



Public Policy Statement

*Approved by GAC 8-3-21
Approved by BoD 8-10-21
Rev. 07-2022*

Southern Adirondack REALTORS®
296 Bay Road | Queensbury, NY 12804
518-798-3425 | www.SouthernADKRealtors.org

Southern Adirondack REALTORS® Policy Principles

Southern Adirondack REALTORS® mission is *to meet the business, professional and advocacy needs of its members and to promote and protect private property rights.*

Southern Adirondack REALTORS® and its nearly 600 members serve as the “Voice of Real Estate” in the Southern Adirondack region, specifically Warren, northern Washington and Saratoga, and Essex Counties. Our charge is to be an advocate for the community through engagement, service, and education through collaboration with private and public sector partners.

The continued success and growth of a community is a collaborative effort involving many stakeholders. To that end, Southern Adirondack REALTORS® engages in the development of sound public policy by being a resource of information and ideas while advocating for the protection of private property rights and promoting the “American Dream” of homeownership.

Southern Adirondack REALTORS® pledges our support in providing solutions to challenges facing our state and our community guided by the following principles:

- **Protect Property Owners**
- **Promote Affordable Housing**
- **Ensure Economic Vitality**
- **Encourage Sensible Growth**
- **Foster Community Values**

Contents

Southern Adirondack REALTORS® Policy Principles.....	2
ECONOMIC DEVELOPMENT AND TAXES	4
Economic Development.....	4
Taxes and Impact Fees.....	4
Real Property Taxes	4
State and Local Tax Deductions	4
HOUSING AVAILABILITY AND AFFORDABILITY	5
Fair Housing	5
Affordable Housing and Supply	5
ENVIRONMENTAL STEWARDSHIP	6
Water Resources.....	6
PRIVATE PROPERTY RIGHTS AND LAND USE.....	7
Constitutional Right to Private Property.....	7
Rent Control.....	7
Short-Term Rentals	7
REAL ESTATE INDUSTRY AND REGULATORY ISSUES	9
Appointments to Regulatory Bodies.....	9
Registration of Vacant Property	9
Real Estate Agent Independent Contractor Status.....	9

ECONOMIC DEVELOPMENT AND TAXES

Economic Development

Southern Adirondack REALTORS® recognizes the direct correlation between economic vitality and a thriving real estate industry. Southern Adirondack REALTORS® is a key partner with area economic development entities within our jurisdiction and surrounding areas as they increase efforts to promote the Adirondack region to domestic and international investment and to bring higher wage jobs to the region and the state.

Position: Southern Adirondack REALTORS® believes that neighborhood stability and home affordability are essential to preserving the Adirondack region's unique character and to facilitating economic growth. Southern Adirondack REALTORS® collaborates with regional economic development partners in seeking opportunities toward that goal.

Taxes and Impact Fees

Southern Adirondack REALTORS® strongly supports efforts by state and local government officials to reduce the tax burden of the citizens of New York. We believe in sound fiscal management in the form of expenditure controls coupled with selective tax reform. Southern Adirondack REALTORS® recognizes that one segment of industry, business, or property owners, should not be saddled with additional tax burdens. We continue to work with state and local officials on alternatives to property tax increases or real estate related taxes including the mortgage recording tax.

Position: Southern Adirondack REALTORS® is opposed to taxes on real estate transfers because it inhibits the buying and selling of real estate, makes housing less affordable, and supports public services that benefit the many by taxing the few.

Real Property Taxes

Increasing property taxes reduces the affordability of homeownership and lessens the attractiveness of an area to new businesses. It is unfair for owners of real estate to bear a disproportionate share of the tax load when non-owners and daily visitors also use local services. Revenue requirements must be based on a thorough analysis of the operating efficiency of government and a rigorous examination of the necessity of services provided. Local governments often consider various increases in the real property tax when developing their annual budgets.

Position: Southern Adirondack REALTORS® understands the importance of raising local revenue however, also believe this should be done through a balanced approach of income, property, and sales taxes, coupled with fiscally responsible spending.

State and Local Tax Deductions

Real property taxes, along with other state and local taxes paid, have traditionally been deductible for federal income tax purposes. According to the IRS, the average property tax deduction claimed in 2015 was \$5,014. In states with an income tax, the average state income tax paid was \$10,143. Without a State and Local Tax (SALT) deduction, taxpayers would be paying federal tax on funds already paid to state or local governments, which would be tantamount to double taxation.

Position: Southern Adirondack REALTORS® strongly supports deductibility of state and local real estate taxes, as well as other state and local taxes paid.

HOUSING AVAILABILITY AND AFFORDABILITY

Southern Adirondack REALTORS® strongly supports the concept and provision of affordable housing for all income levels and advocates for the necessity of each community to address and provide equitable housing solutions for its residents.

Fair Housing

Southern Adirondack REALTORS® believes that equal opportunity in housing can be achieved through continued leadership, observance of the law, education, and mutual cooperation. Southern Adirondack REALTORS® supports legislative and regulatory public policy initiatives that will address issues from homelessness to homeownership. Every position taken by Southern Adirondack REALTORS® will reflect its commitment to housing opportunities for all.

Position: Southern Adirondack REALTORS® supports any initiatives at the local, state, and federal level that expands that right of all people to freely choose where they will live without regard to race, color, religion, sex, handicap, familial status, national origin, or any other factor prohibited by federal or state law.

Affordable Housing and Supply

Housing affordability is one of the most critical problems facing home buyers and the nation. And the lack of housing supply is only adding to the problem. Comprehensive solutions to address this issue must be locally based and include local community experts — REALTORS® and REALTOR® associations.

Southern Adirondack REALTORS® is committed to raising awareness of housing underproduction and look to discuss the issue by forming partnerships among REALTORS®, builders, local government, and non-profit organizations. Southern Adirondack REALTORS® is committed to maintaining a leadership role in support of initiatives that will keep safe and decent housing choices available and affordable.

Positions: Southern Adirondack REALTORS® supports the following initiatives to address housing affordability and supply:

- Promotion of Accessory Dwelling Units (ADU)
- Use of Publicly-Owned Land for Affordable Housing Production
- Reduction of Impact Fees and Streamlining Approval Processes
- Supporting Trade School and Apprentice Programs Related to the Construction Industry
- Updating and Reducing Parking Requirements in Location-Efficient Areas
- Working with Community Banks to Increase Lending for Housing Development
- Amending Housing Rehabilitation Codes
- Reforming Land Use and Zoning Regulations

ENVIRONMENTAL STEWARDSHIP

Southern Adirondack REALTORS® is committed to preserving the environmental integrity of the region's natural resources while protecting and maintaining the private property rights of homeowners. SAR advocates to safeguard our environment and natural resources as they are elements that will assure quality of life in the community. It is critical to balance the environment and growth with the need for appropriate infrastructure to meet the community's needs.

Water Resources

Clean water is essential to a healthy environment, a growing economy, and vibrant neighborhoods. Voluntary, market-based solutions can enhance the quality of water resources and protect property rights, while minimizing unnecessary regulations, costs and uncertainty for property owners and buyers.

Position: We support finding voluntary, market-based solutions to address excessive pollution and degradation of the region's waterways, while always being mindful of, and vigorously defending, private property rights. We also support adequate funding for a well-developed system of water resources infrastructure and technology to ensure water quality and quantity.

PRIVATE PROPERTY RIGHTS AND LAND USE

Constitutional Right to Private Property

The Fifth Amendment of the U.S. Constitution states that private property shall not be taken for public use “without just compensation.” Eminent Domain is the process by which government may take private property with compensation, but without the owner’s consent. The Fifth Amendment of the U.S. Constitution permits eminent domain but requires the property by claimed for “public use,” and “just compensation” be paid to the owner. If the property is “blighted,” the government can claim eminent domain over a property for economic development purposes.

Position: Southern Adirondack REALTORS® believes citizens should be protected from local, state, and federal encroachments on the use of their private property for another private entity. Southern Adirondack REALTORS® only supports the use of eminent domain when a condemned property is taken for public use to be owned by a public entity and believes “just compensation” should include all reasonable and necessary costs associated with the exercise of eminent domain authority, not just the value of the property.

Rent Control

Rent control and/or rent stabilization measures have regained interest by local governments because the cost of housing in some markets have surged. There can be several unintended consequences with rent control measures: reducing quantity and quality of available housing, increasing rent for tenants not under rent control, reducing landlord incentive to maintain property, decreasing landlord’s ability to meet expenses, and generating significant administrative costs to local government, just to name a few.

Economists on both the left and right tend to agree that rent control is bad. Rent control measures do not always benefit community members that need affordable housing and often go to well-off residents with the resources to find rent controlled properties. Some will argue that the private real estate market is not responsible to provide subsidized housing.

Position: Southern Adirondack REALTORS® supports the concept of affordable housing and defends the right of Americans to own property free of unreasonable controls. Southern Adirondack REALTORS® urges elected officials at all levels of government to oppose the adoption of rent control legislation and the use of government funds to finance rent control advocacy.

Short-Term Rentals

Many localities across the country are considering or adopting ordinances that limit or prevent the ability of property owners to rent out properties on a short-term basis. The dynamics of this issue are complex. The infringement upon property rights is a common theme when local governments limit the use of property. Property ownership includes the right to gain income from property, whereas local governments are granted the legal authority to regulate land use within their jurisdiction by police powers and/or zoning regulations.

Private property rights include the right to gain income from property and the right to rent out property on a short-term basis.

Local governments are granted the legal authority to regulate land use within their jurisdiction by police powers and/or zoning regulations.

However, Southern Adirondack REALTORS® believes local short-term rental regulations should focus on issues such as health, safety and noise mitigation, and respect the rights of private property owners.

Provisions in local code and regulations that are overly restrictive can be especially impactful in resort communities and vacation destinations, as properties in these areas may become less desirable to buyers and investors. Every person should have the right to acquire real property with confidence and certainty that the use or value of such property will not be wholly or substantially eliminated by governmental action at any level without just compensation or the owner's express consent.

Position: Southern Adirondack REALTORS® advocates for the private property rights of homeowners to rent their properties without undue and excessive regulations, permitting processes, registration and/or fees. SAR encourages collaborative community engagement in the development of public policy to create consistent and predictable regulations.

REAL ESTATE INDUSTRY AND REGULATORY ISSUES

Appointments to Regulatory Bodies

Regulatory bodies, such as local planning authorities, adopt rules or advise elected bodies that pass ordinances that have a huge impact on the real estate industry. It is important that these regulatory entities have representation from individuals and organizations that can provide insight into the industries they regulate.

Position: Southern Adirondack REALTORS® supports the appointment of REALTOR® members to regulatory agencies/commissions/committees that impact the real estate industry and land use, and encourages government leaders to appoint REALTORS® to those bodies.

Registration of Vacant Property

Municipalities seek to reduce the number of “blighted” properties within their jurisdictions. While Southern Adirondack REALTORS® agree in the intent of vacant property registrations, those requirements should not create undue burdens on a property owner.

Position: The registration requirements of vacant or abandoned property must be reasonable and not include excessive fees. Exemptions should be made for any properties that are the subject of a bona fide listing for sale or for lease.

Real Estate Agent Independent Contractor Status

The longstanding business arrangement for real estate brokerages includes real estate agents classified as independent contractors rather than employees. While real estate agents have been specifically considered independent contractors for federal taxation purposes since 1984, there have been occasional challenges to that classification in state courts for purposes other than federal taxation, such as overtime pay and other benefits.

Calls for federal action to address employer abuses of the independent contractor classification have been ongoing for many years.

Position: Southern Adirondack REALTORS® strongly supports the continued right of brokers to classify agents as employees or independent contractors. Southern Adirondack REALTORS® supports actions at the state level to strengthen the rights of brokers to make these determinations and will resist efforts at the federal level to weaken those rights.