



# *Amerival*

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### ***COLD WEATHER, HOT BUSINESS!***

***BY***

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***TSA NIXES NEW JERSEY DRIVER'S LICENSES-*** I became aware of this about 1 week ago. Not to panic but be aware. As the saying goes, "forewarned is being forearmed". In 2005 Congress passed the Real ID Act recommended by the 9/11 Commission. The intent was to prevent fake IDs. In general it required greater identification requirements for license applicants primarily to assure safety for air travel. From what I read there was no direction as to what that was to entail. However, there apparently was no great effort to enforce this law. The control is under the Department of Homeland Security which extended the deadline for states and U. S. Territories to create the law and process to insure that the federal law is followed.

Apparently, there are 9 states (New Jersey, Alaska, California, Illinois, Minnesota, Missouri, New Mexico, South Carolina, Washington state, Puerto Rico, Guam and the U.S. Virgin Islands) which have not complied and the DHS has already denied extensions to Missouri, Illinois, Minnesota and Washington state and have succinctly stated they will not issue any extensions. The deadline is January 10, 2016. But, the DHS is vague about implementation. They do say that the public will be given 120 days notice before they enforce the requirements which is not stated as yet. If it all comes to be, a passport is the best proof of your "being" and pertinent information. If you are getting ready to travel, do some checking first to be certain that you have what is necessary to "legally" prove who you are. It may sound like a "pain" but it is intended to keep all of us safe.

***WHITE LIES TOLD BY LANDLORDS-*** American's are a mobile society which often means renting a place to live is very common. A renter needs to be careful of the following pitfalls at the hands of the landlord. Now, all landlords don't lie but it is better to be informed in order to make good and safe decisions.

#1— We are a very internet driven society and we are busy, or at least we tell ourselves we are. It is common to shop on the internet and for various personal items and gifts it makes sense from reputable companies. But we have become accustomed to renting short term or long term rentals via the internet. This is very common among business people who are undergoing a temporary move. The adage, "a picture is worth a 1,000 words."

no longer is necessarily true. And, the other adage, "a picture never lies is a 1930's understanding which is before the advent of Photoshop and fisheye lenses. A fisheye lens typically adds an additional 100 square feet to a room, so what you see ain't necessarily what you will get. The stock answer is don't rent until you physically visit the property. If doing long distance renting, ask for a sketch with the room dimensions. If they turn out to be false, then you have some recourse. In short, the problem is "misleading advertising" which is a focus for tenancy groups today. Most problems are in those areas like Washington, DC which is a very transient area particularly after elections. **(CON'T)**

**Courtesy of**

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**(CON'T) #2— KNOW WHAT A BIG FISH STORY IS?-** I'm willing to be you have as we all likely have heard. It's an exaggeration that lives in the mind of the storyteller. There are some landlords guilty of this also. As with #1 it is false advertising whether it be by photo or word. Also as said above, don't rent without seeing when possible. Even more importantly don't sign an online lease document with an e-signature. If you do and you've asked for proofs, then make the lease conditioned on the reasonable accuracy of the landlord's statements and related documents as evidence of what really is. A legit landlord will likely have all these documents ready because they don't want the problems either.

**#3— LANDLORDS BREAK PROMISES-** This is quite simple. It's not even that a landlord is trying to lie, but not understanding what you really meant and vice versa during an email exchange or brief telephone conversation, can in itself create the illusion of a mistruth (not lies). So, if they are going to paint the rooms then it should be obvious. If they are replacing the carpet and gave you a choice of color, style, etc. then a sample should be provided with a tag attached that both landlord and tenant will sign so there is proof it is what the landlord intended and the tenant expected. Simply, think in terms of "misunderstandings rather than the "lies". Most disagreements are due to the former not the latter, so careful and diligent planning a actions will preclude the vast majority of problems that "could" be experienced.

**REAL ESTATE LAWS UNKNOWINGLY VIOLATED-** Not to worry, much of this is totally unintended and often is corrected by knowledgeable professionals. But, it's always good to be aware.

Many people are moving out of state or even a distance in their present state of residence. In discussions with the seller the prospective buyers submit a "sweetheart" letter in which they advise who they are and their aspirations. A seller may not even read this and if they do they may be guilty of making a decision influenced by discriminatory intents. If they do, it is a violation of the Fair Housing Act.

Potential buyers are certainly interested in their possible new environment and ask very specific questions of their real estate agent. Most of course are about the neighborhood. Most likely unintended to be discriminatory but reasonably perceived as such. The FHA doesn't allow discussions of religious composition of the neighborhood, schools, median household incomes and crime rates to name a few. Some of this is so innocent that it's shocking when it becomes a part of a lawsuit. Well informed real estate people will know not to answer these questions but can direct their prospective purchasers to certain online demographics providers and locale telephone numbers for the police, etc. And of course a potential purchaser can also knock on doors as it is surprising how pleasant and helpful most people are.

A common illegal practice by purchasers is after signing a contract and in the process for arranging the move, they gain access to the house to measure the rooms or check out what ever is important to them without asking permission. Technically, this is trespassing, as they are there uninvited. Should something happen to that property after that visit the purchaser may very well be fully responsible. So, be considerate by asking first and be safe because it is the right way to go about it.

Here's a bit of a shocker. Should one be at an open house and be so taken with what they see that they take photos and inadvertently photograph the owner (s). Unfortunately the First Amendment provides for the right to privacy which includes the right to "not be photographed" without permission. Who would have thought. However, for appraisers and tax assessors when taking photos of a property inside or out, DO NOT have people in those photos. One never knows where those photos may go and it could create a problem for one of those people and make you liable for whatever difficulties they encounter because of your photograph. In addition for appraisers and tax assessors if you are taking photos of properties to be used as comparative ones, and there are people outside, especially children DO NOT take the photo. First, ask permission and if they are children they can't give you a legal right. Knock on the door and present your identification and ask permission and their help to have the kids come inside while you take the photos. By the way, you'd be shocked at how much you can learn by asking a few questions about the conditions of sale and the interior. And, surprisingly you'll be shocked at how many people will invite you in to see the house and they'll tell you all that they had to do. What better way to have good comparative sales.

Lastly, don't sign your partners signature as without a Power of Attorney it isn't legally binding.

**UPCOMING NEW JERSEY NAIFA 50TH ANNIVERSARY APPRAISAL CONFERENCE-**

**Dates:** *April 12 & 13, 2016*

**Place:** *Harrah's Hotel in Atlantic City, NJ (777Harrah's Blvd.; Tel. 844-619-0667)*

The 1st day will have the 2016 & 2017 required 7 hour USPAP seminar. So don't miss the first opportunity of a professionally presented USPAP seminar being conducted by a highly recognized and sought after national instructor from Tennessee.

The next day will have several offerings of which one is a Land Use Seminar which will have 2 highly recognized land use attorneys and a New Jersey land use expert with years of successful experience and published in the specialty. This will be followed by a mock land use hearing featuring the two attorneys from the seminar and the expert who shall be chairman of the board accompanied by a partner from a New York law firm with high powered experience. They will present a land use case which will be decided by the board and then decided by the audience. Don't miss this!! Ask those who attended last years conference in which there was a mock tax board hearing that 150 people were absolutely thrilled. This will be at least as good.

Also scheduled is a 5 hour special FHA seminar to be conducted by Tom Munizzo, a former NAIFA national president. Mr. Munizzo, a highly recognized speaker throughout the U.S. with an exciting flair.

There is also a new real estate law seminar required for NJ appraisers which will be presented by Joseph Palumbo, a member of the NJ Appraisal Board. He was responsible for some of the success our 2015 conference enjoyed with the NJ board update.

And, an exciting and novel 2 hour "*edge of your seat*" seminar entitled "Weird and Unusual Assignments" which will be presented jointly by Chuck Blau, Esq, IFAS, Carl Mucciolo, IFAS and John Marrazzo, IFAS, all past NJ State Directors.

Keep watching for updates. Go to the NJNAIFA website for up to the minute updates for the seminar. The website is <http://NJNAIFA.COM>.