

WEEKLY
get the *facts*



June 3, 2014 | Stay Connected!



Legal Hotline

Q & A



Hotline Attorney Annie Fitzsimmons writes the Legal Hotline Question and Answer of the Week. Please submit questions to legalhotline@warealtor.org or call (800) 562-6027. Please have your NRDS number ready when you call or e-mail the Hotline with your question. The Legal Hotline lawyer does not represent Washington Association of REALTORS® members or their clients and customers. Research this topic and thousands of others online.

Question:

Buyer's inspector found evidence of Methamphetamine contamination. The revised Form 35 includes a clause requiring that unless buyer personally conducts the inspection, the inspector must be licensed or "exempt from licensing." Buyer is going to claim the additional inspection time per the Form 35 to further investigate the potential meth contamination. But, will a Methamphetamine testing/clean up company be exempt from licensing as it relates to performing an inspection during the additional inspection time?

Answer:

A methamphetamine expert can inspect the property with respect to methamphetamine contamination only. The meth inspection is not prohibited by Form 35 or the Inspector Licensing Law.

The distinction that is drawn by this question is that the methamphetamine inspector is not conducting a whole home inspection. If the meth inspector were conducting the whole home inspection, then the meth inspector would also have to hold an inspector's license. In this case, the meth inspector will be investigating an isolated issue that falls within the meth inspector's expertise. This is a very different situation from one where an unlicensed inspector conducts the first inspection of the property and inspects all aspects of the structure, the property and the general condition of both.

Similarly, after the initial whole home inspection, buyer could have an electrician inspect electrical issues, a plumber inspect plumbing issues and even have a contractor estimate the cost of necessary structural repairs. But, none of those professionals could conduct the whole home inspection unless they also had an inspector's license.

Form 35 does not prohibit buyer from bringing a person into the house unless that person has an inspector's license. Rather, Form 35 and state law prohibit buyer from having a third party, who is not a licensed inspector, conduct a "home inspection."

[For a printer friendly version of this week's Legal Hotline Q & A, click here.](#)

REALTOR® Career Help

We have scanned and selected interesting tips & tricks articles from a variety of industry publications so you don't have to. Always check with your broker/owner to see if these practices fit within your company policies.



Photos to Large for Upload???

Take these simple steps to resize them Many Realtors® upload photos to their MLS and other real estate web sites. Photos that are taken at a high resolution (High Quality) save as large files; sometimes, too large for upload to those web sites. We receive a lot of calls asking for assistance resizing photos when the file size is above the website's limit. Below are simple steps for both Window and Mac users.

[READ MORE](#)



Know What Your Client's Thinking by Watching Body Language

Check out this fun little video you can use to help you read your client's body language. Prolonged eye contact can mean someone's lying to you...a furrowed brow indicates stress...etc.

[VIEW IT HERE](#)

Top Stories

Unemployment Is About to Fall a Lot Faster than Predicted

([Harvard Business Review](#)) The recovery from the Great Recession has been slow and painful, especially when it comes to jobs. The unemployment rate, which peaked at 10% in October 2009, is still an unpleasantly high 6.3% (compared with 4.4% before the recession), and many economists are saying it won't go much lower anytime soon. The Federal Reserve's forecast (made in December 2013) is for a rate of 6.3% at the end of this year, with not much chance of dropping below 5.5% before the end of 2016. Others are even gloomier: Trading Economics projects unemployment rates above 6% for the next couple of decades...

But what if all this gloominess is unwarranted?

[READ MORE](#)

Wells Fargo Will Stop Offering Most 'Interest-Only' Loans

([Wall Street Journal](#)) Wells Fargo is overhauling its offerings of home-equity lines of credit so that most new customers will be required to pay principal and interest over the life of the loan, a significant shift by the nation's largest home-equity lender. Monday's WSJ takes a look at how more homeowners who took out so-called Helocs during the housing boom are now facing higher monthly payments as 10-year "interest-only" periods end, requiring borrowers to make interest and principal payments...

[READ MORE](#)

Mortgage

National Averages	30-Yr FRM	15-Yr FRM	5/1-Yr ARM	1-Yr ARM
Average Rates	4.12%	3.21%	2.96%	2.41%
Change (from prior week)	-0.02%	-0.04%	-----%	-0.02%
Fees & Points	0.6	0.5	0.3	0.4
Margin	N/A	N/A	2.72	2.72

Regional Averages (West)	30-Yr FRM	15-Yr FRM	5/1-Yr ARM	1-Yr ARM
Average Rates	4.07%	3.16%	2.81%	2.13%
Change (from prior week)	-0.02%	-0.05%	+0.04%	-----%
Fees & Points	0.7	0.6	0.4	0.6
Margin	N/A	N/A	2.70	2.67

Source: Freddie Mac - Weekly mortgage rates released every Thursday.

[Freddie Mac's Primary Mortgage Market Survey](#)

Government Affairs

NAR to Comment on EPA Framework for Possible Lead Rule...

The EPA is considering public comments as they assess whether hazards are created by public and commercial building renovations. Specifically, the purpose of the analysis is to show whether those renovations DO or DO NOT create lead hazards for children and to determine if rulemaking is necessary...



[READ MORE](#)

Disclosure, disclosure, disclosure!

The Consumer Financial Protection Bureau (CFPB) announced a \$500,000 fine to a real estate firm for inadequate disclosure language, highlighting the absolute importance for firms to "disclose the relationships to consumers at or prior to the time of referral and make clear that consumers are not required to use the affiliate"... This is a good reminder to refresh yourself and your team on RESPA and your company policies for disclosure.

- [View CFPB's Consent Order](#)
- [Affiliated Business Disclosure Format](#)
- [NAR's RESPA Page](#)

[READ MORE](#)

Major Investors



REALTORS® PAC
YOUR BUSINESS YOUR VOICE



Major Investor Profile: *Karen Schweinfurth*

ABR, CRS, SRES, e-PRO Internet Certified

Local Association: Snohomish County-Camano Association of REALTORS®

Years investing in RPAC: 11 Years

Why does Karen invest? "Investing in RPAC protects my business in terms of being able to stop harmful laws that can affect my commission, and protects all small business owners. Secondly, my investment secures that I will protect my client's property rights by making sure that the REALTOR® party supports candidates that support our issues on the Hill."

Click here to see a complete list of Major Investors.

Education

For your convenience, Washington REALTORS® Education offers both online education and live classes, including webinars! To participate in a webinar, all you need is internet access and a phone. For more information, or to sign up for classes, visit www.warealtor.org/education.

Upcoming Live Classes

JUNE 05 | REALTOR® SAFETY

YAKIMA | 3.0 CE

Instructor: Pili Meyer, ABR, CRS, GRI, SRES, e-Pro

Knowledge. Awareness. Empowerment. These are the core components of REALTOR® Safety and helping our members make it home safely at the end of every day. This 3.0 clock hour class helps remind us to identify the dangers we face every day, to be aware of our surroundings, and empower ourselves with precautions and preparations so that we can avoid risky situations. This class addresses components of: safety at the office, safety with your clients, and safety at home.....[REGISTER](#)

JUNE 05 | CURRENT ISSUES

YAKIMA | 4.0 CE

Instructor: Pili Meyer, ABR, CRS, GRI, SRES, e-Pro

The Washington State Real Estate Commission and the Department of Licensing have adopted rules that require the completion of 4.0 clock hours of prescribed core curriculum. The 4.0 mandatory clock hours must be included in the 30 hours required for all active licensees. 2014-2015 topics include: legislative & legal updates, dual agency, sellers disclosure, Agency Law, referrals, signatory authority, and distressed properties....[REGISTER](#)

More Upcoming Live Classes...

June 6 | Regional Professional Standards

WENATCHEE | 7.5 CE

Instructor: Jan Ellingson, ABR, ABRM, CIPS, CRB, CRS, GREEN, GRI, SFR.....

[MORE INFO OR TO REGISTER](#)

June 10 | Core & More

PORT ANGELES | 7.5 CE

Instructor: Annie Fitzsimmons, Legal Hotline Lawyer

[MORE INFO OR TO REGISTER](#)

June 10 | Water Rights & Water Supply Issues for REALTORS®

TACOMA | 3.5 CE

Instructor: Bill Clarke

[MORE INFO OR TO REGISTER](#)

June 12 | Statewide Forms (Full-day)

VANCOUVER | 7.5 CE

Instructor: Annie Fitzsimmons, Legal Hotline Lawyer

[MORE INFO OR TO REGISTER](#)

June 12 | Water Rights & Water Supply Issues for REALTORS®

MOSES LAKE | 3.5 CE

Instructor: Bill Clarke

[MORE INFO OR TO REGISTER](#)

June 18 | Water Rights & Water Supply Issues for REALTORS®

TRI CITY | 3.5 CE

Instructor: Bill Clarke

[MORE INFO OR TO REGISTER](#)

June 24 | Pinterest for REALTORS®

WEBINAR | 3.5 CE

Instructor: Terry Eccles-Pettet, ABR, CRB, GRI, ePro, REEA member

[MORE INFO OR TO REGISTER](#)

June 26-27 | Certified Negotiation Expert

EVERETT | 15 CE

Instructor: Pili Meyer, ABR, CRS, GRI, SRES, e-Pro

[MORE INFO OR TO REGISTER](#)

For a complete list of classes, visit www.warealtor.org/education...

Thank You, Sponsors!



WIN™

HOME INSPECTION

To find an inspector,
click here.

A group of approximately 15 men, likely WIN Home Inspection inspectors, are posed for a group photo in front of a row of white vans. The vans have the WIN logo and 'WIN Home Inspection' written on them. The men are wearing dark blue polo shirts and khaki pants.

Best of the Legal Hotline Q & A

Question

If a listing advertises FHA financing, is the seller obligated to fix FHA required repairs? Buyer offered on a property advertising FHA financing. FHA is requiring certain items to be repaired. The seller doesn't want to fix them. Can we hold them to selling on FHA guidelines?

Click here for the ANSWER!

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Member Resource Quick Links

Please have your NRDS number and password ready when you access some of these links.



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