

TEXAS REALTOR®

Succeed in Texas Real Estate

September/October 2022 \$3.50

SELLER'S DISCLOSURES

What the law requires, which forms to use, and what happens if notice isn't provided. **p.14**

REALTORS® share the best advice they've received **p.16**

Reduce your risk with these resources **p.24**

What to know if you've been subpoenaed **p.10**

ELECTION PREVIEW!

Find REALTOR®-supported candidates at texasrealtorssupport.com

p.20



BUILD YOUR BUSINESS WITH RE/MAX.

Experience a culture focused on the resources that lift our businesses and each other. Like supportive brokers with relevant field insight. Values that make a difference in our communities. Worldwide exposure and connections with industry experts. And over 140,000 talented agents around the globe who will inspire you to work toward greatness.

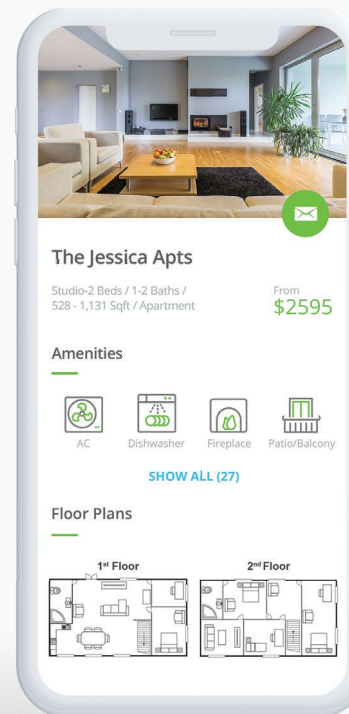


joinremax.com



A refreshingly simple way to manage your properties

- 
Residential
- 
Commercial
- 
Affordable
- 
Self Storage
- 
Condo/HOA
- 
Manufactured



Discover what you can do with **intuitive & powerful property management software**

Breeze
Starting at
\$1 per unit per month*

Breeze PREMIER
Starting at
\$2 per unit per month*

Easy setup	✓	✓
Property accounting	✓	✓
Vacancy & prospect tracking	✓	✓
ILS posting	✓	✓
Online applications	✓	✓
Online payments	✓	✓
Online maintenance	✓	✓
Email & text communications	✓	✓
Walk-in payments with PayNearMe	✓	✓
Vendor payments	✓	✓
Owner payments & reports	✓	✓
Live chat support	✓	✓
Renters insurance*	✓	✓
Resident screening*	✓	✓
Corporate websites*	✓	✓
Property websites*		✓
Online lease execution*		✓
Customer relationship management		✓
Job cost tracking		✓
Rent deferment		✓
Rent control		✓
Invoice approval & processing		✓
Corporate accounting		✓
Customizable financial statements		✓
Menu-level security		✓

*Minimums apply *Additional fees apply

“Yardi Breeze is easy to use. Tenant tracking, maintenance requests and online support ... I love everything about it!”

Danielle Drozdek
RB Homes, Inc.

Get a free, personalized demo to see why thousands of companies choose Yardi Breeze

YardiBreeze.com | (800) 866-1144



RUSSELL BERRY Chairman of the Board
MARCUS PHIPPS Chairman-Elect
DAVID ALAN COX Secretary/Treasurer
TRAVIS KESSLER CEO
ANGELA BRUTSCHÉ VP of Comm. & Mktg.
MARTY KRAMER Editor-in-Chief
WARD LOWE Assoc. Dir. of Communications
JOE OLIVIERI Assistant Editor
PATEE FRANKS Digital Marketing Specialist
JOE FISHER Marketing Specialist
JOEL MATHEWS Art Director
JOSHUA BANKS Graphic Design Manager
CHRIS NELSON Graphic Designer

CHANGE OF ADDRESS OR EMAIL
 Members should always send postal address or email changes to their local association.

CONTACT THE EDITORS
 editor@texasrealtors.com
 512-480-8200
 P.O. Box 2246
 Austin, TX 78768-2246

ADVERTISING SALES
 Mohanna Sales Representatives
 214-291-3648
 texasrealtorsinfo@mohanna.com

Texas REALTOR® (ISSN 1068-1248) is published monthly except combined issues in January/February and September/October by Texas REALTORS®.

POSTMASTER
 Send address changes to:
 Texas REALTOR® magazine
 Attention: Membership
 P.O. Box 2246
 Austin, TX 78768-2246

Periodicals Postage Paid at Austin, TX, and at additional mailing office. Annual dues of members of the association include \$5 for a one-year subscription to Texas REALTOR®. Annual subscription rate to others: \$25. Single copy rate to others: \$3.50. Office of publication: 1115 San Jacinto Blvd., #200, Austin, TX 78701-1906; mailing address: P.O. Box 2246, Austin, TX 78768-2246; phone: 512-480-8200; fax: 512-370-2390.

All articles and paid advertising represent the opinions of the authors and advertisers, and do not necessarily represent the opinions of the editors of Texas REALTOR® or the association and should not be construed as a recommendation for any course of action regarding financial, legal, or accounting matters by the association or Texas REALTOR® and its authors.

Contributions are not deductible for federal income tax purposes. Contributions to the Texas REALTORS® Political Action Committee (TREPAC) and the Texas Association of REALTORS® Federal Political Action Committee (TAR FedPAC)—which makes contributions to the REALTORS® Political Action Committee (RPAC)—are voluntary and may be used for political purposes. The amount indicated is merely a guideline, and you may contribute more or less than the suggested amount. You may refuse to contribute without reprisal, and the National Association of REALTORS®, Texas REALTORS®, and its local associations will not favor or disadvantage anyone because of the amount contributed. Until the RPAC annual goal is met, 70% of an individual's contribution goes to TREPAC and may be used to support state and local candidates; the remaining 30% is sent to TAR FedPAC to support federal candidates and is charged against your limits under 52 U.S.C. 30116. (Exception: 100% of an individual's contribution goes to TREPAC if the individual is an employee of an affiliate member of Texas REALTORS®.) After the RPAC annual goal is met, 100% of an individual's contribution goes to TREPAC and may be used to support state and local candidates. You may contact the Texas REALTORS® political committee administrator at 800-873-9155 to obtain information about your contributions.

Federal law prohibits TREPAC and FedPAC from soliciting contributions from persons not included in the following groups: Members of the association, executive and administrative personnel of the association, and the families of both groups. Contributions received in relation to this publication from a person outside of these groups will be returned.

©2022
 Texas REALTORS®
 All rights reserved.



WE'RE GOING PAC to the FUTURE

in 2022 as TREPAC
 celebrates
50 YEARS!

Go to trepac.com/50-years to learn more.



Federal law prohibits TREPAC and FedPAC from soliciting contributions from persons not included in the following groups: members of Texas REALTORS®, executive and administrative personnel of REALTOR® associations, and the family of both groups. Contributions received in relation to this publication from persons outside of these groups will be returned.

CONTENTS



20 FEATURE

Your Midterm Vote is an Investment in Your Business

by Morgan O'Hanlon

How REALTORS® vote in the upcoming midterm elections will shape your business environment and property ownership in Texas. Learn important details about the election and where to find REALTOR®-supported candidates on your ballot.

14 COVER STORY

Texas Seller's Disclosure Requirements

by Traci Jackson and David Jones

What do your clients need to disclose, and what happens if they don't? Use this helpful chart to find out your clients' obligations in many situations.



INSIGHTS

- 4 Chairman's message: REALTORS® Give Back
The REALTOR® Difference
- 5 Ads Show Consumers Who You R
Members Provide Input on Policy Positions

BUSINESS

- 6 New to zipForm: e-signature tool Authentisign
Which renovations are worth it?
- 7 Are you using these features on your phone's camera?
Learn and teach in a mutual mentorship
- 8 Why you aren't getting social media leads
Build trust... fast!

LEGAL & ETHICS

- 10 What to do if you receive a subpoena
- 11 Temporary leases and the Addendum Regarding Rental Flood Disclosure (TXR 2015)
Can your seller client tell you not to cooperate?
Your Forms: Seller's Authorization to Release and Advertise Certain Information (TXR 1412)
Fact or Fiction: Do you need a license to use a TREC contract or form?
- 12 Fee in lieu of security deposit now acceptable

SHARE THIS

- 27 How interest rates affect your home purchase

TAKE 5

- 28 Are you really listening?

24 FEATURE

Resources to Lower Your Chances of Lawsuits and Complaints

by Marty Kramer

Have you checked out all of the member resources you have to protect yourself from legal trouble and other business risks?



16 FEATURE

A Word of Advice...

Texas REALTOR® magazine asked, and you answered: What's the best advice you have received for your real estate business?



Chairman's message

Imagine your home has no dining table. No kitchen table or coffee table, either. No rugs, no art on the wall. Not exactly how we imagine the American Dream, is it? Yet, that is the situation for many people when they transition from homelessness to housing.

I'm fortunate to not face this challenge, but not everyone is so lucky. I volunteer with an organization in my area, Dwell With Dignity, that helps people go from homelessness to self-sufficiency by providing furnishings, art, kitchen supplies, and the other details that make a house a home.

I have seen how powerful these efforts can be. Families who are comfortable in their homes and proud of where they live will invite people over. They build bonds with neighbors. They become energized to give back to their community. They shape their neighborhoods.

I also participate in the efforts of my local association, the MetroTex Association of REALTORS®, to assist food banks and homeless shelters, and I volunteer for Easter Seals and the American Heart Association. I get personal rewards from giving to these organizations. There's nothing as gratifying as helping others, and it is a great way to meet people and network.

Most of you know exactly what I'm talking about. REALTORS® get involved in our communities at a high

rate—66% of us, according to our latest survey. If you are not currently volunteering, a great way to find something enjoyable and rewarding is to show up for a volunteer day with your local association or company. Doing volunteer work as a group is just as satisfying and takes the fear out of not knowing what to do at first.

You can also open your wallet; a donation goes just as far as giving your time. For example, donations from individuals and organizations have enabled Texas REALTORS® to provide millions of dollars of assistance after hurricanes and other disasters have displaced Texans from their housing.

REALTORS® are the backbone of our communities through our day-to-day business, helping people buy and sell and lease properties of all kinds. But it goes so much further than the real estate transactions. When we offer our time and money to worthwhile organizations, our communities notice. It's a great way to meet new people *and* grow from our experiences.

There are many opportunities in every area of Texas. If you're looking to get started—or you want to explore new volunteer roles—you just have to ask. Once you take that first step, it's easy, and the rewards are endless.


Russell Berry

“When we offer our time and money to worthwhile organizations, our communities notice.”

SHOW THEM THE REALTOR® DIFFERENCE

You know the value you bring to your clients and community. There's a real difference working with a REALTOR® versus a non-member, and it's important for consumers to understand that distinction.

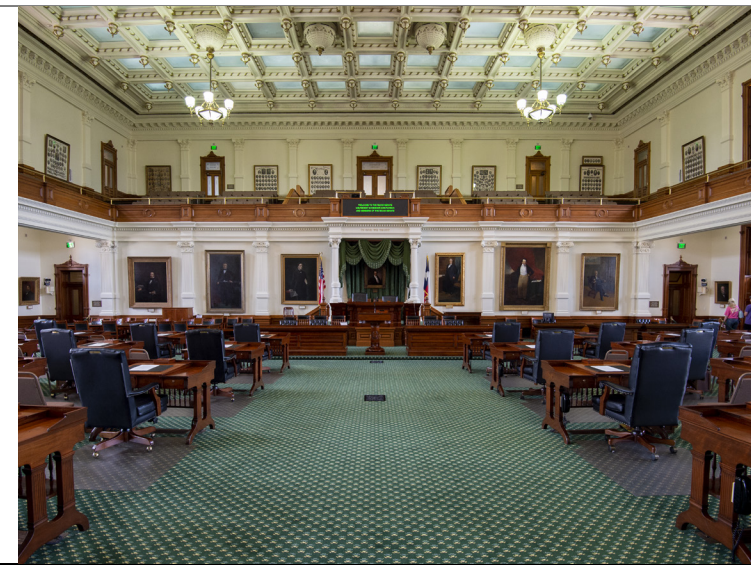
Building on its That's Who We R advertising campaign, the National Association of REALTORS® developed talking points, graphics, and other assets to help you articulate the REALTOR® difference. Post these messages and graphics on your website, on social channels, in emails—anywhere you want to share the value of working with a REALTOR®.

Visit nar.realtor/the-difference to access all the available materials.



MEMBERS PROVIDE INPUT ON POLICY POSITIONS

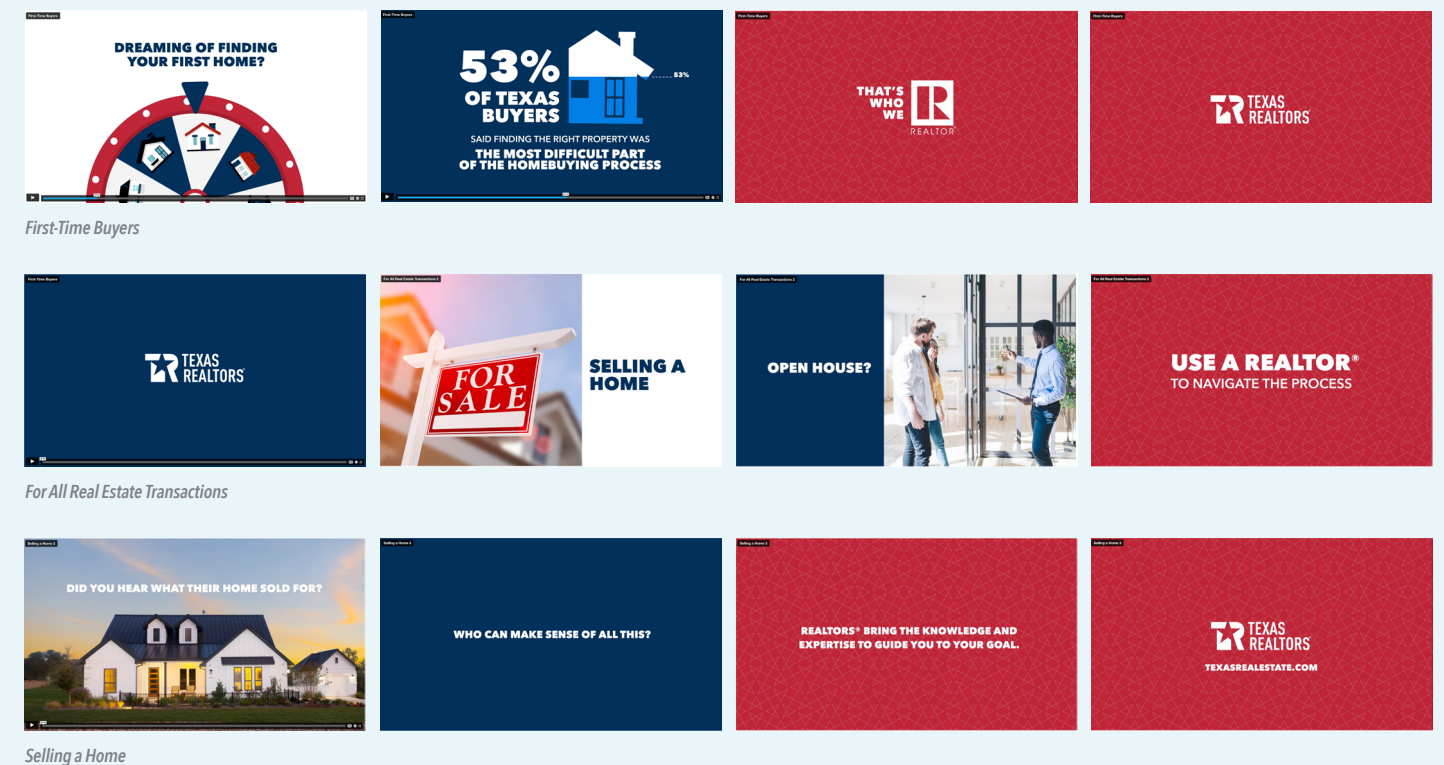
More than 2,300 members of Texas REALTORS® took a recent survey to help guide the association's legislative priorities during the 88th Texas Legislature, which begins in January 2023. Analysis of the nearly 7,500 comments left by survey participants show that an average of 93.8% of REALTORS® agree with the proposed policy positions. The association is using these survey results to fine-tune its policy positions. The biennial public policy survey is one of many grassroots opportunities you have to participate in the association's legislative, political, and regulatory activities. If you're interested in helping formulate these Texas REALTORS® public policy positions, consider applying to be a member on one of the association's four issues policy committees. Committee applications open annually in May. Learn more in the Government Affairs section of texasrealestate.com.



TEXAS REALTORS® ADS SHOW CONSUMERS WHO YOU R

New ads from Texas REALTORS® are teaching the public about the value of REALTORS®. The ads combine association branding with messaging from NAR's That's Who We R campaign.

The ads have been running in the summer and fall on social media, websites, internet search results, radio, billboards, and other media. You can spread the word even further by sharing the ads with your sphere of influence. Scan this code to learn more.



BIG IMPROVEMENTS TO ZIPFORM WITH E-SIGNATURE FEATURES



A powerful e-signature tool has been added to your zipForm experience. Authentisign brings contract authoring and signing together into a single, connected experience, so you can complete signings in three easy steps. Here are highlights of the feature upgrades:

Easier workflows for signature creation

You can make, save, and select default annotation properties, which helps you save time on commonly chosen properties. Also, the signing wizard was removed to make for a smoother process overall. Instead, you'll find steps integrated into more natural workflows, so you can create and request signatures in just a few easy clicks.

Improved experience for signers

The all-new Authentisign optimizes the signing design for each document to create a simpler experience for requested signers. Whether agents, clients, or other parties need to sign, they'll be able to navigate a more intuitive user interface.

Clients can sign at any time and on any web browser or mobile device without needing to download software or register for an account. When signing, they won't be prompted for a signature until they click on a signature block. Blocks are now color-coded for easier differentiation, too.

Faster performance for users

With the latest performance improvements, users can now complete a signing up to 60% faster, which saves time and increases productivity for brokers, agents, and clients. You can now view and take signing actions in one place, as well as access real-time insights into the status of all ongoing signatures.

Signers can leave feedback through a Rejected Reasons dropdown option, which helps to identify and address an issue quickly. Signers can also provide feedback after they've completed a signing to highlight any issues or positive points about the experience.

Can you really recover more of your costs by refinishing hardwood floors than if you added a new bathroom?

Yes, according to NAR's 2022 *Remodeling Impact Report*.

The report compares value-added estimates from REALTORS® to cost estimates from the National Association of The Remodeling Industry (NARI).

A homeowner who refinishes hardwood floors for \$3,400 may recover \$5,000 when the home is sold—a 147% return on investment. A homeowner who spends \$80,000 to add a bathroom may only recover \$50,000 at closing—a 63% return.

Two of the three interior projects that break even or better are flooring related: refinishing hardwood flooring (147%), adding new wood flooring (118%), and upgrading insulation (100%).



Photos & Images © buravleva_stock, © JoAnn Stover, © Andriy Blokhin, © FBI Support Ukraine - stock.adobe.com



PHONE CAMERA FEATURES YOU MIGHT NOT BE USING BUT SHOULD

Before you send someone a photo you took with your phone, you can easily make it more useful to your recipient.

Get rid of distracting things

Didn't realize you captured an unwanted item at the side, top, or bottom of a photo? Crop it out. You also can zoom in on an image to make the subject larger in the frame.

Add a note or sketch

Call attention to elements in your photo by using your camera app's markup tools. You can highlight, circle, draw, include text, and add arrows, shapes, and signatures. Some phones also have a tool to magnify part of the photo.

Make it sharper/brighter/more colorful

Most phone cameras have a single-touch feature to improve the overall quality of a photo. If you prefer, you can adjust individual characteristics, such as contrast, color, saturation, sharpness, and others.

Of course, if you make a change to a photo that doesn't accomplish what you intended, you can always go back to the original picture and start again.



HOW A MUTUAL MENTORSHIP BENEFITS BOTH PEOPLE

A mutual mentorship is a relationship where both parties act as a mentor and mentee, allowing something to be learned from each other.

In real estate, an experienced agent might learn new tips on social media marketing or the latest technology developments to increase business. A new agent can learn how to develop interpersonal skills with consumers and how to negotiate better deals for their clients. A mutual mentorship can also open the door to new networking avenues for both parties.

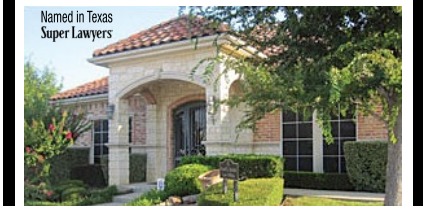
How do you initiate a mutual mentorship? Find another REALTOR® you connect with on a personal and business level. Seek someone you believe can help you achieve your real estate goals and someone whose expertise fits a category where you'd like to learn more.

ISRAEL SUSTER, Attorney

- Disputes between Managers & Owners.
- Disputes and Litigation Regarding Sale of Homes and Commercial Properties, including Fraud and DTPA Claims. Litigation stemming from foreclosure sales.
- Representation of Owners and Managers in Disputes and Litigation involving Residential and Commercial Properties.
- Tenant Claims, Suits, Evictions and Appeals.
- Tenant Collections.
- Code Enforcement/Zoning Issues.
- Defense of Licensing Complaints.

Representation in North Texas and throughout the State

Named in Texas Super Lawyers



972-380-0130

www.susterlaw.com

The Suster Law Group, PLLC

Principal office in Plano, Texas

Want to Be in an Upcoming Article?

Share your insights on topics such as:

- The strangest request you've received from a client
- **Brokers:** The top skills you look for in agents.

Also tell us what topics you'd like us to write about

Visit texasrealestate.com/magazinesubmission

Note: Not all submissions are guaranteed to be published

WHY YOU'RE NOT GETTING LEADS FROM SOCIAL MEDIA

You established a business presence on major social media networks. And you post and share regularly to people in your sphere. Why aren't you seeing engagement converting to business leads?

You're Not Being Yourself

Real estate is a people business—you know that. Potential leads want to feel a connection with you. They won't get that if you're outsourcing your social posts or being inauthentic.

You're Using the Wrong Platforms

Where is your audience? Your potential clients may not be active on every platform or use Instagram the same way they use Twitter. If you specialize in downsizing or senior clients, for example, focus on Facebook, not TikTok.

You're Posting the Wrong Content

An endless stream of "Come by my open house this weekend" posts will turn off even your biggest fans. What's in it for your followers? The content you publish should be relevant to what your audience wants—staging tips, market statistics, or something that brings value to people who you would like to seek out your services.

Your Calls to Action are Ineffective

When a person loves a piece of content you publish, what do you want them to do? Call you? Visit your website? Make sure you tell them, because leads need a push in the right direction. End your posts with a clear call to action, so they know what to do.



BUILD TRUST ... FAST

Your prospects and new clients don't know you. Yet they're counting on you to guide them through the biggest financial transaction of their lives. How do you build trust quickly? Try these four strategies.

Tell Them What You're Going to Do

Transparency instills confidence. New clients will be reassured if they know what's next and when to expect it. Explain each step in the process and make sure your clients understand.

Do What You Say You Will

Prove you can be trusted with the small stuff and clients will trust you with the big stuff. If you say you'll email them tomorrow, email them tomorrow. Show them you can be relied upon.

Share the Flaws

Being positive all the time makes people suspicious. They'll wonder what you aren't telling them. If your client proposes a bad idea, explain why you think it's a bad idea. If a house has problems, point them out. Be honest and upfront. If you don't know an answer, say so. This builds credibility.

Be Professional

Clients hire you, not just your skillset. Act like the kind of person you'd want to do business with. Know your market. Expertise puts people at ease.



Photos & Images: © peopleimages.com, © bnenin - stock.adobe.com



Security and certainty in today's market.

Rates may be rising, but with Rocket your clients have an advantage.

Help clients lock and shop today.

With **RateShield®**, your clients can lock their rate for 90 days while they search for a home. If rates rise in that time, theirs is safe, so they can shop with confidence.¹

Help clients get exclusive refinance savings.

Plus, with **Rate Drop Advantage**, if rates drop within 3 years of their home purchase, they'll get exclusive savings when they refinance at a new, lower rate.²

Time is limited.

To be eligible to receive the refinance savings, your clients need to lock their rate on their new purchase loan by September 30, 2022.

ROCKET Pro · Insight

¹RateShield Approval is a Verified Approval with an interest rate lock for up to 90 days. If rates increase, your rate will stay the same for 90 days. If rates decrease, you will be able to lower your rate one time within 90 days. Please contact your Home Loan Expert for additional information. This offer is only valid on 30-year FHA, VA and conventional purchase loan products. RateShield Approval not eligible for clients with a signed purchase agreement, on Charles Schwab loans or on new construction loans. Additional conditions and exclusions may apply. Your client's participation in the Verified Approval program is based on an underwriter's comprehensive analysis of their credit, income, employment status, debt, property, insurance and appraisal as well as a satisfactory title report/search. If new information materially changes the underwriting decision resulting in a denial of the credit request, if the loan fails to close for a reason outside of Rocket Mortgage's control, or if the client no longer wants to proceed with the loan, their participation in the program will be discontinued. If the client's eligibility in the program does not change and their mortgage loan does not close, they will receive \$1,000. This offer does not apply to new purchase loans submitted to Rocket Mortgage through a mortgage broker. This offer is not valid for self-employed clients. Rocket Mortgage reserves the right to cancel this offer at any time. Acceptance of this offer constitutes the acceptance of these terms and conditions, which are subject to change at the sole discretion of Rocket Mortgage. This is not a commitment to lend. Additional conditions or exclusions may apply. ²If client locks their initial rate on a purchase loan between 7/19/22 and 9/30/22 and that loan closes, client is eligible for Rate Drop Advantage. Refinance offer must be claimed by locking initial rate between 120 days and 36 months from purchase closing date. Refinance loan must be on the same subject property as the original purchase loan. Rocket Mortgage will cover the following fees as a lender paid credit: first appraisal fees, credit report, tax certification, mortgage recording fee, flood certification and life of loan, notary fees in Pennsylvania and New York, and if a conventional loan, processing and underwriting fees. Rate Drop Advantage is only valid on conventional conforming and government loans in our retail channels. Offer may not be redeemed for cash or credit and is nontransferable. Offer cannot be retroactively applied to any loans. Offer may not be used with any other discounts, promotions or interest-only/buy-down and second lien products. This offer is subject to changes or cancellation at any time at the sole discretion of Rocket Mortgage. Additional restrictions/conditions may apply. This is not a commitment to lend and is contingent on qualification per full underwriting guidelines. Refinancing may cause finance charges to be higher over the life of the loan. Rocket Mortgage, LLC: NMLS #3030; www.NMLSConsumerAccess.org. Equal Housing Lender. Licensed in 50 states. AL License No. MC 20979, Control No. 100152352. AR, TX: 1050 Woodward Ave., Detroit, MI 48226-1906, (888) 474-0404; AZ: 1 N. Central Ave., Ste. 2000, Phoenix, AZ 85004, Mortgage Banker License #BK-0902939; CA: Licensed by the Department of Financial Protection and Innovation under the California Residential Mortgage Lending Act; CO: Regulated by the Division of Real Estate; GA: Residential Mortgage Licensee #11704; IL: Residential Mortgage Licensee #4127 - Dept. of Financial and Professional Regulation; KS: Licensed Mortgage Company MC0025309; MA: Mortgage Lender License #ML 3030; ME: Supervised Lender License; MN: Not an offer for a rate lock agreement; MS: Licensed by the MS Dept. of Banking and Consumer Finance; NH: Licensed by the NH Banking Dept., #6743MB; NY: License #626; NJ: New Jersey - Rocket Mortgage, LLC, 1050 Woodward Ave., Detroit, MI 48226, (888) 474-0404, Licensed by the N.J. Department of Banking and Insurance; NY: Rocket Mortgage, LLC, 1050 Woodward Ave., Detroit, MI 48226 Licensed Mortgage Banker-NYS Department of Financial Services; OH: MB 850076; OR: License #ML-1387; PA: Licensed by the Dept. of Banking - License #21430; RI: Licensed Lender; WA: Consumer Loan Company License CL-3030. Conditions may apply. ©2000 - 2022 Rocket Mortgage, LLC. All rights reserved. Lending services provided by Rocket Mortgage, LLC, a subsidiary of Rocket Companies, Inc. (NYSE: RKT). Rocket Mortgage, 1050 Woodward Ave., Detroit, MI 48226-1906



RECEIVED A SUBPOENA? TAKE THESE STEPS

Subpoenas are court orders that command you to give a deposition, produce documents, or appear at a trial in a dispute between two other parties. At first glance, they may seem harmless. You might wonder: *What's the trouble with answering a few questions?*

Subpoenas are often precursors to claims being filed. Depending on how you handle the subpoena, you could go from being a witness to a defendant, says Laura Prouse, Director of REAP/REALAX Data Analytics at CRES, A Gallagher Affinity Division. CRES is a Texas REALTORS® risk management partner.

For example, consider a situation where you were the seller's agent, and the buyer sues the seller over alleged non-disclosure issues. You receive a subpoena from the seller's attorneys because they want to talk to you about the sale. Wanting to assist your former client, you think there is no harm in responding to the attorneys' questions. Your answers may be gathered as part of the lawsuit's discovery process.

Here's how to protect yourself when faced with a subpoena.

Inform your broker and contact your errors and omissions (E&O) insurance provider as soon as you're subpoenaed. "Many policies have subpoena assistance coverage but with short reporting deadlines," Prouse says.

Getting legal assistance is your best defense in avoiding mistakes. "Do not handle a subpoena without legal assistance," she says. If you have an E&O policy with subpoena assistance, your insurance carrier may be able to provide some names of attorneys to help you.

"An attorney can determine if the subpoena is proper," she says. "The attorney can raise objections and review the document. The attorney can prepare you to testify or give a deposition."

One reason for being cautious is you don't know the background of the subpoena. Agents and brokers tend to be customer service-oriented people who are eager to help. Even though you had a great relationship with your client, you think the transaction went smoothly, and you want to help, you need to be mindful that there is a reason you have received a subpoena in someone else's dispute.

"In the past year, we have seen an uptick in subpoenas in Texas," Prouse says. "We don't know yet exactly what is driving this increase, but it could be related to the sales frenzy in the market."

"It's the nature of the beast that if you are practicing real estate, you are exposed. Even if you do everything right, you can still be included in someone else's legal action or claim."

Prouse notes that having an E&O policy with subpoena assistance is a great benefit. "Current statistics show that an average cost for handling a subpoena in Texas is about \$7,000, which is higher than the national average. Without coverage, hiring an attorney to help with a subpoena can get expensive."

You don't need to be afraid of subpoenas, but don't treat them lightly—and do not ignore them.

USING THE ADDENDUM REGARDING RENTAL FLOOD DISCLOSURE WITH TEMPORARY LEASES

Since January 1, landlords have been required to give notice to prospective residential tenants about whether landlords are aware that the rental dwelling is in a 100-year floodplain or has flooded during the past five years. This requirement applies to temporary leases used in sales transactions, and the notice must be given before or at the time of signing the temporary lease.

TREC has promulgated a new flood disclosure notice form for use with the temporary leases. You may provide the TREC form or the *Addendum Regarding Rental Flood Disclosure* (TXR 2015) to clients to satisfy this disclosure requirement.

If the *Seller's Temporary Residential Lease* (TXR 1910) is used, the sellers will be occupying the property as a tenant after closing, and the buyers will be the landlords. If the parties sign the temporary lease at the same time as the sales contract or at any later time during the sales transaction, the buyers must disclose whether they are aware of the information asked in TXR 2015. The buyers' knowledge may be based on the seller's disclosure or any information learned through inspections. If the buyers have not received a seller's disclosure or have otherwise not been made aware, the buyers should state they are unaware of the information asked.

If the *Buyer's Temporary Residential Lease* (TXR 1911) is used, the buyers will be occupying the property before the closing as tenants. The sellers, as landlords, should provide the *Addendum Regarding Rental Flood Disclosure* (TXR 2015) when the temporary lease is signed. This is in addition to other seller's disclosure requirements.



Your Forms

Sellers can use the *Seller's Authorization to Release and Advertise Certain Information* (TXR 1412) form to allow brokers to share property details with potential buyers, other brokers, and the public. The form includes spaces for sellers to share why they are selling the property and anything else they wish to include in a property advertisement. The form is most commonly used at or near the time of listing but may be used at any time. *Seller's Authorization to Release and Advertise Certain Information* can be used with residential, commercial, and farm & ranch properties and is one of more than 150 forms exclusively available to members of Texas REALTORS®.



My seller told me not to cooperate with a particular firm regarding her listing. Can the seller do that?

Yes. While Article 3 of the Code of Ethics requires that REALTORS® cooperate with other brokers, there is an exception when cooperation is not in the client's best interest. A seller's demand not to cooperate with a firm or agent is a legitimate instruction regarding the sale of the property and could be viewed as meeting this exception. Be sure, however, that the decision not to cooperate originates from the seller and not you.

It's a good idea to get this instruction in writing from the seller. Should brokers or agents from that particular firm call for a showing, you can inform them of the seller's decision to restrict cooperation on this particular sale and follow up by sending written confirmation.



Fact or fiction?

A person must be a licensed real estate broker or agent to use a Texas Real Estate Commission contract or form.

FICTION. The forms and contracts promulgated by the Texas Real Estate Commission are available for use by the public. However, TREC mentions in an FAQ on the commission's website that the forms are "intended for use primarily by licensed real estate brokers or sales agents who are trained in their correct use."

While anyone may use forms promulgated by TREC, the 150-plus Texas REALTORS® forms are for the exclusive use of the association's members.

LEGAL & ETHICS



LANDLORDS CAN NOW ACCEPT FEE IN LIEU OF SECURITY DEPOSIT

Texas REALTORS® posted new and revised forms effective July 8, including the *Addendum Regarding Fee In Lieu of a Security Deposit* (TXR 2018). This leasing and property management form allows the landlord and tenant to agree to a recurring monthly fee instead of a security deposit. Here are answers to your questions about this new form.

What is the *Addendum Regarding Fee in Lieu of a Security Deposit* and am I required to use it?

The form is optional. The Texas Legislature passed a bill to allow landlords to accept a monthly fee from a tenant instead of charging a security deposit. This form provides for that. It is optional for the landlord to even offer that option to tenants. Such a fee is monthly and non-refundable and payable at the same time as the rent. The agreement to pay a fee in lieu of a security deposit must be in writing and signed by the landlord and tenant. A landlord may not use a prospective tenant's choice to pay a fee or security deposit in the determination of whether to approve a lease applicant.

What happens if tenants change their mind and want to pay the security deposit?

Even if the landlord and tenant agree to the fee in lieu of a security deposit, the tenant has the option to terminate the agreement to pay the fee at any time. The tenant would then pay a security deposit equal to that offered to new tenants for similar housing on the date the tenant chooses to pay the security deposit.

What can the landlord use the fee for?

The landlord can use the fee to purchase insurance coverage for damages and charges for which the tenant is liable or for breaching the lease. However, the fee does not include insurance that covers the tenant or changes the tenant's obligation to pay rent and damages beyond normal wear and tear.

A landlord may not submit a claim for damages or unpaid rent to an insurer for insurance payout unless the landlord:

- Notifies the tenant of the damages or unpaid rent indebtedness not later than the 30th day after the date the tenant surrendered possession of the dwelling
- Includes in the notice a written description and itemized list of all damages, if any, and of unpaid rent, if any, including the dates the rent payments were due.

If the tenant challenges the claim for damages or unpaid rent and that challenge results in a determination by the landlord or by a court that the notice of indebtedness is incorrect, the indebtedness is void and the landlord may not file an insurance claim for the insurance in the amount of the voided indebtedness. If the landlord has already submitted to the insurer a claim for the voided indebtedness, the claim must be withdrawn. If the insurance company has already paid the landlord for the invalidated claim, the landlord must return the payment.

Can a landlord collect an insurance payout and still pursue the tenant for unpaid fees or charges dues under the lease?

No. If an insurer compensates a landlord for a tenant's damages or unpaid rent, the landlord may not seek or collect reimbursement from the tenant for the amounts that the insurer paid to the landlord.

Can the landlord charge any amount for the fee?

No. A landlord may not charge the tenant a fee that is more than the reasonable cost of obtaining and administering the insurance for damages and charges for which the tenant is liable.

It is the landlord's choice whether to even offer a fee in lieu of a security deposit.



Partner with the oldest and largest National Home Buying Program in the U.S.

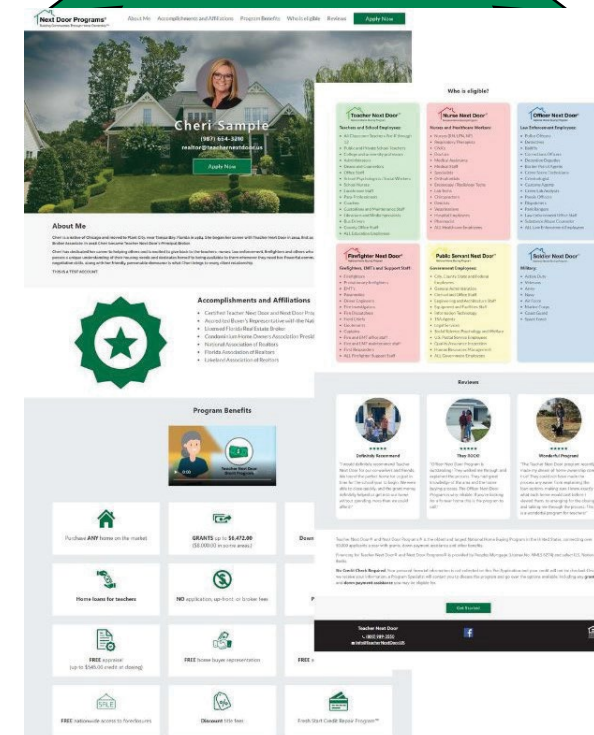
FREE to register as a Basic Agent Partner

(and be eligible to receive PRE-APPROVED program participant buyers.)

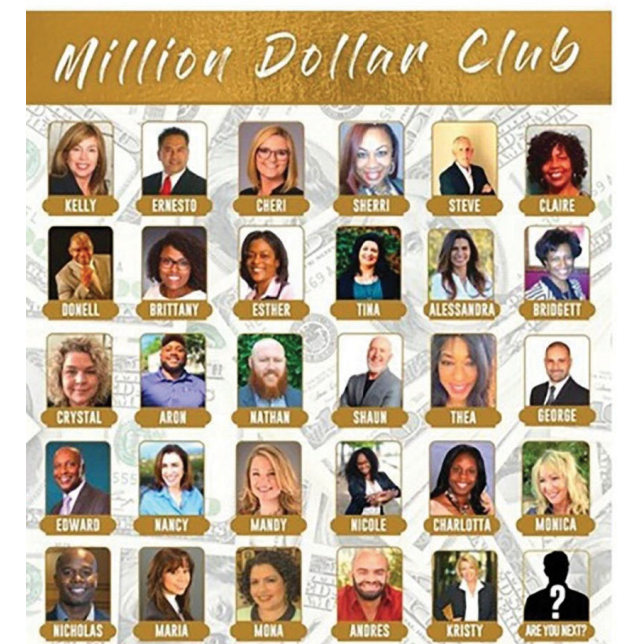
-OR-

Become a **PREFERRED** Agent Partner and take your business to the next level!

- Priority on all PRE-APPROVED buyers in your area!
- FREE personalized Agent webpage on our website! (Ready instantly)
- FREE training and coaching!
- FREE marketing materials!
- National brand recognition!
- Help your community by serving teachers, nurses, police, government employees and other public servants!



Join the Club!



Info for Texas Realtors® at www.TeacherNextDoor.us/TAR

*Preferred Agents only

Photos & Images: © Andrey Popov - stock.adobe.com

Texas Seller's Disclosure Requirements



by Traci Jackson, Staff Attorney, and David Jones, Deputy General Counsel

Several Texas laws require sellers to disclose information about their property prior to or at the time a sales contract is executed. Not only are seller's disclosures required by law, but they also give buyers important information, reduce risks for sellers, and lower your chances of facing a complaint or lawsuit. You and your clients can use the chart on these pages to determine which disclosures are required, where the disclosures can be found, and potential penalties if proper disclosures aren't made.

The *TREC Seller's Disclosure Notice* (TREC OP-H) only contains the minimum information required by statute. The Texas REALTORS® notice (TXR 1406) has added provisions that provide more information for buyers and is designed to serve as a risk-reduction tool for sellers.

*** In addition to the listed consequences, if sellers fail to disclose or misrepresent material information about a property, sellers and their agents may face liability for fraud and deceptive practices. License holders may also be found in violation of TREC rules. REALTORS® may also be found in violation of the Code of Ethics.**

DISCLOSURE REQUIREMENT	WHAT TYPE OF PROPERTY IS AFFECTED?	WHERE CAN SELLERS FIND A FORM TO MAKE THE REQUIRED DISCLOSURE?	WHAT HAPPENS IF SELLERS DON'T PROVIDE THE NOTICE?*
A SEPARATE FORM IS REQUIRED WHEN USING TREC AND TEXAS REALTORS® CONTRACTS			
Disclosure of the Property Condition (Texas Property Code §5.008)	Residential properties with not more than one dwelling unit.	Both TREC and Texas REALTORS® have forms that meet the requirement. See <i>Seller's Disclosure Notice</i> (TXR 1406) or TREC OP-H).	Buyers may terminate the contract for any reason.
Disclosure of Property Subject to Mandatory Membership in Property Owners Association (Texas Property Code §5.012)	Residential properties with not more than one dwelling unit (not applicable to condo associations).	TREC residential contracts already contain the necessary disclosure. However, additional statutory requirements are found in the <i>Addendum for Property Subject to Mandatory Membership in a Property Owner Association</i> (TXR 1922, TREC 36-9).	Buyers may terminate the contract.
Disclosure of Public Improvement District (PID) (Texas Property Code §5.014)	All property types located in a PID.	The required notice can be obtained from the PID. If the notice is not available from the PID, TREC has promulgated a blank version of the notice: <i>Addendum Containing Notice of Obligation to Pay Improvement District Assessment</i> (TXR 1955, TREC 53-0).	Buyers may terminate the contract. Buyers may also file suit for damages.
Disclosure of Property Located in a Statutory Tax District (i.e., Water Districts such as MUDs, WCIDs, and River Authorities) (Texas Water Code §49.452)	All property types located in a statutory tax district.	The appropriate notice can be obtained from the statutory tax district where the property is located.	Buyers may terminate the contract. Buyers may also file suit for damages.
Disclosure of Property Located in Propane Gas Service Area (Texas Utilities Code §14.1.010)	All property types located in a propane gas service area.	TREC has promulgated a form that satisfies the notice requirement: <i>Addendum for a Property in a Propane Gas Service Area</i> (TXR 2514, TREC 47-0).	Nothing stated in statute.
Disclosure of Property Abutting Tide Waters (Texas Natural Resources Code §33.135)	All property types abutting or adjoining tidally influenced waters.	TREC has promulgated a form that satisfies the notice requirement: <i>Addendum for Coastal Area Property</i> (TXR 1915, TREC 33-2).	Buyers may terminate the contract. Additionally, failure to provide the notice may be considered a deceptive act.
Disclosure of Property Located Seaward of the Gulf Intracoastal Waterway (Texas Natural Resources Code §61.025)	All property types located seaward of the Gulf Intracoastal Waterway.	TREC has promulgated a form that satisfies the notice requirement: <i>Addendum for Property Located Seaward of the Gulf Intracoastal Waterway</i> (TXR 1916, TREC 34-4).	Buyers may terminate the contract. Additionally, failure to provide the notice may be considered a deceptive act.
Disclosure of Lead-Based Paint and Lead-Based Paint Hazards (Federal Law 42 U.S.C. 4852d)	All residential properties built prior to 1978.	TREC has promulgated a form that satisfies the disclosure requirements: <i>Addendum for Seller's Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards, as Required by Federal Law</i> (TXR 1906, TREC OP-L). Federal law also requires buyers be given the lead hazard information pamphlet (TXR 2511).	Potential civil and criminal sanctions, including monetary penalties.
NO ADDITIONAL FORM IS REQUIRED WHEN USING TREC AND TEXAS REALTORS® CONTRACTS			
Disclosure of Property Located in a Certified Service Area of a Utility Service Provider (Texas Water Code §13.257)	All property types located in a certified service area of a utility service provider (not applicable to MUDs, WCID, etc.).	TREC and Texas REALTORS® contracts already contain the necessary disclosure.	Buyers may terminate the contract. Buyers may also file suit for damages.
Disclosure of Potential Annexation (Texas Property Code §5.011)	All property types located wholly or partially outside the limits of a municipality.	TREC and Texas REALTORS® contracts already contain the necessary disclosure.	Buyers may terminate the contract.
Disclosure of Water Level Fluctuations (Texas Property Code §5.019)	All residential and commercial properties adjoining an impoundment of water, including a reservoir or lake.	TREC and Texas REALTORS® contracts already contain the necessary disclosure.	Buyers may terminate the contract.
Disclosure of Private Transfer Fee Obligation (Texas Property Code §5.205)	All property types subject to a private transfer fee obligation.	TREC contracts and Texas REALTORS® residential contracts already contain the necessary disclosure.	Nothing stated in statute.

DISCLAIMER: This chart is meant as a quick-reference guide to seller's disclosure requirements in Texas. Texas REALTORS® does not represent or warrant that this list contains every disclosure requirement that may apply in a specific transaction. Please refer to the applicable statute for additional requirements and exceptions that may apply. For general questions about disclosures, members may call the Texas REALTORS® Legal Hotline at 800-873-9155. For specific questions about disclosures required in a transaction, members and their clients should consult their own legal counsel.



Pull out this chart, or scan this code to download a PDF.

A Word of Advice...

Texas REALTOR® magazine asked members: What's the best advice you have received for your real estate business? Answers have been edited for space and clarity.

On Other Agents

“Treat our fellow agents with respect because buyers and sellers can put us in very awkward situations sometimes. If we know the agent on the other side of the transaction, it is much easier to make the deal work.”

Joyce Wallace, Weatherford

“Be yourself and don't be intimidated by other agents. Real estate is about relationships with your clients. As agents, we all have access to the same documents, so we can essentially do the same job. But it's important that I connect with my clients to serve them better than other agents.”

Danae Hewitt, Mansfield



On Doing Homework

“Be consistent in implementing and following procedures with every property you manage. It will keep you out of trouble and save you time and resources. Trying to do things differently for one owner always results in extra work and less than stellar results. Be professional and legal, and do not compromise your procedures or principles.”

Eileen Miller, Keller

“Always consistently be available and be ready for whatever your clients' needs are. Have a strong knowledge of market data so that you're able to provide value with your clients consistently.”

Daniel Nalbandian, Houston



On Customers

“Treat every client and customer as if you were that client or customer and do unto others as you would have them do unto you!”

Carol Worley, Rockdale

“Always follow the OLDCAR (Obedience, Loyalty, Diligence, Care, Accountability, Respect) rule and look after clients' interest first!”

Raza Ali, Plano

“All things being equal, people will do business with people they like. All things not being equal, people will still do business with people they like. You don't have to be the smartest person in the room; work hard, be likable, honest, and respectful.”

David Hageman, Houston

“Many years ago, I was told to be the source of the source when providing information to clients. It made me stop and pause before attempting to answer questions I was unsure about. It also gave me the confidence to be able to tell a client, 'I do not know the answer 100%, but I will research it for you and give you the answer.'”

Andi Holmgreen, Portland

“Do absolutely anything and everything you can do to make sure your clients are confident, appreciated, and relaxed.”

Tracy Dombek, Austin

“Customers first. The customer is always right. Every customer is unique. They have their own requirements and preferences. Customer obsession is key, and working towards meeting their requirements will go a long way.”

Chandra Kaladhar Vennapusa, Austin

“Some years ago, a dear friend of mine told me that when I had to deliver bad news to a client to state the issue clearly, then shut up! Give them time to process the information; don't start in with ideas and proposed solutions.”

Teri Norwood, Longview



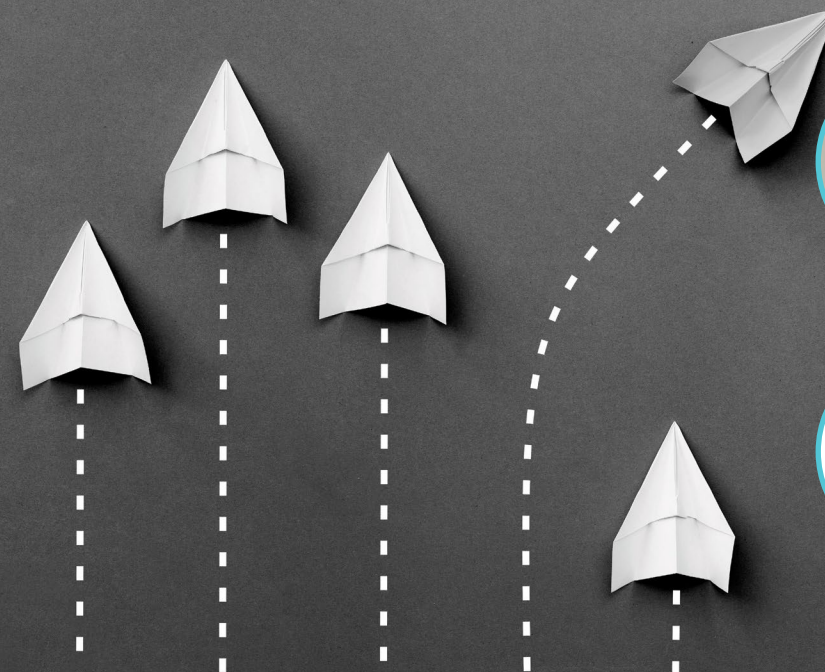
On Comparisons

“Comparison is the thief of joy. Don't compare your business journey to someone else's. Keep your blinders on, be consistent with your actions, and if you have a Plan B, Plan A will never work.”

Adrienne Gill, Houston

“Never compare yourself to other agents. It may look like you are not doing the volume that you see others doing, but stay steady and consistent to your goals. In the end, you will realize that you are as competitive as anyone else.”

Kimberly Wilson, Cross Roads



On Strategy

“Pick a strategy/niche in your market, so that you can serve clients in a much better way rather than generalizing. It would be fantastic to have in-depth knowledge of one or two strategies instead of slight knowledge of everything. It serves clients much better.”

Sai Krishna Byra, Arlington

“You are not in competition; you want more, you must do more.”

Duane Cole, Texas City

“Learn how to say no in situations that are professionally compromising and not truthful.”

Joe Stewart, Austin

“Time blocking and controlling your calendar should be your main focus.”

Sharon Cummings, Allen

“Collect online reviews from Day One. Someone can review you for any real estate-related tasks you perform. For example, you could reach out to savvy relatives and let them know you are practicing doing CMAs. Put together a pre-listing presentation using Canva/PowerPoint and present to them their potential value. Then when you are finished, ask them to write you a review.”

Jordan Marie Schilleci, Spring



Photos: ©Olivier Le Moine/istockphoto.com, ©Studio Romantic, ©fizkes - stock.adobe.com

On Attitude

“Every seed planted counts. Stay motivated in planting them so that when the time is right, you will be filled with acres of relationships.”

Liz Ulate, Dallas-Fort Worth

“I always treat my business like a business. If I treat it like a side hustle, then I won't give myself nor my clients 100% of myself.”

LaKesha Dibble, Spring

“Remember that it's your business. You are an independent contractor. Do not rely on others to feed you information and tools; research and set yourself up to be proactive. Find out what you don't know and go after it.”

Nicole McNeil-Wyatt, Houston

“It will all work out how it's supposed to. As simple and obvious as this advice may be, it is easy for your clients (and maybe you) to forget, as people sometimes get caught up in the stress that a real estate transaction can bring.”

Katie Daniel, Austin



On Marketing and Networking

“Never stop selling or marketing yourself.”

Shellie Dow-Garcia, Lake Jackson

“Be a joiner. Get involved in local clubs, such as kickball, bowling league, or a networking group. This will help grow your sphere and get to know people who will use and refer you.”

Audrey Amirian, Houston



On Everything Else

“My brother, who is also in real estate, gave this advice: you work harder and longer than the next person. You have faith in God, yourself, and your country. You do the basics better than everyone else, return every phone call promptly, deal with every problem sooner not later, and put your customers first. Then you will be surprised how all the rest magically falls into place.”

Romona Brogan, Abilene

“Do the best you can until you know better. Then when you know better, do better.’ I use this for my real estate business. It is a quote by Maya Angelou.”

Rita Ferris, Rockwall

“Save up to eight months of your total monthly expenses before you quit your job to go full time into real estate. If you rely 100% on your real estate income, as a new agent you will not have the referral business to keep you going. In the first two years of your real estate full-time career, you are going to need to say ‘no’ to all family events or until you build up your referral business. You will need to establish yourself in your local real estate market by spending many hours at open houses and in the office working on your marketing.”

Claudia Gaytan, El Paso

“You'll get out of your real estate career what you put into it.”

Angela Hornburg, Mansfield



Your Vote in the Midterm Elections is an Investment in Your Business

by Morgan O'Hanlon

The November elections are poised to be competitive—even more reason REALTORS® should cast their ballots.



REALTORS® participate in political advocacy because it's the best way to ensure the health of the industry. You may be only one voter, but when REALTORS® act together, they have the voting power of 154,000 individuals—among 17 million registered voters in Texas, that's a big deal! What's more, the way you and other REALTORS® vote impacts the day-to-day practice of your business.

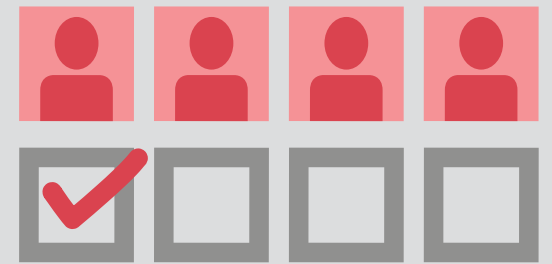
Real estate is one of the most highly regulated industries. Whenever a new policy is proposed that could affect real estate, it helps when REALTOR® interests are top-of-mind with lawmakers. The association has a saying: "If you're not at the table, you're on the menu." By engaging in political advocacy, the association can protect and maintain relationships with elected officials who can help achieve common goals. "TREPAC is regarded as one of the most respected political action committees in the state," said 2022 TREPAC Chair Nancy Garcia. "People know who we are and that we get things done."

The efficacy of Texas REALTORS® support is evident from the success of RPAC- and TREPAC-supported candidates. For the primaries that occurred on March 1, TREPAC supported candidates in 79 state and federal races in Texas. Of those 79 races, the candidates in 76 races either won outright or headed to a May 24 runoff. Then, during the May runoffs—which are always unpredictable—state candidates backed by TREPAC had an amazing 81% win rate. The one RPAC-supported candidate for federal office who went to a runoff also won his election. "By showing up to the polls, you can ensure REALTORS® continue to have a loud voice in school boards, city councils, county commissions, the Legislature, statewide office, and the U.S. Capitol," Garcia said.

Candidate Selection

As the leading advocate for private property rights in the state, Texas REALTORS® already has established relationships with policy makers at all levels of government. In races where vetted incumbents have proven they share the association's positions, local boards can—and should—act to support those candidates early on. In these situations, it is likely not necessary to hold a candidate interview, though it is always recommended to visit with your elected officials during the campaign cycle to maintain good relationships and get campaign updates. Another form of early engagement is when a local board helps recruit candidates who are REALTORS® or who have otherwise proven that they care about private property rights.

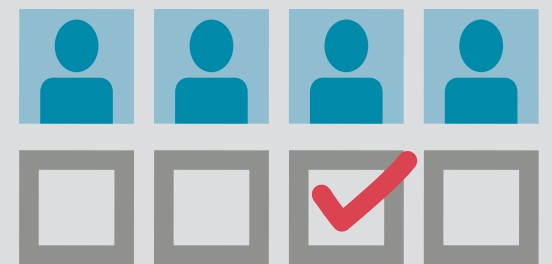
In open seats, or if reconsideration of incumbent support is on the table, a local association may choose to screen the candidates



Don't know if your districts have changed? Not sure which candidates will be on your November ballot?

Head to texasrealtorssupport.com.

You can plug in your home address to find out which TREPAC-supported candidates will be on your ballot in November.



Make Sure You're Registered

To check your voter registration status, visit teamrv-mvp.sos.texas.gov/MVP.

DATES TO KNOW

Deadline to register to vote
OCTOBER 11

Early voting
OCTOBER 24-NOVEMBER 4

Election Day
NOVEMBER 8

Elections by the Numbers

About **90%** of Texas REALTORS® were registered to vote for the March 1 primary elections.

96% of TREPAC-supported candidates either won their primary election outright or advanced to the May runoffs.

17.1 million people were registered to vote in the Texas primaries.

for a given office. This happens through the Texas REALTORS® Candidate Interview Program. Local associations work with the Political Involvement Committee (PIC) and other REALTOR® volunteers to recommend candidates. Ultimately, TREPAC support is determined based on factors that include a candidate's positions on real estate issues, the candidate's relationship with the local association, and that person's chances of winning. "If you want to help decide who TREPAC supports, you should get involved with government affairs at your local association," said 2022 PIC Chair J.R. Martinez. "Local boards have the most say in which candidates ultimately receive TREPAC support." Martinez's committee is responsible for promoting member participation in the association's grassroots political advocacy initiatives. This includes providing the state perspective on candidate screening, assisting candidate recruitment and training, candidate interviews, promoting turnout, and maintaining relationships with elected officials.

The PIC also gives REALTOR®-supported candidates ratings dependent on their stances toward real estate issues and their history of advocating on behalf of private property rights. In order from highest to lowest, those ratings are REALTOR® Champion, REALTOR® Advocate, REALTOR® Friend, and Incumbent.

After local boards make their recommendations for legislative and statewide candidates, those recommendations are sent to the trustees for a vote and final approval. For Texas's federal candidates, TREPAC trustees vote on recommendations to RPAC, which is responsible for supporting candidates in those races. In elections at the local level, local boards have full control of which candidates will receive TREPAC support.

This year's political landscape

Going into November 2022, the state's political landscape has shifted due to demographic changes and redistricting, a process of redrawing voting districts that occurs once every 10 years based on census population data. "This year, the results of redistricting reaffirmed Texas's status as a 'primary state'—meaning that, in most cases, the primary elections are the election of consequence," said Texas REALTORS® Director of Political Affairs Brandon Alderete. Even so, this November election remains consequential. There are several races that remain contentious, and tides could turn in favor of either candidate. Texas REALTORS® is a trade organization focused on the success of its members, consumers, and a healthy real estate environment. TREPAC supports REALTOR® interests by supporting candidates from both major political parties based on their views concerning real estate issues and not based on party affiliation, party platform, or other issues outside of real estate issues.

"These are the decision makers who determine your business environment," said Tray Bates, Texas REALTORS® Vice President of Governmental Affairs. "During the pandemic, the state's top lawmakers were charged with deciding what businesses were deemed essential and allowed to operate throughout shutdowns. Real estate was on that list. If that hadn't happened, we would've been in trouble."

The election this fall presents an opportunity for Texas REALTORS® to have an outsized influence on political advocacy because midterm elections have notoriously low turnout and REALTORS® are far more likely to vote than non-REALTORS®. Statewide data from the March elections show REALTORS® were 50% more likely to vote.

During the 87th Texas Legislature in 2021, TREPAC-supported elected officials passed laws that reformed homeowners associations in favor of property owners, expanded options for appraisals, ensured REALTORS® could provide their essential services in times of crisis, and increased transparency of property taxes. The association worked with allies on both sides of the aisle in the Texas Capitol to achieve those wins. Those partnerships were forged and solidified through participation in the electoral process. ★

MORGAN O'HANLON is advocacy communications manager for Texas REALTORS®.

★ PIC

Engages REALTORS® at the local level.

Each Texas REALTORS® region is represented for a total of 25 committee members.

Committee members selected by Texas REALTORS® Leadership Team after undergoing an interview process.

Each member serves a 2-year term.

Oversee political programming including candidate recruitment and training, REALTOR®- and public-voter registration, candidate interviews, REALTOR®-voter turnout, Opportunity Races (REALTOR®-facing political campaigns), Legislative Contact Teams, and calls for action.

★ TREPAC

Fundraises and allocates support to local, legislative, and statewide candidates who promote homeownership, protect real property rights, and increase political awareness.

There are 52 TREPAC trustees.

49 trustees are elected by the full board and three are appointed by TREPAC chairs. Those three appointed members are non-voting.

Each trustee serves a 2-year term and may serve up to two consecutive terms. After the first two years, the trustee must interview again.

Votes to approve local recommendations for legislative and statewide candidates. Votes to make recommendations to RPAC in federal elections.

An interactive voting guide?
Hey ... that's useful!



Personalized Voter Guide

Find the TREPAC-supported candidates on your ballot.

Street Address: 2020 Buila Boulevard

City: Anywhere

ZIP Code: 78701

Preferred Candidate Party: All

Look Up My Candidates

Download PDF of all supported candidates

This form uses the information from the Texas (GIS) Apportionment project.

Political advertising by TREPAC/Texas REALTORS® Political Action Committee

Most voting guides are an endless list of districts you don't live in and candidates you can't vote for ... but not this one.

Visit

texasrealtorssupport.com

Election Day is
November 8

Early voting is
Oct. 24 - Nov. 4



Get a customized voting guide listing the REALTOR®-supported candidates on your ballot.

Visit texasrealtorssupport.com.

RISKY BUSINESS?

Use These Texas REALTORS® Resources to Lower Your Chances of Lawsuits and Complaints.

by Marty Kramer

Working in real estate can be very rewarding, but it can also involve many risks. Thankfully, as a member of Texas REALTORS®, you have access to a suite of legal resources to lessen your chances of facing complaints or lawsuits.

A Legal Hotline for Your Real Estate Questions

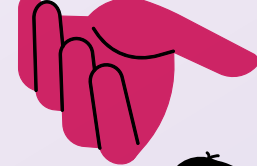
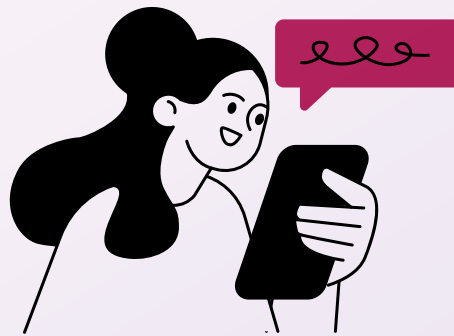
800-873-9155, 9 a.m. - 4 p.m. Central, M-F excluding holidays

Call to get general answers to your questions about real estate laws and rules. Though hotline attorneys cannot give legal advice regarding specific transactions or situations, you can get general information about forms, brokerage, agency, license laws, listing, and more. Attorneys answer more than 19,000 calls on the hotline each year. Average hold times are under one minute.

450+ Answers to the Most Common Legal Questions

texasrealestate.com/faq

Legal Hotline attorneys have compiled answers to hundreds of the most common questions they hear on the hotline. Access these answers 24 hours a day, whether you need guidance on contracts and forms, advertising, agency, commissions, disclosures, landlord/tenant issues, fair housing, or other topics.



Legal Fund: Assistance that Helps You Even if You Never Use It

texasrealestate.com/legalfund

If you're involved in a legal battle that could affect all REALTORS® in Texas, you may qualify for financial or legal assistance from the Texas REALTORS® Legal Fund. Even if you never find yourself in this situation, you still benefit. For example, with backing from the Legal Fund, REALTORS® successfully stood up to a patent troll targeting REALTORS® and prevailed against claims that a REALTOR® has a duty to verify the accuracy of square-footage data obtained from an appraisal district. Precedent-setting cases provide the best kind of protection, stopping a lawsuit from ever becoming a trend that spreads to the entire industry.

150+ Forms Exclusively for You and Your Clients

texasrealestate.com/realtorforms and through zipForm and other licensed vendors

Whether you work in commercial real estate, property management, farm & ranch, or residential, you have exclusive access to contracts, representation agreements, addenda, notices, employment/affiliation agreements, and commission-registration agreements to fit a variety of situations. These forms help you document the details you need to keep transactions on track and reduce your and your clients' chances of trouble.

Model Policies for Privacy, Do-Not-Call, and Internet Use

texasrealestate.com/manuals

Running afoul of consumer-protection laws—even unintentionally—can lead to big fines. Limit your exposure to complaints and violations related to using the internet, emailing, and calling prospects with Texas REALTORS® model policies.

Articles on Legal Topics that Matter to You

texasrealestate.com/magazine
texasrealestate.com/blog

Texas REALTORS® staff and others write magazine and blog articles on important legal topics and forms. In addition to reading *Texas REALTOR®* magazine and the Advice for REALTORS® blog, you can use the search function at texasrealestate.com to find articles on specific topics. For example, keyword searches such as *appraisal addendum*, *open house lawsuits*, and *forms changes* will yield search results with articles on those topics.

Resources for Your Property Management Activities

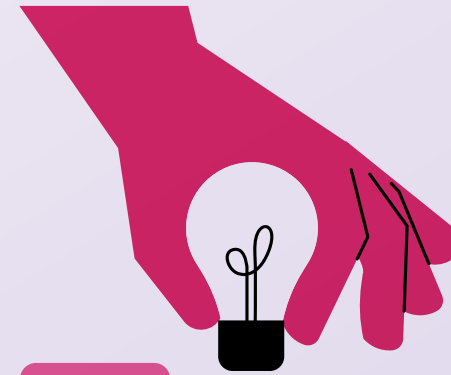
texasrealestate.com/manuals

The Texas REALTORS® *Residential Property Management Resource*—available to members for \$149.99 plus tax—includes eight chapters of property-management information on topics such as evictions, security deposits, trust accounts, applications, and repairs. You also can download the free Texas REALTORS® *Model Tenant-Selection Criteria Form*.

A Response for Frivolous Claims Against You

texasrealestate.com/manuals

Even though Texas REALTORS® successfully fought to exempt real estate brokerage activity from the Deceptive Trade Practices Act, you still could face demands based on the DTPA. If you do receive a DTPA demand letter, you or your attorney can use the form letter to respond. An online tool allows you to fill in blanks depending on your situation and generate a response letter.



Compliance for Your Brokerage

texasrealestate.com/manuals

Texas Real Estate Commission rules require brokers to maintain written policies and procedures. The Texas REALTORS® *Broker Responsibility Guide*—exclusive to members at no cost—provides the information you need to comply with the rules. The Texas REALTORS® *Model Brokerage Policies and Procedures Manual* gives you instant compliance with TREC's requirement to maintain written policies and procedures. It is available to members for \$99.99 plus tax, and it includes free updates.

A Dedicated Staff Looking Out for Your Best Interests

The 10 attorneys on the Texas REALTORS® legal staff approach everything they do with you in mind. The legal team constantly looks for solutions to address legal threats to your business and provides you with tools to lessen your exposure to complaints, violations, and lawsuits.

Guides to Help You Comply with Copyright Laws

texasrealestate.com/manuals

Infringing on someone else's intellectual property rights can cost you money and time. Texas REALTORS® has model guides you can use to make sure you're not improperly using photos or listing information. Also, the *Digital Millennium Copyright Act [Safe Harbor Provision] Model Policy* gives you the details you need to protect yourself from some other party's infringing materials that appear on your website.



LOCAL ASSOCIATIONS: YOU GET THESE BENEFITS, TOO

Most of the resources listed here are also available for the staff at local REALTOR® associations in Texas. If you have legal questions pertaining to your association, call 800-873-9155 and press 2.



Game on

As a local cooperative, we share our profits with the Texans we serve. Since 2006, we've returned \$2.2 billion in combined cash and allocated equities to our members through our cooperative returns program. So, when you're ready to secure a loan for that perfect rural playground, try a partnership that really pays. **Together we're better.**

🏠 NMLS493828 | 877.944.5500 | capitalfarmcredit.com



SHARE THIS

Help clients better understand real estate transactions by giving them this information. Download a PDF of this page at texasrealestate.com/sharethis.

HOW INTEREST RATES AFFECT YOUR HOME PURCHASE

Your monthly house payment depends on many factors, including the interest rate on your mortgage. Here are some things to keep in mind about interest rates when you're planning to buy a home.



RATES CHANGE OVER TIME

The rate you can get on a loan today will likely vary slightly from yesterday's or tomorrow's rate. Over longer periods, rates can fluctuate dramatically. Interest on a 30-year mortgage topped 18% in 1981 and dipped below 3% in 2020. People will predict which direction rates are heading, but no one knows for sure. If you're concerned rates will rise while you're looking for a home, some lenders give you the option to lock in a rate for a period of time.



DIFFERENT LOANS CHARGE DIFFERENT RATES

The interest on a 30-year fixed-rate mortgage is typically higher than the rate on a 15-year fixed-rate loan. Interest rates on adjustable-rate mortgages are usually even lower; however, as the name suggests, those rates can change over time.



HOW MUCH WILL A LOAN PAYMENT CHANGE?

The difference in a monthly payment depends not only on the loan's interest rate but also the amount of money borrowed. A buyer who borrows \$250,000 at 5% will pay \$148 more per month than if the rate was 4%. On a \$400,000 loan, though, the difference would be \$237 each month.

Images © Visual Generation - stock.adobe.com



Interest rates are just one aspect of a mortgage, and a mortgage is one of dozens of considerations when you purchase a home. Working with a REALTOR® ensures that you have a professional at your side to guide you through the entire process.

TAKE 5

ARE YOU REALLY LISTENING?

When clients are talking, you may hear them, but are you truly understanding what is being communicated? To avoid missing critical information that can affect your business, establish a habit of active listening.



GO BEYOND THE WORDS

When listening, observe body language, tone of voice, and facial expressions. For example, a raised eyebrow or quickness of speech can change the meaning of what is said. If the nonverbal cues don't match, seek clarity by asking follow-up questions.

TAKE NOTES

Jotting down key points not only provides a better opportunity for recall and follow-up; it also shows that you are taking what is being said seriously.

DON'T INTERRUPT

While you should affirm you are paying attention by nodding or with a small comment, don't jump in with solutions. Instead, give your clients time to express their needs or concerns to gain a deeper understanding of their goals.

WITHHOLD JUDGEMENT

Do your buyer's expectations seem out of line with the current market? Before you respond, repeat or paraphrase what you heard to get confirmation.

IMPROVE WITH PRACTICE

You are busy. It can be hard not to multitask. But the more you focus on what your client is actually communicating, the stronger your relationship will be.



Yes, our tools do make a difference.

Our innovative tools can make your business soar. If you want to be great, you need great tools. Look no further. Weichert® gives you an incredible set of tools to help you succeed both in the office and on the go. Work smarter with our powerful listing presentation, polished marketing materials and the industry-leading myWeichert® powered by the kvCORE platform – the #1 lead gen system available. Generate more leads. Engage more buyers and sellers. Build better relationships. Weichert tools really do make a difference. Put them to work for you. Give your local Weichert office a call today or visit jobs.Weichert.com



Weichert®

Each Weichert® franchised office is independently owned and operated. ©2021 Weichert Real Estate Affiliates, Inc. Weichert is a federally registered trademark owned by Weichert Co. All other trademarks are the property of their respective owners.

PROPERTY TAXES WAY TOO HIGH!!!



DEADLINE AHEAD!!!

IF THE 2022 ASSESSED VALUE OF YOUR HOMESTEAD WAS AT LEAST 1/4 MORE THAN ITS TRUE VALUE OR YOUR OTHER PROPERTY WAS AT LEAST 1/3 MORE THAN ITS TRUE VALUE, YOU STILL HAVE TIME TO LOWER YOUR TAXES

**THE LAST DATE TO
PROTEST A 2022 VALUE:
JANUARY 31, 2023**

Texas Property Tax Consultants, Inc., is a professional property tax consulting firm with the simple goal of reducing your tax payments. Through our careful planning, evaluation, and presentation of appeals, we have saved property owners thousands of dollars. Every analysis is backed by years of successful, aggressive property tax appeals. TAX REFUNDS may also be available, so call today.

**THERE IS NO CHARGE FOR
OUR SERVICES UNLESS
WE ARE ABLE
TO REDUCE YOUR TAXES!**



CALL ME TODAY!

JOHN G. HIRSCHY, MAI, SRA, CCIM

TEXAS PROPERTY TAX CONSULTANTS, INC.

P.O. BOX 2009 • COPPELL, TEXAS 75019-8009

972-304-0909 Ext. 0

Info@TexasPTC.com

www.TexasPTC.com