

Position Statements San Diego Association of REALTORS®

Issue: **Bans on Real Estate Signs**

Position: ***The San Diego Association of REALTORS® is opposed to bans on offsite and temporary real estate signs.***

Statement: The San Diego Association of REALTORS® (SDAR) is opposed to bans on offsite and temporary real estate signs. Real estate signs are a valuable tool in the marketing of for sale property. SDAR supports private property owners' constitutional right to free speech.

Issue: **Business License Tax**

Position: ***The San Diego Association of REALTORS® is opposed to the requirement of a business license tax for any real estate licensee affiliated with a Real Estate Brokerage.***

Statement: SDAR supports the position that licensees should not be required to individually pay a business license tax since they are required to be under the supervision of a broker in a stated place of business, the same conditions as other commercial businesses with employees. The California Business and Professions Code is clear as to nexus between a broker and those licenses maintained at his/her office. It requires that a broker shall be responsible for the supervision and control of activities conducted by employees/ licensees. The IRS classifies salespersons as independent contractors. Each associate licensee who is affiliated with an office under the supervision of a broker or corporation must comply with the terms of an Independent Contractor Agreement at a stated place of business.

Issue: **Companion Units**

Position: ***The San Diego Association of REALTORS® supports the use of Companion Units as a way to increase the availability of housing.***

Statement: The San Diego Association of REALTORS® (SDAR) supports the use of Companion Units as a way to increase the availability of housing. Companion units provide an innovative flexible approach to increasing the supply of housing without changing the complexion of existing or developing neighborhoods. This type of housing can be used to provide independent living for aging family members, to assist new homebuyers in qualifying income to purchase a home or to provide needed income for families on fixed incomes.

Companion Units are provided for under State Law, but some municipalities have local ordinances which restrict the creation of these units. SDAR does not support restrictions that are designed to unduly limit the construction of Companion Units.

Issue: Down-Zoning

Position: *The San Diego Association of REALTORS® opposes downzoning which negatively impacts private property owners' rights by limiting, denying and/or reducing property values or homeownership opportunities.*

Statement: "Spot" down-zoning should be prohibited by local governments if their intent is to deny or effectively deny housing opportunities that are consistent with their General Plan. SDAR also opposes down-zoning that fails to take into account expected population growth and the impact on property ownership and the right to develop their property. Additionally, landowners must be fairly compensated for any devaluation that may occur due to down-zoning.

Issue: General Plans

Position: *The San Diego Association of REALTORS® supports general plan policies that provide for adequate housing and essential infrastructure which meet the needs of projected demographics and population growth without undue regulation and constraints.*

Statement: SDAR supports the concept of general plans as a tool to plan for the accommodation of future population growth in the region, but opposes provisions in a plan that downzones property or requires unreasonable environmental constraints that limit property use and that eliminates planned roads and infrastructure that services these properties.

Issue: Historic Preservation Ordinances

Position: *The San Diego Association of REALTORS® supports the position that historic preservation ordinances should be structured in a simple straightforward nature as to not overly impact the use of or sale of the impacted property.*

Statement: The San Diego Association of REALTORS® (SDAR) supports the position that historic preservation ordinances should be structured in a simple straightforward nature as to not overly impact the use of the impacted property. SDAR believes that historic preservation offers a unique opportunity to preserve our past. Preservation should not restrict the property owner's ability to use the property. Preservation ordinances that encourage specific uses should be voluntary and incorporate tax credits and or economic incentives to accomplish the intended outcome.

SDAR believes that growth in and near the urban cores of San Diego County is a worthy goal, but that this should be achieved through incentives, not restrictions.

Issue: Impact Fees

Position: *The San Diego Association of REALTORS® (SDAR) opposes impact fees that unnecessarily restrict development, increase housing costs, and that are not utilized efficiently and for their intended purpose.*

Statement: The San Diego Association of REALTORS® is opposed to impact fees that hamper or deter development of our communities. SDAR further opposes impact fees that are not directly related to the needed infrastructure to support new development. Any such fees collected should be proportionate to the benefit of the property owner who is assessed and only utilized for the purpose for which the fee was established.

Issue: Inclusionary Zoning

Position: *The San Diego Association of REALTORS® (SDAR) believes that inclusionary zoning programs should be voluntary and incentive-based, with participation by the local government entity involved.*

Statement: The San Diego Association of REALTORS® (SDAR) is opposed to the practice of government implementing unfunded mandates for targeted inclusionary housing units. SDAR only supports inclusionary zoning policies that are voluntary and incentive-based and that do not increase the cost of housing.

Inclusionary zoning policies that increase the cost of new housing create an inflationary pressure that drives up the cost of all housing pushing homeownership further out of reach for many first time homebuyers or people who wish to purchase a home that would better suit their needs.

Issue: Point of Sale

Position: *The San Diego Association of REALTORS® (SDAR) is opposed to government mandates that impose inspections, retrofits, and other requirements on REALTORS®, and buyers and sellers of real property at the point of sale.*

Statement: Real property point of sale requirements unfairly target real estate transactions. Such requirements are inefficient as it may take as long as 15 years to overturn the bulk of the housing supply. Furthermore, a small segment of a community should not be responsible to pay for government mandates that impact the entire community.

Point of sale mandates complicate and delay sales transactions, places escrows in jeopardy and can drastically increase the cost to sell homes.

Point of sale mandates create unnecessary legal liabilities and responsibilities on REALTORS® to act as an expert in a field in which they are not trained and requires them to enforce government policies.

Issue: Rent Control

Position: *The San Diego Association of REALTORS® is opposed to all forms of rental price controls.*

Statement: The San Diego Association of REALTORS® (SDAR) is opposed to all forms of rental price controls. Rent controls are an economically counterproductive housing policy. Rental price controls decrease housing affordability and availability by discouraging investment in the construction of additional rental housing, lowers property values and erodes property taxes. The result is often rental communities that detract from the overall quality of the housing stock.

Issue: Transfer Tax or Fees

Position: *The San Diego Association of REALTORS® (SDAR) is opposed to increases of real estate transfer taxes.*

Statement: SDAR contends that transfer taxes/fees represent non-voter approved tax increases and are an unreliable revenue source. There is no connection between those paying the tax and those benefiting from the tax. This tax unfairly places a burden only upon buyers or sellers of real estate, a relatively small segment of the population.

Issue: Urban Growth Boundaries

Position: *The San Diego Association of REALTORS® (SDAR) is opposed to the creation of urban growth boundaries designed to prevent any future growth.*

Statement: The San Diego Association of REALTORS® (SDAR) is opposed to the creation of urban growth boundaries.

Growth boundaries allow no flexibility to accommodate population growth and changing economic and social conditions in a community. Additionally, they result in higher housing costs, devalue property outside the boundary without providing fair compensation, and encourage leap frog development.