

# The Surry County Association Newsletter

by Shannon Reese, Marketing Director, WSRAR

1st Quarter 2005

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## From Your President's Desk

Amy Bledsoe

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As warmer weather approaches, I am reminded of what a beautiful place we live and work in everyday. We have all realized in the past that spring is a wonderful time to be a REALTOR®! I hope this year is no exception and our phones will be ringing with folks looking for new homes!

The Surry County Board of REALTORS® is so pleased to announce our new relationship with Jo Caubre' and Glenda McCormick from the Winston-Salem Regional Association of REALTORS®. Jo serves as our formal Association Executive and Glenda is our day-to-day contact in the position of Member Services. I am sure you have already noticed the benefits of increased information and communication.

One of our focuses this year for monthly programs will be to provide information that you all need to showcase the assets of Mount Airy, Pilot Mountain, Dobson, and the surrounding areas. There are so many reasons our area is a wonderful place to call home. Beyond tourism, we want people to realize that the businesses, schools, Arts Council, Chamber of Commerce, and our local government all work to make this place special. As I have said before, REALTORS® are first in line for success when our economy sees success. We are sometimes the first ambassadors for our area.

SCBR has for many years achieved our RPAC goal for total dollar amount. This year we want to achieve the 100% participation goal. Every member benefits from our political representation. RPAC protects your rights as a REALTOR® and protects our industry. April and May will be RPAC focus months for our Association. Please consider your contribution carefully.

Don't forget our Continuing Education sessions coming up April 6. Call Glenda at 336-768-9459 if you haven't already registered. George Bell will be with us again to fulfill our CE hours in the most pleasant manner possible! I hope to see you there.



## Jo Caubre', RCE, e-PRO Executive Vice President

Affordable Housing Key Issue for NCAR

Homes 4NC

The North Carolina Association of REALTORS® established in 2004 the Housing Opportunity Foundation, Homes 4NC, to promote safe, decent, affordable housing for all in North Carolina. Why is affordable housing an issue? It requires an income of \$39,000 to qualify for a median priced home in the Triad area; however, many police officers, licensed nurses, and school teachers' salaries fall below this amount.

Homes4NC is controlled by a Board of Directors made up of volunteers from the real estate industry and other state-wide representatives. I am pleased to serve on this Board and was appointed to the original Task Force that investigated the feasibility of a Housing Opportunity Foundation. Other state associations, including Maine and Colorado, have very successful programs where interest on trust accounts was collected and donated to nonprofit and public agencies that help low to moderate income families with housing needs.

Homes4NC has been successful in getting this program started in NC. When a buyer gives earnest money to purchase a house, a REALTOR® deposits this in an interest-bearing account. The interest earned on these accounts is donated by REALTORS® to Homes4NC. The accrued interest collected, coupled with other fund raisers, generates funds that are available for grants to nonprofit agencies that provide direct services to North Carolinians.

Another way for REALTORS® across the state to show their support for affordable housing is to purchase the Homes4NC license plate. The regular Homes4NC license plate fee is \$30. You can order a personalized plate for \$60. Three hundred applications are needed to initiate the issuance of Homes4NC license plates. This is a great way for a REALTOR® to let the public know that they are endorsing the NCAR Housing Opportunity Foundation.

Homes4NC helps the homeless, victims of domestic violence, first-time homebuyers, families threatened with eviction or losing their homes, victims of natural disasters, and more. Only housing related organizations are eligible for funding, and they must be based in North Carolina with a 501(c) (3) status.

The NCAR Housing Opportunity Foundation "provides housing opportunities that change lives." For further information contact Pam White, Director at [pwhite@ncrealtors.org](mailto:pwhite@ncrealtors.org) or [www.Homes4NC.org](http://www.Homes4NC.org).



## End of Year Housing Statistics

Housing sales this past year were strong in the WSRAR market and throughout our state and country. The number of residential sales in Forsyth, Stokes, Davie, and Davidson counties was **7,739** this past year, compared to 6,653 in 2003. The average list price in 2003 was \$157,511 and that increased to **\$164,483** for 2004. The average closed price also increased – for 2004 it was **\$160,683**, up from \$153,452 in 2003. The average days on market dropped slightly to **109** for this past year compared to 117 in 2003. **Surry County also posted strong gains in 2004.** In 2003, 268 homes were recorded in Tempo as sold in Surry County; comparatively 2004 posted an increase to **292**. The average list price in 2003 was \$115,161 and this increased to **\$122,945** in 2004. The sold price also increased: the average home sold for \$110,365 in 2003 and this jumped to **\$118,628** last year. *(statistics derived from Tempo data)*

Interealty reported new residential listings input into Tempo through WSRAR increased **31%** from 2003; a total of **10,506** new listings were entered last year.

There was positive news across the state concerning home sales. In 2003, 92,523 homes were sold in North Carolina. This number increased **21%** to **112,188** sales in 2004. The average sold price jumped to **\$193,817** – a **4%** increase over 2003's average price of \$184,606.

NAR reported increases in sales and closed prices across the country in 2004. This past year, approximately **6,675,000** homes were sold, a **9.4%** increase over 2003. In 2004 the average sold price was **\$184,100** - **8.3%** higher than 2003.

NAR President Al Mansell, CEO of Coldwell Banker Residential Brokerage in Salt Lake City, said the United States is in a long-term housing expansion. "The reason we keep setting annual records for home sales is that we continue to experience the right combination of factors necessary for strong activity, led by low interest rates," he said. "Mortgage interest rates have continued to defy expectations and are lower than anticipated. Low interest rates continue to offer opportunities to first-time buyers – a huge potential market given the generational bulge and who believe that housing is a good investment. They provide a ready market for existing owners wishing to make a trade, so there is strong demand in every sector of the housing market."

## 2005 Housing Forecast

RISMEDIA, Feb. 9 – Home sales will be down from the high-water marks set in 2004 but are expected see the second-best year on record in 2005, according to the National Association of Realtors®.

Existing-home sales are forecast to decline 2.0 percent to a total of 6.54 million\* in 2005 from a record 6.68 million last year. New-home sales are projected at 1.11 million this year, down 6.2 percent from a record 1.18 million in 2004. Housing starts are seen at 1.92 million units this year, a decline of 1.8 percent from 1.95 million 2004, which was the highest level of housing construction since 1978.

David Lereah, NAR's chief economist, said economic conditions this year will be similar to 2004. "Even with a growing economy and improving job market, inflation should stay tame with only modest upward pressure on interest rates," he said. "The relationship between mortgage interest rates, family income and home prices will remain favorable for home buyers in most of the country."

Lereah forecasts the 30-year fixed-rate mortgage to rise modestly to 6.3 percent by the end of the year, and average 6.0 for all of 2005 compared with an average rate of 5.8 percent in 2004.

The national median existing-home price should increase 5.0 percent in 2005, with the annual price expected at \$193,300. The median new-home price is forecast to rise 6.0 percent in 2005 to \$232,100. By contrast, appreciation rates in 2004 were 8.3 percent for existing homes and 12.3 percent for new homes.

"This slowing in the rate of home-price appreciation will be welcome news for home buyers, yet the market remains favorable for home sellers because housing inventory levels are tight," Lereah said. "The home price gains expected this year will remain above the high end for historic norms, which are 1 to 2 percentage points higher than the overall rate of inflation."

Inflation will remain modest with the Consumer Price Index rising 2.5 percent this year. The U.S. gross domestic product is projected to grow by 3.9 percent in 2005, while the unemployment rate is forecast to decline to 5.0 percent by the third quarter.

Inflation-adjusted disposable personal income is seen to grow 3.9 percent this year, while the consumer confidence index should rise to 105 by the end of the year.

More detailed information about NAR's economic outlook, as well as other analysis of real estate industry statistics, can be found in the February issue of NAR's Real Estate Outlook: Market Trends and Insights. The publication may be purchased by calling 800/874-6500.

# New E-Mail Marketing Rules Effective March 28

The Federal Trade Commission (FTC) recently adopted rules designed to clarify which e-mails will be regulated under the "CAN-SPAM Act of 2003." Although these rules arguably fail to establish a bright line test for what e-mail messages are commercial and which are not, an understanding of these rules is important because of their impact on how REALTORS® and boards market their services. More specifically, what appears in the e-mail's subject line and how the e-mail's content is formatted will affect whether the e-mail is classified as a commercial e-mail. The rules were originally set to take effect Feb. 18, but the FTC changed the effective date to March 28, 2005.

## Regulation of Commercial E-Mail

Whether an e-mail is classified as commercial is important because of how commercial email is regulated. Commercial electronic mail messages, which are defined as e-mail messages that have the *primary purpose* of advertising or promoting a commercial product or service, must include the following:

- A clear and conspicuous identification that the e-mail is an advertisement or solicitation (unless the recipient has given prior consent).
- A functioning e-mail address or other mechanism that allows the recipient to send a message requesting that the sender stop sending commercial e-mails to the recipient.
- A clear and conspicuous notice of the recipient's opportunity to opt-out of future messages.
- A valid physical postal address for the sender.

If a recipient opts-out of future e-mails, the sender has 10 business days to stop sending commercial e-mails to them and may not sell or otherwise transfer the recipient's e-mail address to another party. It also is unlawful for e-mails to contain deceptive subject headings.

## Is My E-Mail Commercial or Not?

The rules adopted by the FTC are intended to define which e-mails have the *primary purpose* of advertising or promoting a commercial product or service and are therefore regulated as commercial e-mails. This determination is simple when the only content of the e-mail is information advertising a good or service. However, the analysis is more difficult when the e-mail contains both commercial and non-commercial content.

For example, certain types of e-mail messages, referred to as "transactional or relationship messages," are explicitly excluded from the definition of commercial electronic mail messages and therefore are not subject to the requirements listed above. An e-mail is a transactional or relationship email if the primary purpose of the e-mail is to complete a commercial transaction that the recipient had previously agreed to enter into with the sender, to provide information regarding the terms or features of the recipient's membership in an association or club, or to deliver goods or services that the recipient is entitled to receive under the terms of a transaction that the recipient has previously entered into with the sender.

## Special Guidelines for Combined Messages

The rules state that for e-mail messages that contain commercial content and transactional or relationship content, the e-mail will be treated as a commercial e-mail if the recipient reasonably interpreting the subject line of the email would likely conclude that the message contains commercial content or the e-mail's transactional or relationship content does not appear, in whole or substantial part, at the beginning of the body of the e-mail. Thus, for such a message to be deemed a transactional or relationship e-mail, and therefore exempt from the commercial e-mail requirements, the subject line must not contain a reference to a commercial advertisement or promotion of a commercial product or service and the transactional or relationship content must appear in whole or in substantial part at the beginning of the body of the message.

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## **2005 Legislative & Regulatory Preview**

By: Stephanie Simpson & Rick Zechini

The North Carolina General Assembly kicked off the long session at noon on January 26, 2005. The North Carolina Association of REALTORS® Legislative & Regulatory staff will be monitoring the progress of thousands of bills and working directly with policy makers, testifying before legislative committees and keeping you informed about what is happening on the issues that impact your business. With little change after the November statewide elections, REALTORS® can expect a positive political climate on the most critical issues facing our industry. The following is a list of issues we expect to be on the table during the 2005 session.

### **DEFEND SCHOOL CALENDAR LEGISLATION**

Although NCAR had a huge victory with the passage of **HB 1464 (School Calendar Changes)** during the 2004 session, we are expecting the opponents to seek legislation in 2005 to weaken or repeal our hard fought efforts. In addition to possible legislation, the State Board of Education and the Department of Public Instruction will be implementing the basic parameters set out in HB 1464 for setting public school calendars across the state and establishing waivers and exemptions. The policies to determine which school systems qualify for exemptions and waivers are still being developed. NCAR will be closely monitoring their implementation and interpretations of the law very closely.

### **OPPOSE ANY HOUSING TAXES AND FEES**

The real estate industry will continue to be a prime target to generate revenue for the state and local governments. These taxes can be levied in many forms such as a transfer tax, an impact tax, or an impact fee. NCAR has been extremely successful in stopping these initiatives at the state level, but many local governments, who are frustrated by their lack of success at the General Assembly, may try to levy impact fees without legislative approval. The real estate industry must educate local officials to the devastating consequences that these fees and taxes have on homeownership. Legislators are also considering other revenue options that could hurt our industry such as expanding the sales tax in North Carolina to include professional services. This would have a significant impact on the real estate industry as virtually all real estate services involved in a home sale may be subjected to a sales tax.

### **SUPPORT APPROPRIATION TO THE HOUSING TRUST FUND**

NCAR has joined a coalition of pro-housing advocates that includes; the AJ Fletcher Foundation, NC Homebuilders, the NC Justice Center and the Low Income Housing Coalition, in seeking additional funding in 2005 for the North Carolina Housing Trust Fund. The Housing Trust Fund is North Carolina's only state-funded and state-designed resource for financing affordable housing and is managed by the N.C. Housing Finance Agency.

### **STORMWATER**

After successfully advocating for the invalidation of over-zealous state stormwater rules, NCAR along with the NC Home Builders Association was able to work out compromise stormwater legislation last legislative session. Many environmental groups, however, appear to be unsatisfied with the compromise and will likely be pushing for more stringent stormwater legislation.

### **LANDLORD TENANT ACT**

Low income housing advocates appear to be pursuing legislation amending the landlord tenant statutes, including changes that would place new requirements on landlords and limit their ability to charge administrative fees.

### **SEDIMENTATION**

The Department of Environment and Natural Resources is working on legislation to amend the Sedimentation Act, which is the Act that requires a permit for land disturbing activity and prescribes vegetated cover requirements. At this point it is unclear what changes the Department will be pursuing.

### **CHANGES TO THE VACATION RENTAL ACT**

The Real Estate Commission, upon the request of the North Carolina Vacation Rental Managers Association (VRMA), recently appointed the Vacation Rental Advisory Committee (Committee) to study issues associated with the Vacation Rental Act (Act). The Committee and the Commission both have recommended changes to the Act that will require legislation during the 2005 session.

### **INSURANCE**

Property casualty coverage is an underwriting requirement for conventional, government-assisted and commercial mortgages. Without insurance, lenders will not lend; without mortgages the great majority of sales transactions cannot be consummated. NCAR will continue to work with lawmakers, the NC Department of Insurance, insurance agents and insurance companies to make certain property and casualty insurance is available and affordable.

***(continued on page 15)***

[\(continued from page 14\)](#)

## **Regulatory Issues**

### **DO NOT CALL RULES**

Last year the Federal Trade Commission and the Federal Communications Commission amended their rules to create the Do Not Call Registry. The Do Not Call registry is a database that contains the telephone numbers of people who do not want to receive telephone sales solicitations. Individuals can register by telephone or the internet and telemarketers are required to consult the registry quarterly to make sure that they do not call any of the telephone numbers on the registry. These rules supercede all less restrictive state Do Not Call laws, thus undermining the efforts of NCAR to obtain legitimate exemptions under state law. NAR and NCAR have formally requested clarification from the FCC on how the rules will be applied to the real estate industry. NCAR has also developed a thorough website with detailed information on the Do Not Call Rules (<http://www.ncrealtors.org/legis/DoNotCallNewsletter.htm>).

### **DO NOT FAX RULES**

The FCC also adopted rules that require any person or entity sending an "unsolicited advertisement" by fax to first obtain the signed, written consent of the recipient. This change will not only affect REALTORS®, but will also restrict the ability of local boards to communicate with members, vendors, and sponsors. Thanks to the efforts of NCAR and NAR the FCC has twice stayed the effective date of the Do Not Fax Rules, which are now set to go into effect on July 1, 2005. In the meantime, NCAR and NAR are urging the passage of legislation that will allow businesses and associations to fax existing clients and members without written consent. See the NCAR website for a detailed explanation of the Do Not Fax Rules (<http://www.ncrealtors.org/legis/donotfax.htm>).

### **DO NOT E-MAIL LAW AND RULES**

Although the "CAN-SPAM Act of 2003" is designed to target deceptive, fraudulent, and pornographic commercial emails, the bill's provisions impact how REALTORS® and boards market their services. The Act imposes requirements on those who send commercial email. The FTC was also directed to study the idea of creating a Do Not E-Mail Registry and thankfully the FTC concluded that such a registry would be cumbersome and ineffective. Many of the questions regarding how the CAN-SPAM Act will impact the REALTOR® community will be answered when the FTC adopts regulations that interpret and implement the Act. NCAR and NAR remain actively involved in the development of these regulations. NAR has an excellent overview of the Act at [http://www.realtor.org/rohighlt.nsf/files/Anti-Spam%20Q&A.pdf/\\$FILE/Anti-Spam%20Q&A.pdf](http://www.realtor.org/rohighlt.nsf/files/Anti-Spam%20Q&A.pdf/$FILE/Anti-Spam%20Q&A.pdf).

### **METHAMPHETAMINE LAB CLEANUP RULES**

The Commission for Health Services will be adopting cleanup standards for property used for the manufacture of methamphetamine. These standards are being developed because the chemicals used in the production of methamphetamine are often toxic and residues left from production may result in adverse health effects for future residents of the property. NCAR and the Apartment Association of North Carolina have been sharing the real estate industry's concerns and perspectives with respect to these rules and are optimistic for a reasonable result.

### **COASTAL HABITAT PROTECTION PLAN**

The State is in the process of adopting a 500-plus page plan designed to protect North Carolina's coastal fisheries habitat. The plan could have far-reaching impacts on development, as the draft plan contains proposals such as increased buffers, more stringent impervious surface limits and even impact fee authority. NCAR is partnering with the NC Home Builders Association to bring about changes to the plan that will result in a balance between environmental interests and private property rights.

### **UTILITIES COMMISSION RULES ON TELECOMMUNICATION ACCESS**

The North Carolina Utilities Commission is in the process of regulating the contractual relationships that developers and building owners have with telecommunications companies. The Commission has been focused on the issue of whether these contracts should be able to limit the ability of telecommunications companies that are not parties to the contracts to deliver telecommunications services to tenants of the developments or buildings. After the Commission failed to consider the interests of the real estate community, NCAR assisted in amassing a coalition of state and national real estate groups to intervene in the process.

If you have any questions on these or other issues facing the real estate industry, please call the NCAR Legislative Office at 800-443-9956.

## RPAC Breaks Participation Records

WASHINGTON (December 22, 2004) – The REALTORS® Political Action Committee (RPAC) has broken all previous participation records this year. In the 35-year history of RPAC, this marks the first year that all 50 state associations of Realtors® as well as the territorial associations of the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands reached their RPAC fair share goal. Last week was the deadline for 2004 RPAC contributions.

The National Association of Realtors® spent a record total of nearly \$13 million during the 2003-2004 election cycle, including dues-funded political advocacy activities for selected candidates. RPAC raised a record \$7 million in PAC receipts and distributed a record \$4.2 million in direct contributions during the past cycle, making it once again America's largest political action committee in terms of direct contributions to federal candidates.

RPAC supported a total of 439 candidates for the U.S. House of Representatives and Senate this past cycle, 426 of whom won their races, giving RPAC a 97 percent winning record. More than 400,000 Realtors® contributed to RPAC this year, or about 40 percent of NAR's 1 million members. Overall, 398 of the 407 RPAC-supported candidates in House races won their seats. On the Senate side, 28 of the 32 NAR-supported candidates were elected.

In addition to PAC receipts, REALTORS® raised \$2.5 million in corporate contributions that funded NAR's Opportunity Race Program. RPAC used direct mail pieces and professional phone banks to reach over 100,000 Realtors® living in the nation's most competitive districts to inform them of the RPAC-supported candidate in 24 House and Senate races. Twenty-one of these candidates won election. In addition, RPAC spent nearly \$2 million in hard-dollar independent expenditures utilizing direct mail and advertisements to support four successful general election candidates: Reps. Anne Northup (R-Ky.) and Rick Renzi (R-Ariz.) and Senate candidates Richard Burr (R-N.C.) and Johnny Isakson (R-Ga.).

"RPAC's record of success this year demonstrates that REALTORS® are among the most politically active and engaged citizens in the country," said NAR President Al Mansell, CEO of Coldwell Banker Residential Brokerage in Salt Lake City. "Realtors® are proud to have successfully supported several high-profile candidates for Congress who support private property rights and helped expand the Republican majority. We look forward to working with the president and the 109th Congress on a variety of real estate and homeownership issues next year."

Concern that big banking conglomerates might be allowed to enter the real estate business was one of the major issues that sparked the record RPAC success this cycle, Mansell said. He also credited the tremendous work of 2004 RPAC Fundraising Chair Dick Gaylord and 2004 RPAC Chair Bill Brown.

"This year we challenged REALTORS® to get into politics and get more out of business. More members than ever made a personal commitment to support RPAC, which serves as the industry's strong voice for change and progress," Gaylord said.

## **N.C.: Rule Would Require Broker License for All**

(March 31, 2005) -- The North Carolina Association of REALTORS® is working with the state's real estate commission to draft proposed legislation that would require all real estate practitioners to hold a broker license, says Rick Zechini, NCAR's director of regulatory affairs.

Under the proposed licensing structure, someone entering the profession would have to become a broker before being able to do business as a licensed real estate professional, says Zechini. Applicants would be required to complete a 90-hour prelicensing course and pass the state license examination.

The new licensee would then be classified as a "provisional broker." Provisional brokers would have to complete an additional 90-hour of course work within two years of licensure. Then the provisional status would be terminated.

Zechini says a provisional broker would have to be supervised, just as a salesperson is now under existing law, until the post-licensure course is completed. "If provisional brokers fail to complete the post-licensure course within two years, their licenses would be cancelled," he says.

The driving force behind the proposed change is the growing number of consumer complaints to the North Carolina Real Estate Commission about "inexperienced and uneducated" real estate practitioners. NCAR's membership also has expressed "concern over the lack of professionalism and consumer protection in the state."

Existing salespeople would be transitioned to brokers either through satisfaction of an experience requirement of working four years in real estate as a broker or salesperson within the last six years or by completing a transition course. NCAR is working with the Real Estate Commission's legal staff to draft the legislation, which, if voted into law, would go into affect on March 1, 2006.

—By Bridget McCrea for REALTOR® Magazine Online

# Triad MLS Training

## Tempo™ Classes and Training Schedule

### ***Each Monday (except holidays)***

#### **9:00a.m. – 12:00p.m. - Basic Training (Required class)**

Adds 30 minutes but includes Prospects & Financials, currently taught as separate classes

#### **12:30p.m. – 1:00p.m. – CMA**

Moved to follow Basic Training class

#### **1:00p.m. – 2:00p.m.– Realist**

Moved to follow CMA. Also, 1 hour shorter. Currently, too much time allotted for class.

#### **2:00p.m. – 2:30p.m.- Add/Edit**

Moved to follow Realist. Students use Realist with Add/Edit

### ***Directions***

From 1-40 and NC HWY 68, take NC HWY 68 towards High Point

Make a right on Willard Dairy Road (between Piedmont Parkway & Premiere Drive

Take an immediate left into the parking lot

Triad MLS office faces NC HWY 68 and is in the same building as Capra's Deli

*Please park between the two buildings and enter through the back entrance at Suite 110.*

*Triad Multiple Listing Service, Inc.*

*2640 Willard Dairy Rd.*

*Ste. 110*

*High Point, NC 27265*

*Telephone: 841-1337*

## IMPORTANT INFORMATION

### PLEASE POST

The following is the list of coordinates and their respective placement in our HomeSpotter publication. Please use this as a guide to determine the quadrant that your listing will be placed in HomeSpotter. All information is pulled directly from your data inputted into MLS. When mapping coordinates, please use a Forsyth County map. If you need further assistance please contact Susan or Shannon at 768-5560.

#### South East Forsyth County

33D4, 33D5, 34A4, 34A5, 34B4, 34B5, 34C4, 34C5, 34D4, 34D5, 35A4, 35A5, 35B4, 35B5, 35C4, 35C5, 35D4, 35D5, 36A4, 36A5, 36B4, 36B5, 36C4, 36C5, 49D1 – 5, 50A1 – 5, 50B1 – 4, 50C1 – 4, 50D1 – 4, 51A1 – 4, 51B1 – 5, 51C1 – 5, 51D1 – 5, 52A1 – 5, 52B1 – 5, 52C1-C5, 51C1 – 5, 63D1, 64A1

#### South West Forsyth County

AREAS: 47 & 48,

29C4, 29C5, 29D3, 29D4, 29D5, 30A4, 30A5, 30B4, 30B5, 30C1, 30C2, 30C4, 30C5, 30D4, 30D5, 31D4, 31D5, 32D4, 32D5, 33A4, 33A5, 33B4, 33B5, 33C4, 33C5, 45C1, 45D1, 45D2, 45C2, 45D3, 31A4, 31A5, 31B4, 31B5, 31C4, 31C5, 32A4, 32A5, 32B4, 32B5, 32C4, 32C5, 46A1, 46A2, 46A3, 46B1, 46B2, 46B3, 46C1, 46C2, 46C3, 46C4, 46D1, 46D2, 46D3, 46D4, 46D5, 49A1 – 5, 49B1 – 5, 49C1 – 5, 61A1 – 3, 61B1 – 3, 61C1 – 3, 61D1 – 3, 62A1 – 2, 62B1 – 2, 62C1, 62D1, 63A1, 63B1, 63C1

#### North West Forsyth County,

ALL of AREA 16 & 17

GRIDS: 4A2, 4B2, 4C2, 4A3, 4B3, 4C3, 4A4, 4B4, 4C4, 4A5, 4B5, 4C5, 18A1 – 5, 18B1 – 5, 18C1 – 5, 29C3, 30D1, 30D2, 30D3, 30A2, 30A3, 30B2, 30B3, 30C3, 31A1 – 3, 31B1 – 3, 31C1 – 3, 31D1 – 3, 32A1 – 3, 32B1 – 3, 32C1 – 3, 32D1 – 3, 33A1 – 3, 33B1 – 3, 33C1 – 3, 1C2, 1C3, 1C4, 1D2, 1D3, 1D4, 1D5, 2A2 – 5, 2B2 – 5, 2C2 – 5, 2D2 – 5, 3A2 – 5, 3B2 – 5, 3C2 – 5, 3D2 – 5, 15C1 – 5, 15D1 – 5

#### North East Forsyth County

ALL OF AREAS 19 & 20

4D2 – 5, 5A2 – 5, 5B2 – 5, 5C2 – 5, 5D2 – 5, 6A3 – 5, 6B3 – 5, 6C3 – 5, 6D3 – 5, 7A3 – 5, 7B3 – 5, 7C3 – 5, 18D1 – 5, 21A1 – 5, 21B1 – 5, 21C1 – 5, 33D1 – 3, 34A1 – 3, 34B1 – 3, 34C1 – 3, 34D1 – 3, 35A1 – 3, 35B1 – 3, 35C1 – 3, 35D1 – 3, 36A1 – 3, 36B1 – 3, 36C1 – 3

**OTHER:** Davidson County Davie County Stokes County Surry County Yadkin County Rockingham County Wilkes County Alleghany County, Beach 700, Mountain 800, Lake 900, Other 999

*(Continued from page 5)*

For e-mails that contain commercial content and other content that is neither commercial or transactional or relationship content, the rules provide that the e-mail is a commercial e-mail if the recipient reasonably interpreting the subject line of the e-mail would likely conclude that the message contains commercial content or if the recipient reasonably interpreting the body of the e-mail would likely conclude that the primary purpose of the message is commercial. In determining whether the recipient would view the primary purpose of the e-mail as commercial, the following factors are relevant: placement of the commercial content, in whole or in substantial part, at the beginning of the body of the message; the proportion of the message dedicated to such content; and how color, graphics, type size, and style are used to highlight commercial content. The FTC failed to provide much useful commentary on this analysis, but did acknowledge that how the sender formulated the email message would determine whether the e-mail was deemed commercial or not.

As discussed in a previous article, NAR has stated that e-mails from REALTORS® to their clients are probably covered by the transactional or relationship message exemption. Thus, e-mails from an agent to their seller and buyer clients are probably exempt. However, e-mails that solicit sellers or buyers who are not current clients are probably not entitled to this exemption.

### **Association E-Mail Likely Exempt**

It is interesting to note that in adopting the rules the FTC stated that a trade association's e-mail messages to its members are likely transactional or relationship messages under the CAN-SPAM Act even if the messages consist primarily of the commercial advertisement or promotion of a commercial product or service. The FTC also has stated that when a recipient subscribes to a periodical delivered via email, then the e-mail is a transactional or relationship email, even if the e-mail contains advertising.

NAR believes that e-mails from local boards to its members are entitled to the exemption so long as the e-mails relate to services or benefits offered to members as a membership benefit.

NCAR continues to be involved in resolving the issues associated with the regulation of commercial e-mail and will continue to keep you apprised of any new developments. If you have any questions, please contact NCAR's legislative or legal staff at (800) 443-9956.