

The background is a solid yellow color with a 3D perspective of yellow steps ascending from the bottom left towards the top right. A dark grey horizontal bar is positioned across the middle of the image, containing the main title and speaker information.

WRA Updates and Insights

CORI LAMONT & TOM LARSON
WISCONSIN REALTORS® ASSOCIATION



Status of NAR lawsuits?



3 pending lawsuits against NAR, several real estate brokers, and affiliates

- Sitzer v. NAR (W.D. of MO) – Filed by home sellers. **Court agreed to certify a class** – class can proceed on behalf of impacted home sellers rather than just named plaintiffs. **Two-week trial begins in late February.**
- Moehrl v. NAR (N.D. of IL) – Filed by home sellers. A motion for class certification has been pending since 9/22. **No trial likely until at least mid-2024.**
- Leeder v. NAR (N.D. of IL) – Filed by homebuyers. **Original complaint was dismissed** because buyers did not have standing under federal antitrust law. Buyers have amended complaint, which is now pending.

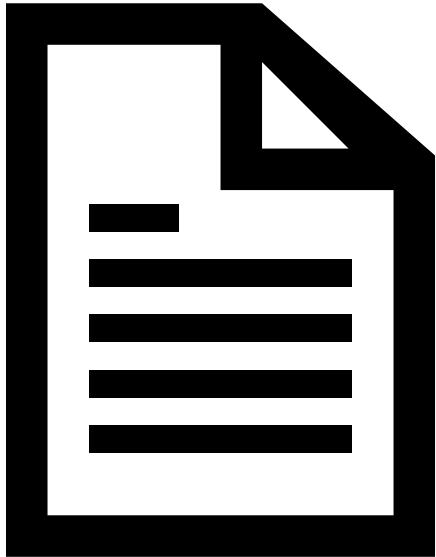


Claim – NAR rule for MLS listings requires all seller’s brokers to make a blanket, unilateral and effectively non-negotiable offer of buyer-broker compensation.



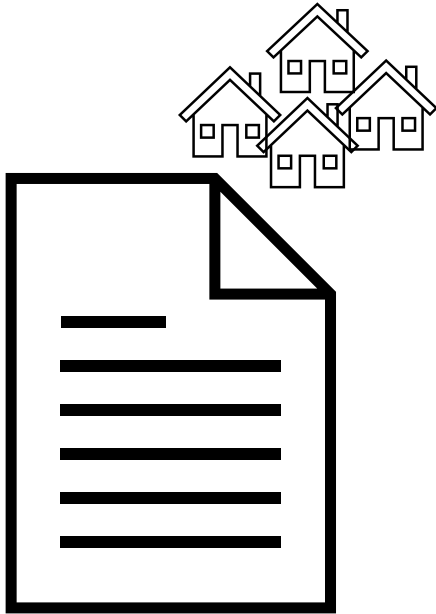
Remedies sought – Damages + injunction prohibiting challenged practices

DSPS & REEB Update



- Renewal deadline was 12.14.22
- Real Estate Examining Board
 - 5 practitioners
 - 2 public members
- Regulate your practice, approve state-approve (VWB) forms, promulgate rules
- Discussion as to the argument REEB is not valuing the license because the discipline imposed for license law violations are not proportional to offense

WB-36 Buyer Agency/Tenant Representation Agreement



- Break apart the buyer agency and tenant representation components
- Create a new tenant representation agreement
- Do not modify the WB-38 Commercial Buyer Agency/Tenant Representation Form
- ETA on release? TBD



Upcoming Legislative Session

2023-2024 Legislative Priorities

- 24 priorities
- 7 Themes Identifying Key Industry Issues
 - Improve housing availability and affordability
 - Reduce taxes
 - Grow the economy
 - Risk reduction for REALTORS®



2023-2024 Legislative Priorities

Top priorities

- NIMBYs
- Property tax levy limits
- Residential infrastructure financing tools
- Limit liability for use of government information

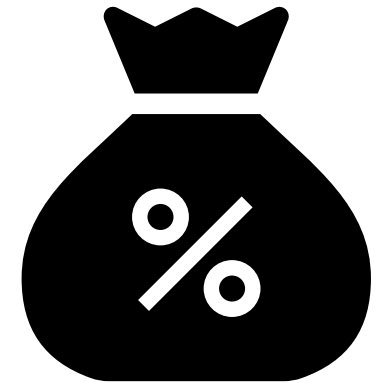
Designed to reflect divided government



Statewide Levy Limits Poll Results

(STATEWIDE POLL CONDUCTED BETWEEN 11/28/22 AND 12/2/22; 758 RESPONDENTS; +/- 3.6%)

- **54%** believe property tax is WI's most onerous tax (compared to 44% for state income taxes, and 28% for the sales tax)
- **82%** believe voter approval of property tax increases is a good idea
- After hearing pro's and con's of levy limits:
 - **61%** support levy limit **32%** oppose levy limits
- Popular messages
 - **80%** think removing levy limits negatively impact seniors and others on fixed income
 - **76%** think voters should have the final say on property taxes
 - **73%** think property tax increases will magnify the negative impacts of inflation



WRA



REALTOR® & GOVERNMENT DAY

April 26, 2023

Madison, WI



An aerial, top-down view of a dense urban landscape, likely New York City, showing a variety of skyscrapers and buildings. A large, dark, semi-transparent rectangular area is centered over the image, containing the title text. A thin orange horizontal line is positioned below the text.

Professionalism Initiatives

Statewide Professional Standards

- No later 4.1.23 WRA will be offer statewide professional standards
- Voluntary for local boards to enter an annual contract
- WRA would take on the role of the administrator for ethics and arbitration hearings for those boards than sign on
- Encourage complaints to be made
- Creates uniformity



WRA's Legal Action Program

Established in 1978

- To support REALTORS[®] and property owners involved in legal matters that have significance for WRA members and the real estate industry
- Cases may include:
 - Real estate law and practice,
 - land-use or environmental issues,
 - private property rights
 - development rights

- Acting through the Legal Action Program,
 - Amicus curiae brief
 - Or as member of a coalition of similarly interested parties
 - as a party to the lawsuit
 - or by providing legal, environmental, land use or other research
 - assists in funding cases of interest
- Commonly involved in cases on appeal
- But have participated at circuit court or administrative hearing level

Potential consolidated case combines ***Continent Resources v. Fair (Nebraska)*** and ***Tyler v. Hennepin County (Minnesota)***

- 5th Amendment of US Constitution, government is prohibited from taking property for public purpose without just compensation
- 2021 Wis. Act 216, eliminated ability of WI counties to keep the net proceeds in a property tax foreclosure sale
- WI case law continues to state if property owner received sufficient notice of a tax foreclosure to satisfy due process requirements, a taking does not occur when government retains any net proceeds
- WRA filed amicus brief supporting Pacific Legal Foundation's petition to US Supreme Court on a foreclosure equity theft case

***Pagoudis v. Keidl* (2020AP225)**

- Waiting decision, oral argument occurred in September
- Liability of seller to third-party assignees and transferees
- Deciding if commonly owned LLCs are treated as separate entities

Bird Glass Ordinance – City of Madison

- On appeal
- City of Madison adopted an ordinance that certain buildings must meet new “bird-safe glass treatment requirements.”
- Ordinance undercuts and disregards Wisconsin’s uniform building code est. 2014

Waupaca County v. Golla (2021API076)

- WRA is submitting an amicus brief
- 2015 Wisconsin legislature modified the state's shoreland zoning regulation to be uniform statewide
- Waupaca County used general zoning ordinance to regulate shoreland zone areas
- Allows the county to ignore the shoreland zoning standards and establish whatever standards they want in shoreland zone areas
- Is inconsistent with the statutory language of Wis. Stat. § 59.692(5)
 - both actual language of the statute and
 - intent of the law

Other cases of interest

- Short-term rental ordinance – Town of Rib Mountain
- Time of sale ordinance – Manitowoc County
- 2-year liability period – Walworth, Milwaukee and Kenosha

Resource: <https://legalaction.wra.org/>



Thank you

coriL@wra.org

tlarson@wra.org