

Please see attached agenda

Approval of consent agenda 797/2

Approval of proposed amendments to the bylaws of CCIM and IREM 797/2

REALTOR® EMERITUS CANDIDATES

Mike A. Basile Gallatin Association Of REALTORS®MT 1980

James H. Olson Missoula Organization Of REALTORS® IncMT1980

Charles Reaves Missoula Organization Of REALTORS® IncMT 1978

1. That the NAR Bylaws be amended to expressly authorize the National Association to hold meetings, conduct business, and provide for voting by electronic means to the fullest extent permitted by law. 790/11 passed page 18

Finance Committee

2. 1. That NAR's Investment Policy be amended as proposed. (Exhibit 1) page 81 statement of Investment policy page 83

ASSOCIATION EXECUTIVES COMMITTEE

- 1.To amend the following Core Standards requirements to acknowledge that associations may meet the existing Advocacy requirement for 'Act' under the REALTOR® Party goals and the existing Consumer Outreach 'Being the Voice for Real Estate' and 'Community involvement and investment' requirements through activities that demonstrate a commitment to Diversity, Equity, and Inclusion and Fair Housing. 776/25 page 97
2. To amend the Core Standards requirements to require that association strategic plans include a Diversity, Equity and Inclusion and a Fair Housing component.758/47 page 98
- 3.To amend the Core Standards requirements to require associations to annually certify that they have conducted or promoted a Diversity, Equity and Inclusion activity and a Fair Housing activity, with options for completion that take into consideration association membership size and diversity.743/58 page 98

4. To amend the Core Standards requirement for leadership development education/training to include a commitment to greater Diversity, Equity and Inclusion among the association's volunteer leadership; to increase leadership education and awareness of the Core Standards; and to ensure greater understanding of staff and volunteer leadership roles and responsibilities.759/51 page 99

5. To amend the Core Standards requirements to require associations to have the ability to interact with members in a remote work environment via a virtual meeting platform. (Exhibit 1) 808/16 page 100

CREDENTIALS AND CAMPAIGN RULES COMMITTEE

1. That the Credentials and Campaign Rules Committee establish a process for conducting a social media background check as part of the Potential Candidate review process. 765/54 page 105

LEGAL ACTION COMMITTEE

1. That NAR provide funding of \$16,423.50 for the legal fees incurred by Plaintiffs in the case Kempa 3105, LLC, Kempa and Associates, and Dynamic Rentals, Inc., on behalf of themselves and all others similarly situated v. Sauk Village, Illinois and Illinois Home Inspections, LLC. 797/7 page 107

LEGAL ACTION COMMITTEE 2020 REALTORS®

1. That NAR provide funding of \$16,423.50 for the legal fees incurred by Plaintiffs in the case Kempa 3105, LLC, Kempa and Associates, and Dynamic Rentals, Inc., on behalf of themselves and all others similarly situated v. Sauk Village, Illinois and Illinois Home Inspections, LLC. 797/7 page 107

2. That NAR purchase a Master Policy for the Professional Liability Insurance Program for the NATIONAL ASSOCIATION OF REALTORS®, its affiliates, its member associations, and REALTOR®-association owned multiple listing services from Chubb Group for the 2021 policy year at a premium of \$1,740,060. 808/5 page 107

3. That NAR purchase a Patent Infringement Liability Policy for the NATIONAL ASSOCIATION OF REALTORS®, REALTOR®-association

owned multiple listing services, and state and local associations from RPX Insurance Services, LLC for the 2021 policy year at a premium of \$129,469. 815/4 page 108

MULTIPLE LISTING ISSUES AND POLICIES COMMITTEE

1. That the following guidance for Administrative Sanctions be added to the MLS Disciplinary Guidelines outlined in the MLS Handbook at Part Two, F. Enforcement of Rules, Section 5: 773/25 page 110

Recommendations 2 and 3 should be considered together.

2. That MLS Participants and Subscribers can receive no more than three (3) administrative sanctions in a calendar year before they are required to attend a hearing for their actions and potential violations of MLS rules, except that the MLS may allow more administrative sanctions for violations of listing information provided by Participants and Subscribers before requiring a hearing.

3. That a copy of all administrative sanctions against a subscriber be sent to the subscriber's participant and that the participant be required to attend hearing(s) of a subscriber who has received more than three (3) administrative sanctions within a calendar year. 762/29 page 112

4. That MLSs be required to process a complaint without revealing the complainant's identity and that the MLS Committee, Grievance Committee, MLS staff, or other representative serve as the complainant if the complaint is forwarded to a hearing and the original complainant does not consent to participating in the process or disclosure his or her name. 753/60 page 113

5. That Web API data access provided to participants and subscribers by MLSs must have no less than the same data available via other data access methods such as RETS or FTP. (Exhibit 2) 790/21 page 114

6. That participants and subscribers be required to submit accurate listing data, and be required to correct any known errors. 797/5 page 114

7. That MLSs be required to display customer service and technical support contact information on the MLS website. 781/14 page 114

8. That MLSs implement a process for identifying potential violations of fair housings laws, advising participants and subscribers to remove or correct potential violations. 664/138 page 116

CONVENTIONAL FINANCING AND POLICY COMMITTEE

1. That the policy for FHFA Leadership Structure be adopted as presented in Exhibit A. page 129 (Federal Housing Finance Agency (FHFA)) 775/14 page127

FEDERAL TAXATION COMMITTEE

1. To support tax policies that provide a targeted, additional gain exclusion or other tax relief to older homeowners and others who have lived in their principal residence for many years and have unrealized gains that are so much higher than the current-law maximum exclusion that the homeowner is discouraged from selling the home, even when it no longer meets their needs. 801/7 page 130
2. To support policies that provide tax incentives designed to lower the barriers to the creation of more residential units available for purchase for the purpose of bringing the current historically low inventory of such homes back to a stable and healthy level. Examples of such incentives might include, but are not limited to, the following:
 - Tax credits or other additional incentives designed to reduce the cost of converting excess commercial properties to residential units;
 - Tax credits or other additional incentives to encourage the training and/or hiring of residential construction workers to alleviate the decade-long shortage of such workers;
 - Tax credits or other additional incentives to encourage the donation or discounted sale of land to a housing authority or charitable entity dedicated to providing more affordable housing; or
 - The creation of special tax credit bonds that would allow municipalities or other state or local government entities to access more generous federal taxpayer-subsidized financing for various public projects than is available from normal municipal bonds IF such entities substantially reduce their residential land use regulations to allow for faster approval of zoning and other decisions that result in the creation of more residential units. 788/9 page 131

LAND USE, PROPERTY RIGHTS AND ENVIRONMENT COMMITTEE

1. To approve the revision of land use, property rights and environment policy positions as set forth in Exhibit A (pg135).
767/18 page 133

And then they saved the best for last: I have included all of the rationale with the motions.

PROFESSIONAL STANDARDS COMMITTEE

1. To amend Policy Statement 29, Code of Ethics and Arbitration Manual, to expand applicability of the Code of Ethics' to all of a REALTOR®'s activities.

Rationale: At present, Policy Statement 29 limits the applicability of the Code to real estate-related activities and transactions involving REALTORS®. As such, members can engage in conduct and speech that is discriminatory and abhorrent, but unless it can be tied to a real estate-related activity or transaction, the Code of Ethics, specifically Article 10, does not apply. This revised policy expands applicability to all of a REALTOR®'s activities. If this recommendation is approved, the revised policy would be as follows (strikeouts indicate deletions, underscoring indicates additions):

29. Applicability of the Code of Ethics to non-real estate-related activities while REALTORS® are encouraged to follow the principles of the Code of Ethics in all of their activities, A REALTOR® shall be subject to disciplinary action under the Code of Ethics only with respect to real estate-related all of their activities and transactions involving the REALTOR®. 570/233 page 154

2. To add the following new Standard of Practice under Article 10:
Standard of Practice 10-5

REALTORS® must not use harassing speech, hate speech, epithets, or slurs based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity.

Rationale: This proposed Standard of Practice directly flows from the requirement to not deny equal professional services or be parties to a plan to discriminate. Specifically, bias against protected classes revealed through the public posting of hate speech could result in REALTORS® not taking clients from certain protected classes or not treating them equally, which would lead to violations of the Fair Housing Act due to overt discrimination or disparate impact.

3. To amend Appendix VII to Part Four, Sanctioning Guidelines, Code of Ethics and Arbitration Manual, to provide more specific guidance for hearing panels on determining discipline for violations of Article 10, Article 3 as interpreted by Standard of Practice 3-11, and violations of the public trust; and to adopt a new Appendix that would provide guidance on revised Policy Statement 29 and Standard of Practice 10-5.

Rationale: These revised or new appendices provide additional enhancement to existing policy in order to provide guidance on appropriate sanctions in ethics cases involving discrimination, and provide additional guidance on the application of revised Policy Statement 29 and Standard of Practice 10-5. If this recommendation is adopted, the revised and new appendices appear in Exhibits 1 and 2 (underscoring indicates additions, strikeouts indicate deletions. Exhibit 2 is an entirely new Appendix.)

All three motions were voted on at the same time. 570/233 pages
154-155

4. That the proposed changes to Policy Statement 29, Code of Ethics and Arbitration Manual, become effective upon final approval.

Rationale: Making the proposed changes to Policy Statement 29 effective upon final approval, rather than on January 1, 2021, sends a clear message that the National Association of REALTORS® is committed to the highest ethical standards for its members. 548/213 page 156

5. That proposed Standard of Practice 10-5 become effective upon final approval.

Rationale: Making the proposed Standard of Practice effective upon final approval, rather than on January 1, 2021, sends a clear message that the National Association of REALTORS® condemns discriminatory speech and conduct. 548/213 page 156

6. That the definition of “public trust” be expanded to include all discrimination against the protected classes under Article 10 of the Code of Ethics and all fraud.

Rationale: At present, the definition of “public trust” includes demonstrated misappropriation of client or customer funds or property, willful discrimination, or fraud resulting in substantial economic harm. This recommendation would expand the definition to include all discrimination against the protected classes under Article 10, and all fraud. As a result, associations would be required to share with the state real estate licensing authority final ethics decisions holding REALTORS® in violation of the Code of Ethics in instances where there is reason to believe the public trust, as expanded, may have been violated. This is recommended so the real estate licensing authority, and other governmental agencies as recommended by the Association, are made aware of any findings of a violation of the Code of Ethics involving discrimination.

If this recommendation is adopted, Article IV Code of Ethics, Section 2 of the NAR Bylaws would be amended as follows (strikeouts indicate deletions, underscoring indicates additions):

Section 2. Any Member Board which shall neglect or refuse to maintain and enforce the Code of Ethics with respect to the business activities of its members may, after due notice and opportunity for hearing, be expelled by the Board of Directors from membership in the National Association. Enforcement of the Code of Ethics also requires Member Boards to share with the state real estate licensing authority final ethics decisions holding REALTORS® in violation of the Code of Ethics in instances where

there is reason to believe the public trust may have been violated. The "public trust", as used in this context, refers to demonstrated misappropriation of client or customer funds or property, ~~willful~~ discrimination against the protected classes under the Code of Ethics, or fraud ~~resulting in substantial economic harm~~. Enforcement of the Code of Ethics also requires Member Boards to provide mediation and arbitration services to members and their clients so that the dispute resolution requirements of Article 17 of the Code of Ethics can be met.

Enforcement of the Code of Ethics also includes responsibility for ensuring that persons primarily responsible for administration of enforcement procedures have successfully completed training that meets the learning objectives and minimum criteria established by the National Association from time to time.

Enforcement of the Code of Ethics also prohibits Member Boards from knowingly granting REALTOR® or REALTOR-ASSOCIATE® membership to any applicant who has an unfulfilled sanction pending which was imposed by another Board or Association of REALTORS® for violation of the Code of Ethics.

In addition, the following portions of the Code of Ethics and Arbitration Manual would be revised consistent with the aforementioned revisions.

- Preface, The Code of Ethics of the National Association of REALTORS®, Code of Ethics and Arbitration Manual
- Section 1(t), Definitions Related to Ethics, Code of Ethics and Arbitration Manual
- Section 23(j), Action of the Board of Directors, Code of Ethics and Arbitration Manual
- Appendix VII to Part Four, Sanctioning Guidelines, Code of Ethics and Arbitration Manual
- Appendix XI to Part Four, Ethics Mediation, Code of Ethics and Arbitration Manual

- Part Fourteen, State Association Professional Standards Committee, Code of Ethics and Arbitration Manual
 - Local and State Association Ombudsman Services Policy
 - Other resources and educational materials as needed
- 621/95 page 156-157

Respectfully submitted,

Timothy L Lund
NAR Director Montana

Tim Lund

From: 2020 REALTORS Conference Registration <email_confirm@confmail.experient-inc.com>
Sent: Wednesday, September 23, 2020 2:46 PM
To: tlund@cybernet1.com
Subject: 2020 REALTORS® Conference Registration {NAR202:201852}



*** Please do not reply to this e-mail. It was sent from an automated system. ***

Confirmation ID: 201852
Email: tlund@cybernet1.com
Timothy Lund
Coldwell Banker Western States
406 Zimmerman Lane
Hamilton, MT 59840

Thank you for registering for the 2020 REALTORS® Conference & Expo, November 2-18, 2020! This is your chance to reset your outlook, restore your power, and revive your inspiration. Embrace your unyielding perseverance, find your “R”, and position yourself and your business for a big 2021. We look forward to seeing you online!

For those who signed up for the Virtual 5K, the access information for the app will be sent via email in mid-October.

Login Information: Virtual Event Platform

The virtual event platform, powered by MeetingPlay, will be launching at the end of October. When the site is live, login with your email address and registration confirmation ID to access the event.

Please note: your login information is unique to you, so do not share this with others.

Email: tlund@cybernet1.com
Confirmation ID: 201852

Registration Details
