

Legislative Luncheon

Friday June 10, 2016 from
11:00 a.m. – 12:30 p.m.

Call to Order:

- Maureen McFarland, 2016 President

Government Affairs Committee Report:

- Franz Forster, Government Affairs Committee Chair

Local Property Issues / Midyear Meetings DC Report:

- Steve Ray, Past President & Local/State Government Affairs Member

State Property & Legislative Issues Update:

- Michael McDonagh, MAR Legal Counsel

Federal Legislative & Financing Issues Update:

- Kevin Sears, NAR RVP Region 1 (New England)
- NAR's New Video on RPAC

Legislator Comments:

- Wm "Smitty" Pignatelli, State Rep 4th Berkshire District (Southern Berkshire)
- Trisha Farley-Bouvier, State Rep 3rd Berkshire District (Pittsfield)
- Paul Mark, State Rep 2nd Berkshire District (Dalton Lanesboro & Hilltowns)
- Questions from the Audience

Note: Gailann Cariddi, MA State Representative 1st Berkshire District (Northern Berkshire) and Senator Ben Downing extend their regrets. They were called away to attend the inaugural meeting of the Rural Policy Advisory Commission.

Meet the Declared Senate Candidates:

- Christine Canning
- Rinaldo Del Gallo
- Andrea Harrington
- Adam Hinds

In Closing: Action Items:

- Sandy Carroll, Chief Executive Officer
- Group Photos

Buffet Lunch



**Barbara
Osborne**

**Debbie
Dwyer**



RPAC Sterling R Major RPAC Contributors

**Thank you to 2016 Berkshire
REALTOR Political Advocacy
Fund Fair Share Contributors**

Abrams, Dale
Akroyd, Robert
Alden, Daniel
Aldrich, Richard
Allegrone, Louis
Andrus, Carol
Archambault, Marcel
Ashe, Timothy
Barney, Harry
Baum, Susan
Baumann, Robert
Blair, Anthony
Blaisdell, Judith
Blanchard, David
Bouchard, Lisa
Brooks, Nancy
Burnham, Kim
Buttlieri, Linda
Cabral, Alexandra
Callahan, Richard
Carchedi, Nikki
Carlino, Matt
Caropreso, Anthony
Carrigan, Cindy
Carroll, Sandy**
Chenail, Judith
Chesloff, Leslie
Chojnowski-M, Stacy
Christopolis, Deane
Ciampa, Rick
Climo, Karen
Cohen, Iris
Collins, Douglas
Collins, Sharyn
Conboy, Mike
Coones, Doreen

Coones, Kim
Corby, Carolyn
Crawford, Tracy
Crerar, Suzanne
D'Arcangelo, Dennis
Davis, Churchward
Davis, Kinzer
Deacon, Susan
Delmolino, John
Demers, Barbara
Denault-Viale, Lisa
Deutsch, Irwin
Dignard, Frank
DiGrigoli, Donna
DiMassimo, Debra
Krzynowek, Richard
Domaney, Joseph
Donnelly, Timothy
Draper, Jacqueline
Dunlop, Mary Jane
Dus, Roberta
Elder, Thomas
Erenburg, Steven
Farley, Dawn
Farrington, Stephanie
Forster, Franz
Franklin, Jerome
Friedman, Frederick
Furgal, Joseph
Gamble, Donna
Garvey, Thomas
Gelinias, James
Gelinias, Joseph
Gillett, Charles
Girard, Nathan
Giron, Mary

Gold Cellana, Rebecca
Gordnier, Kim
Goudey, Douglas
Greenbaum, Barbara
Greenfeld, Barbara
Gross, Sheldon
Grull, Elizabeth
Haas, Brett
Hagenah, Henry
Harris, Mark
Harsch, Joyce
Harsch, Paul
Hart, Robert
Hart, Timothy
Harvey, Jennifer
Hazelett, Kathleen
Homeyer, Samantha
Isenhardt, Jerry
Jaffe, Vivienne
Jennings, Joseph
Kalodner, Joel
Kalodner, Nancy
Keefner-West, Marjorie
Kelly, Andrew
Kelly, Mary
Kirkby, Maureen
Kittler, Joanne
Koch, Carolyn
Kubes, Dagmar
Kushi, Ellen
Kuzdeba, Janinne
Labarge Fredsall, Kirsten
Laslie, Claudia
Lazan, Judith
LeRose, Tanya
Levesque, Marci
Lewis-Ryan, Linda
Lovett, Timothy
MacRae, Megan
Maloney, Neil
Mangiardi, Deanna
Mannuzza, Vincenza
Marden, Alan

Martin, Christine
McFarland, Maureen
McIlquham, Mark
McKeown, George
McLean, John
McLean, Paula
McNeil, Carol
McRory, James
Meagher, Jessica
Meczywor, Anne
Melluzzo, Patrice
Mendes, Charles
Mielke, William
Moderski, Kevin
Montgomery, Gladys
Moore, Robin
Mullany, Helen
Nicora, Michael
O'Brien, Sue
O'Leary, William
Ozberak, John
Petricca, Patricia
Piasecki, Kristin
Piper, Martha
Piretti-Miller, Mary Jo
Pizani, Erik
Plaine, Mitchell
Plaine, Rachael
Poor, Vashti
Potoski, Shea
Poulin, Cynthia
Randall, Christina
Rapisarda, Laiken
Rasch, Ian
Ray, Steven
Raymer, Mary Ellen
Reid, Darcy
Reynolds, Thomas
Ricchi, Stephanie
Roberts, Pamela
Romeo, Gina
Roos, Mark
Ross, Raymond

Ross, Victoria
Russell, Peter
Sawyer, Charles
Sawyer, Scott
Scalise, Tonina
Schmitt, Kolleen
Schoenfeld, Stephen
Sefcik, David
Simonelli, Anthony
Simonetta, Patricia
Smith, Danielle
Smith, Wendy
Sorrentino, Michael
Stark, Louis
Stephen, Sean
Street, Sherry
Talbot, Patricia
Taylor, Kelley
Tierney, Laurie
Trombley, Daniel
Van Ness, Elizabeth
Vermeulen, Lance
Vickery, Kelly
Victor-Pieczarka, Mandy
Villette, Danielle
Wagner, Andrea
Walton, Craig
Webster, Benjamin
Welch, Cynthia
Welch, Dennis
Welch, Thaddeus
Wendling, Jordan
Westall, Cheryl
Westall, Nicole
White, Kevin
Wilkinson, Jeffrey
Wilkinson, Jennifer
Wilkinson, Wayne
Wright, Brian
Wright, Lisa
Zajac, Colleen
Zajac, Mitchell

**Directors Club Member





INFORMATIONAL REPRINT: EPA Update on the possibility of a new PCB Dump in Berkshire County

Highlights added for emphasis

Good Afternoon,

At EPA's recent meeting with the Citizens Coordinating Council, as well as in recent press reports, it has become even clearer the strong level of interest in information about the Rest of River cleanup. To correct any misunderstandings, EPA wanted to make clear where we stand. Although some of you may have received this information in a prior email, we felt it was valuable information to share with anyone who may have interest in the site.

Current Status:

Under the court-ordered Consent Decree governing the cleanup, EPA issued its intended final cleanup decision in September 2015. The General Electric Company (GE) invoked its right under the Decree to dispute resolution on the Intended Final Decision. EPA, in consultation with Massachusetts and Connecticut, and GE each has submitted formal Statements of Position, which are currently under review by an EPA decision maker. Following that decision, the next formal step in the Consent Decree is for EPA to issue a final cleanup decision. If you would like more detail on this process, please visit our website here <https://www.epa.gov/ge-housatonic> and see the flow chart for the process here <https://semspub.epa.gov/src/document/01/586277>

EPA's Intended Final Decision: EPA's intended final decision includes, as appropriate, a combination of different types of remediation, including specifically:

- excavation and backfill of an estimated 990,000 cubic yards of PCB-contaminated material;
- containment/capping of remaining PCBs;
- Monitored Natural Recovery where appropriate;
- use of a sediment amendment, such as activated carbon, to reduce mobility of PCBs.

EPA's intended final decision also provides for disposal of excavated material off-site at an existing licensed facility.

Specific points EPA would like to address include the following:

- First, at least one recent article mistakenly stated that GE was originally asked to remove almost three times the amount of soil it is responsible for today, but that EPA had compromised with GE to allow for a speedier cleanup. This is incorrect. GE's Corrective Measures Study evaluated alternatives for addressing the sediments and floodplains. That set of alternatives did include one alternative (out of eight, including a no action alternative) with three times the volume of material than proposed in in the Draft RCRA permit. EPA never asked/directed or indicated this was EPA's preferred remedy in any document, including the 2011 proposal to the Remedy Review Board, the 2012 Status Report based on EPA, Massachusetts and Connecticut discussions, the 2014 Draft RCRA Permit, issued for public comment, or the 2015 Intended Final Decision.
- **Second, to correct any confusion regarding EPA's position on disposal of PCBs, to reiterate, the EPA's recommendation for disposal of excavated material is for off-site disposal at an existing licensed facility. EPA's recommendation has been consistent in all its proposals.**
- For further information, please check the EPA website at <https://www.epa.gov/ge-housatonic>





Below is a brief summary of the site history, which may be useful context for the site status today.

GE used Polychlorinated Biphenyls in the transformer operations at its Pittsfield facility from 1932-1977.

PCBs have been demonstrated to cause a wide variety of adverse health effects, including cancer. PCBs also cause serious non-cancer health effects in animals, including effects on the immune system, reproductive system, nervous system, endocrine system and other organs. Studies in humans provide supportive evidence for potential carcinogenic and non-carcinogenic effects of PCBs. See EPA's "Understanding PCB Risks at the GE-Pittsfield/Housatonic River Site", available at <https://www.epa.gov/ge-housatonic/understanding-pcb-risks-ge-pittsfieldhousatonic-river-site>.

The Decree entered by the Court in 2000 required specific cleanup actions for most of the other PCB cleanups in Pittsfield and the Housatonic River. **To date, all but 3 of the over 25 cleanups have been complete.** For the Rest of River section of the Housatonic, however, more information gathering was needed before a cleanup could proceed. That being the case, GE and EPA performed risk assessments, modeling and sampling, leading to an analysis of alternative cleanup approaches.

In 2011, EPA issued its proposed cleanup for review by EPA's National Remedy Review Board, and accepted comments from GE and the public. That 2011 remedy called for a similar combination of cleanup measures, including excavation of 1,070,000 cubic yards of PCB-contaminated material, containment and monitoring, with off-site disposal. Based on the public and GE's comments, EPA then engaged in a series of technical discussions with representatives of the Commonwealth of Massachusetts and State of Connecticut. In May 2012, the governments issued a Status Report proposing a potential remedial approach that included an estimated 990,000 cubic yards, slightly less than the 2011 EPA proposal.

At GE's request, EPA then held discussions with GE until late in 2013, but did not reach any agreements with GE. In 2014, EPA issued its proposed cleanup plan (aka Draft RCRA Permit) for a formal, 4-month comment period. This permit also required the removal of approximately 990,000 cubic yards of material. EPA received 2100 pages of public comments from over 140 commenters. Based on review of the comments, **EPA issued its Intended Final Decision in September 2015, leading to the current dispute resolution.** Similarly, the Intended Final Decision required the removal of approximately 990,000 cubic yards of material, less potentially some material in the Vernal Pools that may be treated with a sediment amendment instead of excavated and restored.

Best,

Kelsey O'Neil
Congressional Liaison, Community Involvement Coordinator
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Massachusetts Association of REALTORS

2015-2016 Legislative Priorities: Spring 2016 Update

ALSO: Status Update of the Senate vote taken Thursday, June 9th, 2016 S. 2311, An Act promoting housing and sustainable development.

Support Copper Pipe Theft Prevention

H.3806, S.202 An Act regulating secondary metals dealing: **Sponsor:** Rep Ron Mariano and Senator James Timilty
Status: H.226 (Now H.3806) passed the House and Senate in different forms. The differences must now be reconciled.

Why MAR Supports H.3806 and S.202: The problem of copper pipe and wiring theft is widespread in cities and towns across the Commonwealth. Homes in every corner of the state have become targets for metal thieves who strip the metal from the home and sell it to scrap metal dealers. Homes that have been robbed of plumbing and wiring are a community problem, hurting home values in neighborhoods in which thefts occur. Further, the stripping of metal piping and other fixtures from the structure likely makes the home ineligible for conventional mortgage financing. MAR supports the regulation of the secondary metals dealing to dissuade thieves from stealing plumbing and wiring from homes.

Support Mortgage Forgiveness Debt Relief And Debt Cancellation

H.3770 An Act relative to discharge of indebtedness of principal residence from gross income:
Status: Reported favorably by the Joint Committee on Revenue to House Ways & Means (Previously S.1521)

Why MAR Supports H.3770: The general tax rule that applies to debt forgiven is that the amount forgiven, sometimes referred to as phantom income, is treated as taxable income to the borrower. This bill would allow homeowners to complete loan modifications, short sales and foreclosures for which they have debt forgiven without making them liable to pay state taxes on the that debt. This bill would mirror the federal law, the Mortgage Debt Relief Act of 2007, to allow taxpayers to apply for this exclusion on their state tax return as well.

Support Late Fee Reform

H.1655 An Act relative to the modification of late fees: **Sponsor:** Representative Chris Walsh
Status: Referred to the Joint Committee on Judiciary

Why MAR Supports H.1088: This legislation seeks to amend GL 186:15B(1)(c) to allow leases and rental agreements to impose interest or penalties for failure to pay rent 10 days after said rent is due. Current Massachusetts law only allows for the imposition of such interest or penalties 30 days after rent is due.

Oppose Mandatory Energy Scoring

S.1761 An Act relative to home energy efficiency
Status: Referred to the Joint Committee on Telecommunications, Utilities & Energy including an extension until July 1.

Why MAR Opposes S.1761: This bill seeks to require sellers or their agents to perform a Mass Save energy audit prior to listing a home for sale and disclose to any prospective buyer the information in the energy audit at the time of the listing. Additionally, the bill commissions the design and implementation of an energy scoring and labeling system. Over and above having an enormous impact on an individual's right to freely transfer land, such requirements would negatively affect the real estate industry in the Commonwealth. Massachusetts is home to some of the oldest housing stocks in the country and mandatory energy scoring of such older homes would significantly stigmatize and potentially devalue an individual's largest investment.



Massachusetts REALTOR Day on Beacon Hill

Tuesday, June 21st, 2016



Oppose Anti-Production Land Use and Zoning

S.2144 *An Act promoting the planning and development of sustainable communities*

Status: Reported favorably by the Joint Committee on Community Development and Small Business. Now before Senate Ways & Means

Why MAR Opposes S.2144: Increasing the production of housing remains a top priority for the owners, developers and real estate brokers we represent. Unfortunately, S2144 would have a significant negative impact on real estate development and affordability. This legislation does nothing to prevent municipalities from continuing the practice of imposing arbitrary and ad hoc mitigation requirements on development—a practice that hinders and burdens the development of needed housing and commercial growth. Additionally, the authority for municipalities to impose mandatory inclusionary zoning requirements on individual developments does so without providing density bonuses or other incentives. One further concern is the bill's elimination of the simple and cost-effective Approval Not Required (ANR) process, which would make it more expensive and complicated to undertake the development of new lots with frontage on existing roads.

Oppose Local Imposition of Room Occupancy Tax

H.2618/H.2621/ H.2700 (Brewster)/H.3299 (Provincetown)

Status: Reported favorably by the Joint Committee on Revenue as H2645. Now before House Ways & Means

Why MAR Opposes H.2645: REALTORS® oppose bills imposing a room occupancy tax on short term vacation rentals. These proposals promote the creation of a new tax on all homeowners who choose to rent their homes for a short term, typically under 90 days. In addition to established businesses like hotels, motels and bed and breakfast establishments, these proposals would allow a city or town to levy a room occupancy tax on any apartment, single or multiple family housing, cottage, condominium or timeshare unit. Private homeowners would then be responsible for the collection, handling, and remittance of these taxes to the Department of Revenue.

Oppose Real Estate Transfer Taxes

H.3300 *An Act authorizing the town of Provincetown to impose a 0.5% real estate transfer fee*

Status: Referred to the Joint Committee on Revenue and accompanied study order.

Why MAR Opposes H.3300: REALTORS® strongly oppose real estate transfer taxes, which would authorize the creation of a new transfer tax on the sale of property in a municipality. The imposition of this type of new sales tax on homes could have serious implications for the Massachusetts economy and set the wrong precedent for the Commonwealth's tax policies. If allowed, Massachusetts communities facing budgetary deficiencies may seek transfer tax authority to solve local revenue problems. However, creating an "entrance or exit fee" to homeownership is the wrong way to solve this problem. Transfer taxes would increase the bottom-line price of many homes by thousands of dollars. These bills single out home buyers and sellers and subjecting them to this new tax only further exemplifies the inequitable nature of this taxing scheme.



National Association of REALTORS

2016 Legislative Advocacy Agenda

To access a PDF document of the national REALTORS Agenda with links that are clickable to more information:

<http://tinyurl.com/2016NARFocus>

Homeownership & Real Estate Investment Tax Policies

The growing federal debt, weak economic recovery, and continued growth of tax complexity have kept tax reform near the top of the national agenda. Members of Congress from both Houses and both parties have expressed a high level of interest in reforming the tax system, and President Obama has also expressed qualified support, especially for corporate or business tax reform. This ongoing debate places a variety of tax laws, including those affecting commercial and residential real estate, under increased scrutiny.

- [State and Local Tax Deductions](#)
- [Mortgage Interest Deduction](#)
- [Mortgage Debt Cancellation Tax Relief](#)
- [Capital Gains](#)

Credit, Lending, and Insurance Policies

Overly stringent lending standards have continued to limit the availability of affordable mortgage financing for credit worthy consumers. Federal policymakers are weighing a number of proposals aimed at creating healthier housing and mortgage markets. Additionally Congress must reauthorize the National Flood Insurance Program to avoid the potential loss of 40,000 home sales each month according to NAR research.

- [Credit Availability](#)
- [GSE \(Fannie Mae/Freddie Mac\) Restructuring, Liquidity and Lending](#)
- [FHA Lifetime Mortgage Insurance Premiums](#)
- [FHA Condominium Requirements & Financing](#)
- [National Flood Insurance Reauthorization](#)

Business Operations

Protecting the business operations of members is always a priority for NAR. There are a number of issues before Congress and the Federal Regulatory Agencies that could have a significant impact on the business operations of real estate firms.

- Dodd-Frank Act Regulations ([TRID Implementation](#))
- Technology Issues ([Patent Reform](#), [Net Neutrality](#), [Data Privacy & Security](#))
- [Appraiser Independence Regulations \(link is external\)](#)

Commercial

More than \$1.2 trillion in commercial real estate loans will come due over the next few years, and many of these deals will have trouble getting financing. NAR supports consideration of legislation and regulations to protect and enhance the flow of capital to commercial real estate.

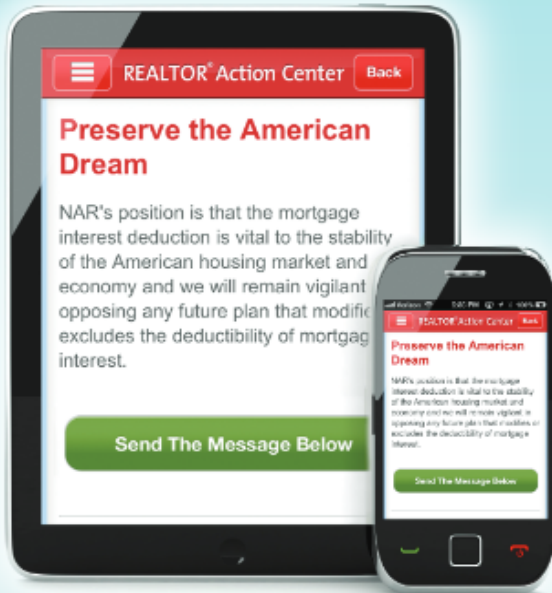
- [1031 Like-Kind Exchanges](#)
- [Lease Accounting](#)
- [Basel III \(link is external\)](#)
- [Waters of the United States](#)

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**Thank you to our 2016
Government Affairs Committee:**

Franz Forster (Chair),
Doreen Coones,
Thomas Doyle,
Debbie Dwyer,
Mary Jane Dunlop,
Billy Keane,
Alan Marden,
Gladys Montgomery,
Barbara Osborne,
Steve Ray.
Ex Officio: Maureen McFarland,
Ex Officio: Mary Jane White
Sandy Carroll, Staff Liaison



WHERE WILL YOU BE WHEN YOU GET THE CALL FOR ACTION?

As a busy professional on the go your lifeline to clients and your office is your phone. Fewer and fewer of us are tied to a traditional desktop or laptop anymore to complete the functions of our work. Smartphones and tablets are how we increasingly manage our information and daily tasks.

THE REALTOR® ACTION CENTER MOBILE APP – DON'T JUST GET IT – USE IT! DOWNLOAD AND LOGIN TODAY

The REALTOR® Action Center mobile app contains a host of features to help you VOTE, ACT and INVEST on the go:

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★ **ACTION PROFILES**

The app will contain a summary of your REALTOR® Party engagement. A list of open action items, actions you have already taken, your current year's RPAC investment amount, and more.

★ **INVEST IN RPAC**

Through the REALTOR® Party mobile app you can easily make an investment in RPAC on your mobile phone. To help you plan your investment amount, your action profile displays your total amount invested year to date.

★ **ADVOCACY REPORTS**

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