

2024 California Association of REALTORS® Winter Board meeting.

Executive

1. ACTION ITEM – CONSENT AGENDA **Passed**

Strategic Planning and Finance

2. ACTION ITEM – CONSENT AGENDA **Passed**
3. ACTION ITEM – CONSENT AGENDA **Passed**

Californians for Homeownership

1. REPORT ONLY

Californians for Homeownership continues to work hard to support housing affordability and the development of housing throughout the state using impact litigation:

Housing Element Lawsuits. Californians for Homeownership continues to wage a litigation campaign to enforce California's regional housing needs allocation (RHNA) and housing element laws. These laws require cities across the state to make sure that their zoning and land use rules allow for the development of housing sufficient to meet regional housing needs. In the last several months, these lawsuits have resulted in trial court wins against the cities of Hawaiian Gardens and Novato, with both cities being held out of compliance with state law. At their meeting in Monterey, the Californians for Homeownership Board of Directors authorized the initiation of one new housing element case. Interventions & Amicus Briefs. CEQA lawsuits and other types of legal challenges to project approvals are frequently used to delay or stop housing development by plaintiffs with no legitimate environmental interests, such as neighboring property owners and unions. These lawsuits often pit developers against more sympathetic parties, and inserting a strong pro-housing voice into these cases can help shift the balance in favor of housing development. At their meeting in Monterey, the Californians for Homeownership Board of Directors authorized participation in two challenges to housing approvals.

C.A.R. Cares Task Force

1. ACTION ITEM Passed

That C.A.R. allocate an additional budget of up to \$32,500 for the C.A.R. Cares Task Force to secure a contract and work with the strategic consultancy Association Development Solutions (ADS) to develop an overarching strategy to enhance fundraising, marketing, and other operational strategies across

C.A.R.'s five charitable organizations. Strategic Planning and Finance Committee

Recommendation: Approve

C.A.R. Scholarship Foundation/C.A.R. Education Foundation

1. REPORT ONLY

CREPAC Trustees

1. REPORT ONLY

Executive

1. ACTION ITEM Passed

That the C.A.R. Bylaws be amended as noticed.

Note: The Bylaws amendments are available in the Draft Motions folder online

2. ACTION ITEM Passed

That the special resolution honoring 2023 President Jennifer Branchini be approved.

3. ACTION ITEM Passed

That the special resolution honoring 2023 California Distinguished REALTOR® Award recipient Suzanne

Yost be approved

Homeownership Housing

See Legislative Committee Report Item 1

Housing Affordability Fund

1. ACTION ITEM Passed

That C.A.R. allocate \$1,000,000 in funds to extend the C.A.R. HAF Pathway to Homeownership Closing Cost Assistance Grant Program in 2024. This will enable HAF to continue its work with non-profit partner(s) to administer the restricted grant program across all 58 counties within California for a fee not to exceed 5% of the overall allocated funds. Strategic Planning and Finance Recommendation: Approve

2. REPORT ONLY

That the C.A.R. Housing Affordability Fund (HAF) approves the San Luis Obispo Coastal AOR grant request of \$30,000 for the use of the "First Time Home Buyer Grant Program." The program will offer \$3,000 grants to 20 first-time home buyers, on a first-come, first-served basis, who are purchasing property in San Luis Obispo County

IMPAC Trustees

1. REPORT ONLY

It was reported for information only that IMPAC authorized the following contributions: --\$30,000 to the California Association of REALTORS® to sponsor the 2024 AE/GAD Summit.

--\$7,000 to the California Association of REALTORS® to pay for C.A.R.'s annual California Taxpayers Association membership fee.

--\$60,000 to the Sierra North Valley REALTORS® to support two local ballot measures that would confirm approval of a new housing development called Valley's Edge.

--\$3,000,000 to the California Association of REALTORS® to defeat ACA 1, ACA 13, and the initiative that would repeal Costa Hawkins as well as support SCA 2, the repeal of Article 34 in 2024.

2. REPORT ONLY

It was reported for information only that IMPAC authorized the following contributions at two separate special meetings held prior to the 2024 Winter meeting in Monterey:

--\$80,000 to the High Desert Association of REALTORS® to fund an opposition campaign against a vacant land tax in the city of Adelanto, California.

--\$75,300 to the California Association of REALTORS® to conduct polling that will help determine the cost and scope of the campaign effort necessary to defeat pending initiatives ACA 1 and ACA 13

Legal Action Fund

1. REPORT ONLY

It was reported for information only that, since the September 2023 meetings, the Trustees have reviewed three cases and approved participation in the three cases.

–Newcastle v. City of Los Angeles. The Trustees approved a \$25,000 contribution to support the appeal in this lawsuit challenging the City of LA’s transfer tax on properties over \$5M (the Measure ULA “Mansion Tax”). The lawsuit claims the tax violates equal protection requirements, the Takings Clause, Proposition 13, due process, and free speech, in addition to other claims. A separate lawsuit challenging Measure ULA, filed by Howard Jarvis Taxpayers Association and the Apartment Association of Greater Los Angeles (“AAGLA”), was dismissed in October 2023. The Trustees had approved a \$25,000 contribution to support Howard Jarvis and AAGLA in that lawsuit as well.

–Sheetz v. County of El Dorado. The Trustees approved C.A.R.’s participation in NAR’s amicus brief in this U.S. Supreme Court Takings Clause case. A California property owner was charged a \$23,000 traffic impact fee when he applied to build a manufactured home on his lot. The issue on appeal examines whether a development fee authorized by legislation is exempt from Nollan/Dolan constitutional scrutiny.

–Lazar v. Bishop. The Trustees approved filing an amicus brief supporting the defendant real estate broker who was sued for breach of fiduciary duty. The plaintiff is the daughter of the home seller, and she claims her father assigned her the right to sue. The parties dispute whether an action for breach of fiduciary duty against a real estate licensee is assignable. This case presents an issue of first impression because there are no California published cases on this issue.

Legislative

1. ACTION ITEM **Passed**

That C.A.R. adopt the following position on a ballot proposition that will appear on the March 5, 2024 state ballot entitled “Proposition 1: AB 531 (Chapter 789, Statutes of 2023), Irwin. The Behavioral Health Infrastructure Bond Act of 2023. SB 326 (Chapter 790, Statutes of 2023), Eggman. The Behavioral Health Services Act.” “NOT REAL ESTATE RELATED”

2. ACTION ITEM **Passed**

That C.A.R. adopt the following positions on upcoming State Ballot Measures for the November 5, 2024 ballot:

–An as yet unnumbered ballot measure entitled “ACA 5 (Low) Marriage equality. (Res. Ch. 125, 2023).” “FOR”

3. Action Item **Passed**

--An as yet unnumbered ballot measure entitled "Restricts Spending By Health Care Providers Meeting Specified Criteria. Initiative Statute." "FOR"

Local Government Policy

1. ACTION ITEM **Passed**

That C.A.R. "SPONSOR" legislation to require local housing elements include a dynamic analysis of planned homeownership units to ensure that local governments are planning for the housing supply necessary to meet existing and projected housing demand needs for ALL types of housing.

Legislative Committee Recommendation: Approve

Nominating

1. ACTION ITEM **Passed**

That the C.A.R. Campaign Guidelines be revised to clarify that, since a candidate can form a campaign steering committee in the year prior to the year of the election, there would be a potential for an individual to be on a steering committee before they are selected to serve on the Nominating Committee. If that circumstance would arise said member would be expected to reject or resign service on the Nominating Committee. Prior service on a candidate's steering committee could create a perception of bias that may impact the integrity of the Nominating process.note: The redlined version of the C.A.R. Campaign Guidelines, showing the exact changes proposed, is available in the Draft Motions folder online.

2. REPORT ONLY

That the Application for Elected Office was updated for the next election cycle.

Applications for 2026 C.A.R. Officer positions may be submitted by October 15, 2024.

3. REPORT ONLY

That the Nominating Guideline Procedures for Selection of State Allocated NAR Directors was revised as follows: "All members who have served less than 12 consecutive years as a NAR Director as of November 2024

are eligible for the state allocated NAR Director positions, including those members from California's large local associations who are entitled to select NAR Directors by virtue of having 2000 members or more."

4. REPORT ONLY

That the Nominating Committee Procedures were revised to clarify that, in order to allow sufficient time for a background check, credit check, and any other necessary due diligence by C.A.R candidates are to submit the Application for Elected Office on or before October 15 of the year prior to the election. While qualified candidates who do not submit an application in a timely manner may ultimately be nominated, the election for each office may only be held at the Spring meeting if all nominees for that office have been subjected to the application and background check process conducted by the Nominating Committee

REALTOR® Party of California Fundraising and Member Mobilization Advisory Committee and Forum

1. REPORT ONLY

Strategic Planning and Finance

1. ACTION ITEM **Passed**

That C.A.R. allocate \$19 million to fund a campaign to “OPPOSE” the following three initiatives that will appear on the November ballot:

--An as yet unnumbered ballot proposition entitled “ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval. (Res. Ch. 173, 2023)”

--An as yet unnumbered ballot proposition entitled “Expands Local Governments’ Authority to Enact Rent Control on Residential Property. Initiative Statute.” (Repeal of Costa Hawkins Rent Control Law)

--An as yet unnumbered ballot proposition entitled “ACA 13 (Ward) Voting thresholds. (Res. Ch. 176, 2023)” and to “SUPPORT” one initiative on the November ballot, an as yet unnumbered ballot proposition entitled “SCA 2 (Allen) Public Housing projects. (Res. Ch. 182, 2022).” The allocation shall, to the extent legally permissible, be structured as a loan to the campaign effort, so that C.A.R. can recover the loaned funds, should all those funds not be required. Note: The campaign to oppose the three initiatives and support the one initiative above has been awarded \$3 million from IMPAC and will be seeking up to \$5 million from the National Association of REALTORS® (NAR), the application for which will be likely heard at NAR's spring business meetings.

2. REPORT ONLY

Professional Development and Education Forum Mission Statement

3. REPORT ONLY

Federal Committee Mission Statement

4. REPORT ONLY

Communications Advisory Committee Mission Statement

Transaction and Regulatory

1. ACTION ITEM Passed

That C.A.R. sponsor legislation which would mandate that a real estate licensee have a signed buyer broker agency agreement.

Legislative Committee Recommendation: Approve