



ARELLO Archive
Fourth Quarter 2016

California – Outdoor Advertising Representative

[Cal. Bus. & Prof. Code § 10133.45 \(2016\)](#)

Individuals working in the capacity of an outdoor advertising representative do not constitute real estate brokers for purposes of real estate licensing and regulation. An outdoor advertising representative refers to an employee of a company or partnership that engages in the business of outdoor advertising and arranging for the lease or transfer of property solely for the placement of such advertising.

Effective Date: September 30, 2016 –New Statute

California – Stigmatized Property (Death/HIV/AIDS)

[Cal. Civil Code § 1710.2 \(2016\)](#)

The following facts are not material facts requiring disclosure: (a) the death of an occupant; (b) the manner of death of an occupant more than three years ago; and (3) the fact that the occupant was “living with HIV or died from AIDS-related complications.”

Effective Date: September 24, 2016-Amended Statute

Delaware – Discrimination in Real Estate Transactions

[Del. Code Ann. tit. 6, §§ 4603-4607 \(2016\)](#)

A party may not discriminate on the basis of one’s “source of income” in housing, real-estate-related transactions, and brokerage services. “Source of income” means any lawful source of money paid directly or indirectly on behalf of a renter or buyer of housing, including government or private assistance.

Effective Date: August 31, 2016 – Amended Statute

Idaho –Coming Soon Listings

[Idaho Real Estate Commission, Coming Soon Listings \(Guideline 8\)](#)

A licensee may not promote a property as “Coming Soon” in order to market the property to a select group of buyers. A licensee who does so is engaging in misleading advertising and is not acting with honesty and good faith.

Effective Date: July 1, 2016-New Regulation

Illinois – Discrimination in Real Estate Transactions

[Ill. Admin. Code § 1450.710 \(2016\)](#)

Under the Illinois Human Rights Act, a party may not discriminate on the basis of one’s “military status.”

Effective Date: September 2, 2016 – Amended Regulation

Illinois – Lead Mitigation Notice

[410 Ill. Comp. Stat. 45/9.1 \(2016\)](#)

The owner of a regulated facility must provide a copy of any lead mitigation notice to a prospective purchaser or lessee. The owner must also mitigate the hazard and provide the Department with written notice of the sale of the property, including the date of the sale and name and contact information of the buyer.

Effective Date: January 1, 2017-Amended Statute

Kentucky –Flood Zone Disclosure

[201 Ky. Admin. Regs. 11:350 \(2016\)](#)

Sellers must disclose whether a residential property is located within a special flood hazard area.

Effective Date: May 6, 2016-Amended Regulation

Kentucky –Homeowners Association Disclosure

[201 Ky. Admin. Regs. 11:350 \(2016\)](#)

Sellers must disclose the contact information for the applicable homeowners association.

Effective Date: May 6, 2016-Amended Regulation

Kentucky –Methamphetamine Contamination Disclosure

[201 Ky. Admin. Regs. 11:350 \(2016\)](#)

Sellers must provide the written disclosure of methamphetamine contamination required by Kentucky statute.

Effective Date: May 6, 2016-Amended Regulation

Louisiana –Contaminated Flooring Disclosure

[Louisiana Real Estate Commission, Property Disclosure Document \(2016\)](#)

Sellers must disclose whether a residential property contains contaminated flooring.

Effective Date: January 1, 2017-Amended Regulation

Louisiana –Solar Panels Disclosure

[Louisiana Real Estate Commission, Property Disclosure Document \(2016\)](#)

Sellers of residential property must disclose the presence of any solar panels on the property.

Effective Date: January 1, 2017-Amended Regulation

Louisiana –Length of Ownership Disclosure

[Louisiana Real Estate Commission, Property Disclosure Document \(2016\)](#)

Sellers of residential property must disclose the length of their ownership of the property.

Effective Date: January 1, 2017-Amended Regulation

Maryland – Verification of Home Improvement Contractor

[Md. Code Ann. Bus. Occ. & Prof. § 17-527.4 \(2016\)](#)

A licensee who provides the home of a home improvement contractor needs to verify the licensure of the contractor. A licensee does not need to verify the licensure of other service providers, including mortgage lenders, mortgage brokers, appraisers, inspectors, plumbers, electricians, and HVAC contractors.

Effective Date: October 1, 2016 – New Statute

Michigan-Drones

Mich. Comp. Laws §§ 259.301-259.323 (2016)

Drones must be operated in accordance with federal law if they are used for commercial purposes. Drones used for recreational purposes must be used in accordance with federal law for operation of model aircraft. A drone may not be used to interfere with first responders or to harass someone.

Effective Date: April 4, 2017-New Statute

New Mexico-Licensee Advertising

[N.M. Admin. Code § 16.61.32.8 \(2016\)](#)

All licensee advertising must include the brokerage trade name and telephone number prominently displayed in a type size not less than 33% of the type size of the associate broker's name or team name.

Effective Date: January 1, 2017-Amended Regulation

New York – Discrimination in Real Estate Transactions

N.Y. Comp. Codes R. & Regs. tit. 19, § 175.17 (2016)

A licensee may not discriminate on the basis of age, sex, sexual orientation, disability, gender identity, military status, and familial status in the performance of real estate activities. A finding by a court or local agency that a licensee engaged in discrimination in the performance of licensed real estate activities constitutes presumptive evidence of the licensee's untrustworthiness and may lead to discipline, including revocation.

Effective Date: May 18, 2016 – Amended Regulation

North Carolina-Practice of Law

[N.C. Gen. Stat. § 84-2.1 \(2016\)](#)

The practice of law does not include a real estate broker's selection or completion of a preprinted form when acting as a representative in a real estate transaction.

Effective Date: June 20, 2016-Amended Statute

Ohio-Contemporaneous Offers

Ohio Rev. Code § 4735.65 (2016)

A licensee does not breach any duty to the purchaser of a property by preparing or presenting contemporaneous offers for the same property. The licensee must disclose in writing that the licensee is preparing contemporaneous offers to all clients for whom the licensee is presenting offers for that property. The licensee must maintain the identity of the purchasers confidential.

Effective Date: January 1, 2017-Amended Statute

Oklahoma –Propane Tank Disclosure

[Oklahoma Real Estate Commission, Residential Property Condition Disclosure Statement](#)

The seller must disclose whether propane tanks located on the property are leased or owned.

Effective Date: November 1, 2016-Amended Regulation

Oregon-Drones

Or. Rev. Stat. §837.380 (2016)

A property owner may bring a claim against a drone operator who flies over the owner's property after the owner told the operator not to do so. An action may not be brought if the drone is operated for commercial purposes in accordance with FAA authorization.

Effective Date: March 29, 2016-Amended Statute

Utah-Inducement and Closing Gifts

[Utah Admin. Code R 162-2f-401l \(2016\)](#)

An inducement gift is permissible if the principal broker or licensee offering the gift complies with the underwriting guidelines that apply to the loan. A closing gift is permissible.

Effective Date: March 15, 2016-Amended Regulation