked by members of NAR to create promotional materials
  - Membership Marks Manual for Members and Member Boards, 1984, 1992, and 1996
    - “This Membership Marks Manual is concerned with the defense of the name REALTOR®...It was the name taken on March 29, 1916 to separately identify and distinguish members of the National Association from all other persons, licensed or unlicensed, engaged in the the real estate business...This manual is focused on the defense of the name REALTOR® from usurpation. As such, it is concerned with the two ways in which the name can be usurped. The first way is for the name REALTOR® to be used by those persons who are not members of the National Association, and therefore, not entitled to use the name. The second

way is for the name REALTOR® to be used in any such a way that it ceases to describe a member of the National Association and is, instead, made to describe merely anyone who happens to be in the real estate business. The importance of preventing the usurpation of the name REALTOR® is central to the realization and preservation of its asset value to the REALTOR®, to the Board of REALTORS®, and the National Association.”

- Written by William D. North

#### **B10:02 Box 2**

- Graphic Standards Manual, 1989 and 1991
  - Supplement to the Membership Marks Manual
  - “This manual sets forth rules that guide the design of the Association’s printed materials.”
- Graphic Standards and Style Guidelines, 1998
  - “This manual explains the application of guidelines to assist in the proper use of the MARKS. The MARKS are collective membership marks which serve to identify members of the National Association and distinguish them from non-members.
- Logo Usage Guidelines, 2010
  - “This document details the guidelines for these new logos and using them in various common communications. Using them consistently in member communications will further generate and leverage the power and recognition of the National Association of REALTORS® brand, as well as the many resources, programs, and services that provide incredible value to our over one million members.”

#### **B10:02 Box 3**

- REALTOR® Term and Emblem Registrations
  - United States 1916-1969
    - Correspondence and documents from the U.S. Patent Office for the patent and registration of the REALTOR® terms and emblem. Includes trademark registration applications and renewals.

#### **B10:02 Box 4**

- Alabama-Louisiana
  - Documents for registration of the REALTOR® term and emblem for trademark protection in each state

#### **B10:02 Box 5**

- Maine-Oregon
  - Documents for registration of the REALTOR® term and emblem for trademark protection in each state

#### **B10:02 Box 6**

- Pennsylvania-Wyoming

- Documents for registration of the REALTOR® term and emblem for trademark protection in each state

### **B10:02 Box 7**

- Australia, 1963
  - Documents for registration of the Realtor term and emblem for trademark protection in Australia
- Great Britain, 1969-1970
  - Documents for registration of the Realtor term and emblem for trademark protection in Great Britain
- Jamaica, 1957-1972
  - Documents for registration of the Realtor term and emblem for trademark protection in Jamaica
- Mexico, 1957
  - Documents for registration of the Realtor term and emblem for trademark protection in Mexico
- New Zealand, 1963-1966
  - Documents for registration of the Realtor term and emblem for trademark protection in New Zealand
- Panama, 1945
  - Documents for registration of the Realtor term and emblem for trademark protection in Panama
- Philippines, 1950-1967
  - Documents for registration of the Realtor term and emblem for trademark protection in the Philippines

### **B10:02 Box 8**

- REALTOR Trademark Violations (guidelines and policies)
  - How to Deal with REALTOR® violations, 1928
    - Includes procedures and suggested form letters for dealing with violations of the term REALTOR®
    - Created by Nathan MacChesney
  - Special Supplement to Member Real Estate Boards, 1937
    - A supplement on the court decisions to uphold the exclusive rights of NAREB to the term REALTOR®.
  - Brief and Argument and Pleadings for the Protection of the term REALTOR®, 1940s
    - “Brief in support of pleadings, for trial of case, and for argument in litigation for the protection of the term “REALTOR” in suit in court of equity brought by local Real Estate Board and National Association of Real Estate Boards.”
    - “Suggested form of Pleadings in suit to protect the use of the term “REALTOR” by local Real Estate Board and the National Association of Real Estate Boards.”
    - Created by Nathan MacChesney
  - REALTOR violation case complaint forms, 1950s
  - Policy in Handling REALTOR® Infringement Cases, 1956
    - Policy outlining how infringement cases are dealt with by the local board
- REALTOR Trademark Violations (case files 1920-1967)
  - Minneapolis Board v. Northwestern Telephone Exchange Co. (1920)

- NAREB v. Sinclair Lewis and Harcourt Brace (1922-1924)
- Norfolk Board v. C.E. Townsend (1924)
- NAREB & Blackburn v. R.A. Saunders (1924)
- Detroit Board v. C.E. Austin (1924)
- Detroit Board v. Alfred Shambleau (1924)
- NAREB & Blackburn v. E.W. Cannady (1925)

### **B10:02 Box 9**

- St. Louis Board v. H.F. Levy (1925)
- Baltimore Board v. M.S. Callaway (1925)
- Baltimore Board v. N.C. Sibley (1926)
- Grand Rapids Board v. A.A. Jacobs (1927)
- Detroit Board v. A.E. Alldis (1928)
- St. Louis Exchange v. Schemel & Grimm (1928)
- Washington Real Estate Board v. Davis E. Barry (1931)
- St. Louis Exchange v. J.W. Kerr (1935)
- Chicago Real Estate Board v. Neuvo Liscomb (1936)
- Tinkoff v. NAREB, Chicago Real Estate Board v. Department of Education and Registration (1947)
- NAREB, etc., et al., v. Peninsula Real Estate Association, etc., et al., (1954)
- NAREB & Philadelphia Real Estate Board v. Albert H. Weller (1954)
- San Antonio Real Estate Board v. Manuel Paiz, Paiz & Associates, Inc., and Southwest Bell Telephone Company (1959)
- NAREB & New Hampshire Association of REALTORS® & Portsmouth Board of REALTORS® v. J. Walter Hollis (1961)
- Westchester County Board of REALTORS® v. Landman (1966)
- National Association of Real Estate Boards & St. Paul Board of REALTORS® v. Young, Young, & Young Realty (1966)

### **B10:02 Box 10**

- REALTOR Trademark Violations (legal files)
  - Pelway Realtors (1927)
  - United Realtors of Queens (1927)
  - Allied Multiple Listing Association (1957)
  - Realtrix (1957)
  - Orion King/Greater Pittsburgh BOR (1958)
  - Realtors & Promoters, Inc. (1962)
  - Saturday Evening Post (1962)
  - NBC Andy Williams Show (1967)
  - Reader's Digest (1973)

## **B10:03 Antitrust Laws**

### **B10:03 Box 1**

- U.S. National Industrial Recovery Administration hearing on Code of Fair Practices and Competition presented by Real Estate Brokerage Industry, 1934
  - Hearings on the federal government's proposal to establish codes of fair conduct for the home building industry. Includes statements by Herbert U. Nelson and other NAREB representatives.
  - Two bound volumes

### **B10:03 Box 1-2**

- Antitrust and Real Estate handbook and supplements, 1982
  - “This work has been prepared primarily for members of the National Association of REALTORS® (NAR), boards of REALTORS®, and those executive officers and lawyers who represent them. It is intended to be a valuable resource to REALTORS® in their efforts to acquaint their salespersons concerning the manner in which they must conduct themselves with respect to their competitors. It is intended to be a helpful guide to the officers and staff of boards in the organization and conduct of board affairs, activities, and functions. It is also intended to be a primary reference for REALTOR® and board counsel in their effort to assure antitrust compliance and to avoid or defend antitrust challenges to commercial and associational practices in real estate business.”
- Antitrust and Real Estate Self Study Program: Avoiding Price-Fixing and Group Boycotts, 1991
  - “This Study Guide has two goals: to help make real estate professionals aware of the impact antitrust issues have on their daily business dealings, and; to teach them ways to avoid antitrust liability”
  - includes guide and cassette tape

### **B10:03 Box 3**

- Antitrust Compliance Guide for REALTORS® and REALTOR-ASSOCIATES®, 1991 and 1996
  - “This Guide is intended to sensitize brokers and salespeople to the antitrust red flags that will inevitably arise in their day-to-day business affairs, and in their participation in their local board or association of REALTORS®”
  - Includes facilitators guide, handbooks, and VHS tape

### **B10:03 Box 4**

- Antitrust Publications
  - A Distinction without a Difference, 1977
    - A reprint of a speech by William D. North, General Counsel of NAR
  - Antitrust Compliance Program for Board Leadership, 1984, 1991, 1997, 1999 and 2008
    - “This manual is designed to assist boards in identifying questionable or sensitive conduct and discussions, and to help ensure that the legitimate affairs of the board are not subject to misinterpretation by government antitrust enforcers or private attorneys.”
  - Antitrust Compliance Program for REALTORS® and REALTOR-ASSOCIATES® supplemental publication, 1984, 1991, 1999, 2003, 2006, 2010
  - Antitrust Compliance Kit: Proactive Legal Action Program
    - “The purpose of these guidelines is to provide Member Boards with a checklist of Do’s and Don’ts.”

- Antitrust and Real Estate: A Reference Manual for Real Estate Brokers, Association Executives and their Legal Counsel, 1990
  - “The purpose of this manual is to provide REALTORS®, boards and associations of REALTORS®, and the executive officers and lawyers who serve them, with a reference source that explains the type of business and association conduct that can become the object of antitrust challenge and ultimate liability.”
- Commission Rate Surveys, 1929-1959
  - Reports and correspondence from local board surveys of commission rates for REALTORS® on leased properties.



## **B10:04 Legal Scans & Surveys**

### **B10:04 Box 1**

- Decisions on Unauthorized Practice of Law involving REALTORS®, 1888-1957
  - Compilation of case law concerning unauthorized practice of law by real estate professionals
  - 2 bound volumes

### **B10:04 Box 1-3**

- Legal Environmental Scan, 1997-1013
  - “Beginning in 1996, the Legal Affairs Department initiated a research effort that...looked for the frequency with which certain legal issues arise relative to specified factors, changes in that frequency, and indications that new issues are arising.”

## **B10:05 License Laws**

### **B10:05 Box 1**

- History of License Laws and Correspondence, 1954-1957
  - Notes by and correspondence to/from NAR historian Pearl Janet Davies on the development of real estate license laws in the United States.
- License law correspondence, 1913-1930
  - Correspondence about license laws, including municipal license laws
- License law articles, 1930s-1950s
  - Articles about license laws in practice in the United States
- Model License Laws
  - MacChesney Act for a state real estate license law, 1913-1924
    - Copies of the MacChesney Act, written by NAREB's general counsel Nathan William MacChesney, advocating for a real estate license law in each state. Includes correspondence.
  - Suggested Pattern: Real Estate License Law, 1958-1980
    - A publication of the License Law Committee for state Real Estate Commissions creating and amending real estate license laws
    - It is the "best of many license law ideas presented in one document. Your state can make the best use of this "Pattern Law" by looking upon it as a checklist for reviewing your own state act and determining those specific provisions in which your act may be strengthened."

### **B10:05 Box 2**

- License Law publications: various publications by NAREB about the development of license laws.
  - What Real Estate License Laws Have Accomplished, 1924
  - The Illinois Real Estate License Law in Operation, 1924
  - Summary of Real Estate License Legislation, 1924-1925
  - Real Estate License Laws: Their Development and Results, 1928
  - Essential Powers of a Real Estate License Law, 1928
  - License Law Legislation in 1929
  - Important Phases of Real Estate License Law Movement, 1930
    - Address by MacChesney to the States Council
  - Real Estate License Law Administrative Decisions, 1930
    - Address by MacChesney to the Real Estate License Law Commissioners
  - Survey of Real Estate Brokers License Laws, 1936
  - A Review of the License Law Structure, 1954
  - License Law Legislative Round-up, 1961
  - A Brief Analysis: The Relationship of Real Estate License Laws to a Code of Ethics, 1971

### **B10:05 Box 2-3**

- License Law Court Decisions, 1920s-1940s
  - Material on various state court decisions on license laws

### **B10:05 Box 4-5**

- License Law Committee, 1921-1997
  - The License Law Committee "studies the provisions of the various state license laws and any proposals for their improvement as submitted by other NAREB Committees or

affiliated institutes; encourages the consideration of provisions found to be desirable by preparing and distributing to state associations and to state real estate commissions suggested “model” provisions and regulations; presents information and creates discussion of suggested model provisions at general sessions during the National Convention and at other NAREB meetings; discourages undesirable practices by preparing and distributing information and suggested provisions to curb them and by focusing attention on them at meetings and in bulletins.”

- Includes minutes, agendas, and annual reports

### **B10:05 Box 6**

- Licensed Real Estate Industry/License Law Officials Liaison Committee (NAREB-NALLO Liaison Committee), 1963-1979
  - “NAREB is the organized profession which sets up policies to professionalize the industry. NALLO is the governmental arm which carries these policies into effect. Both aim to raise the standards of the profession and there should be absolute coordination between the two groups in every policy of either organization tending to effect this area of ethics and professionalism. The function of the committee would be to keep each organization informed as to the thinking of the other in this area.”
  - Includes minutes.

## **B10:06 Mortgage and Finance Laws**

### **B10:06 Box 1**

- RESPA
  - RESPA pamphlets and brochures, 1975-2008
    - What You Should Know About the Real Estate Settlement Procedures Act, 1975
    - Interim Regulations Governing the Real Estate Settlement Procedures Act, 1976
    - What the RESPA Amendments Are All About, 1976
    - AfBA Affiliated Business Arrangements: A Guide to Complying with the Real Estate Settlement Procedures Act, 2005
    - RESPA: A Guide to Complying with the Real Estate Settlement Procedures Act, 2005
    - RESPA Do's and Don'ts, 2008
  - RESPA materials, 1974-1990
    - Material relating to the Real Estate Settlement Procedures Act of 1974 (RESPA). Correspondence regarding RESPA and Section 8 "kickbacks" between NAR leadership and members of Congress, HUD, local boards, etc.
  - One Stop Shopping, 1992
    - Overview of RESPA's restrictions on ancillary services and referral fees and their impact on home buying.
  - RESPA Compliance Kit, 1993
    - Booklet summarizing HUD's proposed rule on Controlled Business Arrangements (CBAs) and Computerized Loan Origination Systems (CLOs), plus guidelines for complying with various provisions of RESPA.

### **B10:06 Box 2**

- Other Mortgage and Finance Law materials
  - Real Estate Credit Restrictions, 1950
    - "NAREB supports and urges the repeal of credit restrictions over real estate"
    - Correspondence and a statement before the Senate Banking Committee about NAREBs position on Regulation X.
  - Truth in Lending and the REALTOR®, 1969
    - An analysis of the provisions of the Consumer Credit Protection Act as they affect the real estate industry.
  - OCC Permits Banks to Engage in Real Estate Development and Merchant Banking, 2006
    - A compendium which "provides a chronology, a summary of the issue, talking points, Q & As, and copies of all of NAR's letters that NARE as sent to these regulators, including our request to testify against Wal-Mart pending FDIC application for Federal deposit insurance. Also included in this compendium are copies of the key press articles and NAR press releases on this vital public policy issue."

## **B10:07 Technology and Telecommunications Law**

### **B10:07 Box 1**

- Data Security and Privacy Toolkit, 2010-2011
  - “This Data Privacy and Security Toolkit aims to educate real estate association, brokers, agents, and multiple listing services about the need for data security and privacy; and to assist them in complying with legal responsibilities.”
- Do-Not-Call/Do-Not-Fax Toolkit, 2003
  - “It is our hope that the information contained in this package will provide you with the tools you need to understand the new federal [do not call/do not fax] rules.”

## **B10:08 Broker Liability**

### **B10:08 Box 1**

- Risk Reduction
  - Pitfalls Vol. I-III, 1952-1957
    - Pitfalls newsletter: “pitfalls” sent in by brokers and George F. Anderson, retired lawyer and professor at John Marshall Law School, answers them. “The aim is to point out all the ‘pitfalls’ so that a broker’s life may become a primrose path of dalliance.”
  - Legal Pitfalls of Real Estate Financing: Sources of Potential Liability, 1983
    - Part of the Innovative Real Estate Financing: Survival in the Eighties series
      - “This program identifies areas of potential liability in today’s sophisticated real estate financing environment and supplies techniques and tools to help real estate professionals minimize these risks.”
  - Legal Pitfalls of Real Estate Financing: Risk Reduction Techniques, 1983
    - Part of the Innovative Real Estate Financing: Survival in the Eighties series
      - “This program concentrates on risk reduction techniques.”
  - Broker Liability: Successful Efforts to Limit Broker Liability, 1985
    - Reprints of articles from Real Estate Today® about claims avoidance
  - REALTOR® Liability Task Force Final Report, 1987
    - “The Task Force studied the sources and causes of broker liability problems, developed objectives for broker and agent education, and identified practices that, if implemented, should reduce the liability of real estate agents.”
  - Risk Reduction Instructor Training Seminar, 1989
    - Materials from a workshop for REALTORS® who will train others in risk reduction.
  - Legal Liability Series promotional materials, 1980s-1990s
    - Brochures to purchase materials from the legal liability series (publications on different areas of risk management)

### **B10:08 Box 2**

- Don’t Risk It: A Broker’s Guide to Risk Management, 1995-2000
  - “This manual was developed to assist real estate brokers in reducing their legal liability.”
  - Includes sample forms, policies, and agreements.

### **B10:08 Box 3**

- Real Estate Brokerage Essentials: Managing Legal and Business Issues, 2006-1016
  - “business tool for brokers to run their offices efficiently and minimize their risk for legal liability.”
- Blueprints for Conflict Resolution, 1996
  - “A prototype internal complaint handling procedure to use as a starting point in developing one for your company.”
- Legal Liability Survey, 1995
  - “A cross-sectional survey of residential real estate brokerage firms in an effort to become better informed about our industry’s changing business practices with respect to agency, property disclosure, errors and omissions insurance, and mediation, as well as our member’s views on these subjects.”

- Agency Law
  - Real Estate Brokers and Unauthorized Practice of Law, 1960
    - A publication of legal cases related to dual agency
  - Agency and Real Estate, 1986
    - “represents the educational foundation of the agency education program of the National Association of REALTORS®.
  - Who Is My Client? A REALTORS® Guide to Compliance with Law of Agency, 1986-1988
    - “This handbook is designed to assist real estate brokers and salespeople in understanding the common law of agency that applies to their dealings with sellers and buyers, and the consequences that can beset a real estate broker who breaches his agency duties, either accidentally or by design.”
  - Agency Law: The Proper Conduct of Agency Relationships, 1991
    - A self-study program “to help real estate professionals understand the common law of agency that applies to their dealings with sellers and buyers; and to clarify the rights and responsibilities generated by agency relationships.”
  - Agency: Choices, Challenges, and Opportunities, 1993
    - “to help real estate professionals understand the common law of agency and the different types of agency relationships practiced today. It provides guidelines for a broker or salesperson to follow when required to relay information about agency relationships to consumers.”

#### **B10:08 Box 4**

- Clarifying Agency: Real Estate Professionals, Consumers, and Disclosure, 1993
  - “This manual is intended to serve as a reference for REALTOR® Associations seeking to enact or enhance agency disclosure laws or regulations in their state.”
- Agency Resources, 1993
  - “This list contains information on agency products, materials, and seminars that are available” for REALTORS® training on agency issues.
- NAR Agency Fact Sheets 1992-1994
  - Fact sheets about NAR’s position on agency, agency disclosure, and dual agency.
- Creating Office Policies on Agency, 1993
  - “The manual serves as a guide for salespeople regarding whom they represent, how it should be done, and the proper time to disclose this representation.”
- Risk Reduction Committee minutes, 1988-1997
  - Purpose is “to facilitate a national discussion and awareness of risk management issues and related potential legal liability facing members, create and present educational programming on relevant risk management issues, and monitor the status and availability of errors and omissions insurance addressing such risks.”

## **B10:09 Environmental Laws**

### **B10:09 Box 1**

- Excess Condemnation, 1927-1930
  - Correspondence about excess condemnation in cases where a city claims land is in the public sphere not in the hands of private owners.
- Environmental Controls: A Handbook for REALTORS®, 1977
  - “This handbook deals with specific Federal environmental laws and Federal programs that directly affect the real estate and development industry...it is a tool you can use to become more familiar with these important Federal laws and their programs.”
- Environmental Hazards, 1990
  - A self-study program to “provide basic information about common environmental hazards and outline ways in which brokers and sales agents can minimize their legal liabilities.”
- Residential Appraisal: Confronting Environmental Issues, 1994
  - A self-study course “to provide real estate practitioners with practical information about the environmental issues that impact residential property.”
  - Includes a workbook and CD
- REALTORS® Environment Committee, 1993-1995
  - Purpose is to: “monitor and recommend actions and strategies on legislative and regulatory matters affecting the development, sale, transfer and value of real estate, such as indoor air quality (e.g., asbestos, radon), hazardous substances, wetlands, and coastal development, lead-based paint, flood plain management, and the availability and protection of water supplies. To monitor federal, state and local legislation and regulation pertaining to land use and property rights; to recommend federal actions and strategies on legislative and regulatory matters pertaining to land use and property rights; and to recommend appropriate Association responses for assistance of state REALTOR® associations and local boards in influencing such governmental actions.”
- HERS Council Minutes, 1995
  - The HERS (Home Energy Rating Systems) Council “is a broad based coalition that represents the various groups that have a vested interest in the success of a voluntary, nation process linking home energy rating programs with financing for energy-efficiency improvements.”



## **B10:10 Employment Laws**

### **B10:10 Box 1**

- The Independent Contractor in Real Estate, 1977
  - “The purpose of this guide is to review and discuss: The nature and significant aspects of the independent contractor relationship; the responsibilities of the parties’ attendant the independent contractor relationship; the establishment and maintenance of an independent contractor relationship; and some guidelines to bear in mind in the event of an IRS audit.”
- Independent Contractor or Employee: What’s in a Name? 1987
  - A guide to determine if you are an independent contractor or an employee and what your legal rights are as each
- A Firm Foundation: Blueprints for Office Risk Reduction Practices, 1989
  - “This manual is intended to provide REALTORS® with a blueprint upon which to build an office risk reduction program. It covers topics of law pertaining to office structure and operations as well as relationships with clients and customers. Risk reduction implementation procedures are suggested, including forms to use in documenting action in the event compliance with the law is ever challenged.”
    - Includes reference handbook, facilitator’s guide, and VHS/audiocassettes

### **B10:10 Box 2**

- Minority Recruiting Guide, 1990
  - “This guide is designed to be used by members of the National Association of REALTORS® for their efforts in planning and implementing minority outreach campaigns for sales agents and salaried staff positions. Outreach includes recruiting, interviewing, hiring, and supporting a diverse workforce which includes members of diverse races and ethnic origins.”
- How to Comply with Federal Employee Laws, 1990
  - A book for employers to comply with federal employee laws to “build a positive work environment and employee loyalty.”
- The Independent Contractor in Real Estate: A Guide for Members, 1992
  - Intended to update “What’s in a Name” to identify independent contractor vs. employee relationships and legal rights
- Sexual Harassment: Awareness and Prevention, 1996
  - Course goal is “to acquaint participants with the issue of sexual harassment so that they can recognize it and understand the necessary steps to address situations that involve sexual harassment.”

### **B10:10 Box 3**

- Workplace Harassment: Awareness and Prevention, 2006
  - “This guide is designed specifically to help real estate professionals understand the nature of unlawful harassment and how to prevent it from happening in their workplace.”
- Guide for Risk Management: Workplace Law and Office Policies, 2001
  - A guide to employment laws and creating workplace policies to avoid office conflict and litigation.
- Guide for Risk Management: Real Estate Assistants, 2001

- A guide to understanding the legal and economic implications hiring an assistant will have on a real estate brokerage.
- Guide for Risk Management: Independent Contractors in Real Estate, 2001
  - A guide on the legal considerations of working with independent contractors.

## **B10:11 Tax Laws**

### **B10:11 Box 1**

- National Committee on Taxation, 1912-1935
  - Minutes and reports from the Committee on Taxation, created to study and report on tax limitation, property tax laws, and income taxes
- National Committee on Local and State Taxation, 1934-1944
  - Bulletins, correspondence, and newspaper clippings from the National Committee on Local and State Taxation, reporting on the status of tax laws in each state.
- NAREB publications and memoranda on taxation legislation, 1926-1931
  - Memorandum with Reference to Treasury Decision 3921, 1926
  - Additional Point to be Included in those Present to the Congressional Committee of Congress, 1926
    - NAREB's point on residential property taxation in the Revenue Act of 1926
  - Conference Called by Federal Legislation and Taxation Committee Primarily for Discussion of Federal Revenue Law of 1926
    - Discussion of proposed legislation for the relief and more equitable taxation of real estate.
  - An Act to Permit the United States to be made a party defendant in certain cases, 1929-1931
    - NAR's comment on the act in support of removing government liens on real estate
  - Information for Member Boards to publicize efforts on tax revision, 1931
    - Radio scripts
  - Suggestions for local conferences on housing, 1932
- Taxation and Capital Gains, 1927-1952
  - Correspondence and reports about NAREB's position on the taxation of capital gains from real estate transactions

### **B10:11 Box 2**

- Federal Revenue Act of 1926
  - Correspondence and news clippings about the income tax provisions in the Federal Revenue Act of 1926
- Income Tax law correspondence and reports, 1914-1995
- Property Tax and Spending Limitations: A Handbook for REALTORS®, 1981
  - "This guide seeks to assist REALTORS® in assessing the taxation and spending equation in their own state, and in designing, ration, coherent and defensible tax and spending limitation measures if needed."
- Questions and Answers for the New \$500,000 Home Sale Exclusion pamphlet, 1997
  - "The Q &As in this document are intended to provide basic guidance for agents, sellers, and buyers on issues that are covered by the new federal statute [on taxpayers who sell their principal residence]."

## B10:12 Fair Housing & Civil Rights Laws

### B10:12 Box 1

- Fair Housing brochures and pamphlets
  - Freedom of Choice vs. Coercion, 1968
    - A critical analysis of the Title VIII of H.R. 2516, providing for a Federal open occupancy law
  - Forcing The Door, 1966
    - “A comment on Title IV—the forced housing title—of the proposed Civil Rights Bill of 1966 based on testimony presented by Alan L. Emlen Philadelphia Chairman, REALTORS’ Washington Committee before Subcommittee on Constitutional Rights Committee on Judiciary”
  - Historical Background of the REALTORS® Position in Race Relations, 1965
    - “This is a reproduction of a series of nine editorials published in REALTOR’S Headlines in the early months of 1965, brining up-to-date a sequential outline of the important milestones in change public—and REALTOR®--policy in the filed of race relations, with emphasis upon subjects affecting housings.”
  - Human Rights and the REALTOR®, 1963
    - “This is a reproduction of a series of 10 editorials originally published in REALTOR’S® Headlines in September, October, and November, 1963, being a discussion of some of the background of the Negro movement for recognition, its relationship to housing, and the involvement of the REALTOR® as an object of attack by extremists.”
  - A Guide of Fair Housing Law
    - A guide prepared by the Massachusetts Commission Against Discrimination for “real estate brokers, home builders, real estate owners, land developers, landlords, agents and tenants, home owners and home buyers.”
  - Let the Voice of the People Decide...the question of Forced Housing: A Statement of Policy, 1964
    - A pamphlet from the Illinois Association of Real Estate Boards, stating their position on forced housing and what REALTORS® can do in the general election.
  - An Urgent Message to Every Home Owner in the United States, 1964
    - A letter to NAREB members to encourage Congress not to pass HR 14765 and S. 3296
  - Ignorance of the Law is No Excuse, 1962
    - A pamphlet from the New Jersey Association of Real Estate Boards informing members of the consequences of housing discrimination
  - A Civil Rights Program for Moderates, 1963
    - A reprint of a speech given to the Michigan Real Estate Association by Everett R. Trebilcock, the General Counsel of MREA about housing discrimination.
  - Property Owners Bill of Rights, 1963
    - NAREB’s bill of rights for property owners, “regardless of races, color, or creed.”
  - Look Before You Leave: A Primer for Changing Communities, 1960s
    - A pamphlet from the Chicago Commission on Human Relations about changing neighborhoods and how residents can stay and welcome change, rather than leave neighborhoods.
  - What Everyone Should Know About Equal Opportunity in Housing, 1979-2003
  - It’s Your Move! Open Housing: It is Fair, it is the Law, and It Affects You, the Home Seller

- REALTORS® Fight Discrimination! Do You? 1980
- Equal Opportunity Speakers Bureau, 1979
  - A listing of speakers from NAR to come to member boards and speak about issues of equal opportunity.
- Fair Housing Kits, Manuals, Guides, and Handbooks
  - Forced Housing Kit, 1964
    - “Kit includes: suggested public policy program, press releases, brochures, civil rights program for moderates, NAREB Policy on Minority Housing, suggested speeches, newspaper reprints.”
    - Created by the State Associations Committee
  - The REALTOR® and Human Relations at the Community Level, 1965
    - A manual to “assist Member Boards in bringing effective opposition to the adoption of the so-called “fair housing” legislation which seeks to “deny, limit, or abridge” the freedom of contract in real estate transactions; and to present positive suggestions for action that may be taken to help minority families “assert the right of equal opportunity...to acquire any parcel of real property.””
    - Created by the State Associations committee

#### **B10:12 Box 2**

- Fair Housing Laws: Summaries and text of state and municipal laws, 1964
- Fair Housing and Equal Opportunity Guides, 1973-1977
  - Equal Opportunity in Housing Speakers Guide, 1972
    - For REALTORS® to inform their colleagues, their Associates, and the public
  - REALTORS® Guide to Practice Equal Opportunity in Housing, 1973-1975
    - A Guide to adoption and implementation of the Code for Equal Opportunity in Housing and the Affirmative Marketing Agreement of the National Association of REALTORS®.
  - Civil Rights and the Real Estate Sales agent, 1976
    - A Guide to Fair Housing Opportunity through the Law and the National Association of REALTORS® Code of Ethics.
  - Equal Opportunity Advertising Kit, 1977
    - “Enclosed are reproduction proofs of the HUD Equal Housing Opportunity slogan and logo, the HUD Publishers Notice, and the National Association of REALTORS® approved Affirmative Marketing Advertisements...Any REALTOR® is free to utilize these materials as part of an equal opportunity program”
  - Civil Rights Directory, 1977
    - This directory “lists in alphabetical order the major organizations which have an interest in equal rights for all people, not only in the area of fair housing, but in the field of voting rights, employment, education, and economic development. A capsule summary of the major activities of each group is included with the current mailing address for the organization.”
- Equal Opportunity in Housing Kit, 1978-1983

### B10:12 Box 3

- Building a Nation of Neighbors 20<sup>th</sup> anniversary advertising kit, 1985
  - A kit with advertising and informational materials to celebrate the 20<sup>th</sup> anniversary of the Fair Housing Act.
- Passwords and Prejudice: A REALTORS® Guide to Fair Housing Compliance, 1985-1986
  - “This handbook on fair housing compliance is intended to provide the Passwords necessary to meet the challenge of prejudice as it affect housing opportunity and to meet it in a way which is unambiguous, credible and legal.”
- Role Play Exercises for Brokers, Buyers, and Bias, 1986
  - “Role Play Exercises from Brokers, Buyers, and Bias provides you with seven fair housing questions from “Passwords and Prejudice.”
- Keys to Equal Opportunity in Rental Housing, 1987
  - ““Keys to Equal Opportunity in Rental Housing” looks at the application of the Fair Housing laws to the rental housing marketed and the relationship of landlord and tenant.”
- Model Equal Opportunity Training Manual, 1988
  - “The dual objective of this program is to educate REALTORS® and REALTOR-ASSOCIATES® in their responsibilities under the Affirmative Marketing Agreement and to promote adoption of the Agreement.”
- Fair Housing Act Amendments of 1988 Self Study Guide, 1990
  - Includes cassette and booklet
  - “To reduce liability and ensure compliance with the new federal fair housing laws, real estate agents need to: be aware of how to deal with the two new protected classes, the handicapped and families with children; be aware of the changes in provisions dealing with enforcement and penalties; understand how adoption and compliance with the Voluntary Affirmative Marketing Agreement (VAMA) helps to minimize company and agent liability.”
- Fair Housing Compliance Guide, 1989
  - “...includes questions brokers and agents are frequently expected to answer that have legal significance under fair housing laws.”

### B10:12 Box 4

- Fair Housing: The Heart of America advertising kit, 1990-1991
  - Includes suggested activities to celebrate fair housing month, sample press release, sample speech, talking points, ad slicks, “Open Door” radio PSA, fact Sheet on NAR, “Heart of America” logo sheet, and ample promotional items.”
- Fair Housing in the 90s: Rental course, 1992
  - “The goal of this course is to enable you to comply with fair housing laws by approaching all prospective rental tenants in the same manner regardless of race, color, religion, sex, handicap, familial status, or national origin.”

### B10:12 Box 5

- Fair Housing in the 90s: Providing Equal Professional Service, 1992
  - “At the end of this program, you will be able to do the following: identify the four major fair housing violations; name all groups considered to be protected; understand the be able to implement the Equal Professional Service Model; answer potentially illegal questions, without damaging the client/customer;

recite the penalties of violating the fair housing law; be about to use the EPS Model to stay within the law and to increase your professionalism.”

#### **B10:12 Box 6**

- Fair Housing: Opening Doors to Equal Opportunity, 1996
  - “This course contains significant facts about fair housing laws and outlines steps you can take to implement a personal commitment to fair housing in your business practice.”

#### **B10:12 Box 6-8**

- Fair Housing: Shared Neighborhoods, Equal Opportunities (Rental), 1998
  - “The goal of this course is to example participants to comply with the fair housing laws by approaching all prospective tenants in the same manner regardless of race, color, religion, sex, handicap, familial status, or national origin.”

#### **B10:12 Box 8-9**

- Fair Housing: Shared Neighborhoods, Equal Opportunities (Sales), 1998
  - “The goal of this course is to example participants to comply with the fair housing laws by approaching all clients in the same manner regardless of race, color, religion, sex, handicap, familial status, or national origin.”
- We’re REALTORS®: We Build Opportunity One Home at a Time, 1995
  - Promotional poster celebrating 35 years of the Fair Housing Act
- Diversity Toolkit for REALTOR® Associations, 2004
  - “The Association’s Diversity Program, operating with the NAR Government Affairs Division, strives to increase member awareness of the impact of diversity on business relationships and opportunities for business growth. The program provides tools and activities that help REALTORS® understand, reach out to, partner with and provide service to consumer in today’s culturally diverse communities.”
- Fair Housing Focus, 2006-2013
  - “A publication from the Community Outreach and Diversity Programs of the National Association of REALTORS®”

#### **B10:12 Box 10**

- Fair Housing Handbooks, 1998-2010
  - “This Fair Housing Handbook is designed to guide real estate professionals in the development, adoption, and implementation of specific fair housing procedures and strategies.”

#### **B10:12 Box 11**

- Volunteer Affirmative Marketing Agreement (VAMA)
  - “A comprehensive affirmative marketing program was negotiated by HUD with the National Association of REALTORS® in late 1975. This marketing agreement expired in 1996. “The VAMA sought to encourage individual real estate firms to take appropriate steps to encourage that their agents followed the fair housing law. The VAMA also encouraged REALTORS® and real estate firms to support the “spirit of the fair housing

law” through a variety of equal housing opportunity programs including outreach, advertising, equal employment practices, safeguards against racial steering and other steps, that help housing to be marketed on an equal opportunity basis.”

- Affirmative Marketing Handbooks, 1977-1992
  - “The purpose of this Affirmative Marketing Handbook is to examine the procedures for Member Board and State Association adoption and REALTOR® subscription to the Affirmative Marketing Agreement, to define and clarify the responsibilities of REALTORS® and to provide certain materials and information to be used in fulfilling these responsibilities.”

### **B10:12 Box 11-12**

- VAMA agreements, 1975-1998
  - Copies of the VAMA agreements between NAR and HUD. Includes discussion of IREM and a partnership with HUD.
  - Also includes correspondence from the Executive Committee about conflicts between VAMA and local ordinances passed by communities in Illinois (1977)

### **B10:12 Box 12**

- Everything You Always Wanted to Know About VAMA, but Were Afraid to Ask, 1983
  - “This manual’s major purpose is to assist real estate brokers in educating his/her sales associates of their fair housing responsibilities and the Voluntary Affirmative Marketing Agreement.”
- Community Resources Guidebook: A Tool for Affirmative Housing Marketing in the Rochester Area, 1983
  - “The Rochester CHRB has developed this guidebook of community resources to assist in the marketing of properties to people with limited income and to investors interested in rental property.”
- A Catalogue of Fair Housing Materials produced by Community Housing Resource Boards, 1984
  - Materials created by CHRBs to assist REALTORS® in affirmative marketing and fair housing requirements.
- Fair Housing Partnerships: Guide for Developing Local Partnerships, 1996
  - “This Fair Housing Partnership Guide, while based on national partnership principles, offers alternative suggestions for developing and implementing partnerships. The Guide also provides helpful advice to those parties interested in ratifying or participating in an existing partnership.”

### **B10:12 Box 13**

- Fair Housing Media
  - VHS and CDs of various NAR Fair Housing programs
    - NAR Fair Housing, VHS
    - They Came from Outer Space: Equal Opportunity in Housing, VHS and discussion guide
    - Brokers, Buyers, and Bias, 4 VHS
    - Fair Housing Enforcement: A focus on special issues affecting the Disabled Families with Children and the First Amendment, 1995 VHS
    - NAR Fair Housing Videos, 2005 2 CDs



- What Price Freedom of Choice, CD

#### **B10:12 Box 14**

- Pre-Fair Housing Act materials: Before the Fair Housing Act, NAREB was involved in issues related to minority housing, public housing and open occupancy.
  - Corrigan and Curtis v. Buckley, 1926-1940
    - The Supreme Court upholds property restrictions against the sale of real estate to African-Americans
    - Includes newspaper clippings about the decision, decision summaries, and correspondence of William Nathan MacChesney regarding the decision.
  - Legality of Segregation correspondence, 1927-1930
  - Negro Housing materials, 1930-1952
    - Correspondence, reports, and publications about Negro Housing
  - Public Housing booklet, 1946
    - A booklet denouncing public housing
  - Guides for Formulating a State Minimum Standard Housing Bill, 1954
  - The Real Estate Man and Housing Reform, 1957
    - A pamphlet about how REALTORS® can help to create better housing conditions
  - Summary of the Housing Act of 1961
  - NAREB's position on Fair Housing, 1960s
    - Newspaper clippings and correspondence about NAREB's work to defeat the Fair Housing Act
    - Includes materials for local board campaigns
  - Correspondence and newspaper clippings about state anti-discrimination and fair housing laws, 1960s
  - NAREB Policy on Minority Housing, n.d.

#### **B10:12 Box 15**

- NAREB responses to media about fair housing, 1962-1966
  - Responses to a story in the Saturday Evening Post about a "real estate block buster" and a piece on CBS called "Segregation: Northern Style"
- Correspondence about a human rights program with religious leaders, 1962-1965
- 20% Survey, 1967
  - a survey conducted to find out how many cities had an over 20% non-white population
- Litigation Seminars, 1976
  - Correspondence about NAR's recommendation to support HUD and the National Bar Association's courses on fair housing litigation.
- Toward a National Housing Policy, 1987
  - "This document provides a comprehensive agenda for national housing policy and stresses the need for coordination of the many elements that make up and effective housing policy."
  - Partnership with NAR, the Mortgage Bankers Association of America, and the National Association of Home Builders
- Testimonies on Integration, 1988
  - Testimony on "integration maintenance"
- Memorandum of Understanding, 2003
  - Memorandum of understanding between HUD, NAR, the National Association of Asian American Real Estate Professionals, The National Association of Real Estate Brokers, and

the National Association of Hispanic Real Estate Professionals “as a demonstration of their continuing commitment to work together to reduce the disparity in homeownership rate among different racial and ethnic groups in America.”

#### **B10:12 Box 16**

- Open Occupancy, 1964-1966
  - Records of meetings and negotiations from development of a Statement of Accord between NAREB and various major religious organizations. The Statement was intended to act as guidance "in furtherance of developing improved understanding and the elimination of discrimination by reason of race and religion in the field of housing." Includes drafts of the Accord, meeting notes, correspondence, news clippings, opinion surveys, etc.

#### **B10:12 Box 17-18**

- Equal Opportunity Committee, 1971-1997
  - Equal Opportunity Committee minutes and agendas, 1971-1997
    - Committee created to
  - Equal Opportunity Committee Handbook, 1978
    - “The purpose of of this Equal Opportunity Committee Handbook is to guide Member Boards and State Associations in the establishment and function of an Equal Opportunity Committee to fulfil the responsibilities prescribed in the Code for Equal Opportunity In Housing and the Affirmative Marketing Agreement.”
- Committee on Housing Needs minutes, 1991-1997
  - Purpose: “To identify and disseminate strategies and techniques whereby local boards can address their community housing needs. It is also ensure a coordinated and comprehensive legislative approach to make decent housing available to all Americans.”

## **B10:13 Property Disclosure Laws**

### **B10:13 Box 1**

- From Buyer Beware to Broker Take Care, 1988
  - “This program is about broker liability. It discusses the importance of agents and brokers correctly discovering and disclosing material facts about property to potential purchasers. It explores two categories of liability for undisclosed defects: intentional and negligent misrepresentation; and general negligence.”
- Stigmatized Property, 1990
  - A self-study guide to “understand the issues associated with stigmatized property; know pertinent federal and state laws; and know how to evaluate facts and make informed decisions about disclosure.”
- Property Disclosure Working Group minutes, 1991
  - A working group “to examine and evaluate the many facets of property condition disclosure.”
- Property Disclosure: To Everyone’s Advantage, 1991
  - An information packet from the work of the Property Disclosure Working Group for state Associations to “develop and support legislation or regulation mandating the use of property condition disclosure forms.”
- Property Disclosures: What You Need to Know, 1995-2003
  - “The purpose of this guide is to educate real estate brokers about the importance of providing to prospective purchasers complete and accurate descriptions of the properties they may be marketing, the features and conditions of such properties, and the liability to which brokers may be exposed for failing to do so.”

### **B10:13 Box 2**

- Lead-Based Paint Disclosure and Compliance Training kit, 1996
  - “The purpose of the Lead-Based Paint Disclosure and Compliance Training is to help real estate professionals better understand and be able to comply with the new Residential Lead-Based Paint Hazard Reduction Act.”
- Skill, Care, and Diligence in Disclosure, 1996
  - A mock trial handbook and VHS “based on an actual claim defended by Employer Reinsurance Corporation.”

## **B10:14 Copyright Laws**

### **B10:14 Box 1**

- Copyright registrations for NAR publications, 1925-1941
  - Correspondence and registrations for NAR publication name copyrights
- Permission to Reprint articles, 1925-1998
  - Correspondence about the reprint of articles from NAREB/NAR's publications, the Code of Ethics, and legal bulletins
- Copyright Manual for Member Boards, 1981-1992
  - "This manual is intended to assist those Boards of REALTORS®, which have determined that copyright is the solution to their need to protect their multiple listing service and the interest of those who participate and rely upon it."

## **B10:15 Real Estate Transaction Laws**

### **B10:15 Box 1**

- Uniform Land Transactions Act Committee minutes, 1975-1976
  - An ad hoc committee of NAR charged with making recommendations about the Uniform Land Transactions Act and the review of the Act by the American Bar Association.