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REAL ESTATE IN-DEPTH

Official Publication of the Hudson Gateway Association of Realtors

Crystal Hawkins Syska Installed as 2021 HGAR President

By John Jordan

WHITE PLAINS—In the 104 years the Hudson Gateway Association of Realtors and its predecessor organizations have been in operation, one of the highlights each year has been the pomp and circumstance of the installation of the association's officers and directors. Due to the coronavirus pandemic, while this year's event was the first being staged on a virtual basis, the 2021 program successfully created the atmosphere of hope and good will of the more conventional installation programs of the past.

The Feb. 4th Zoom program not only featured the installation of 2021 HGAR President Crystal Hawkins Syska—the second African American to lead the organization—the HGAR Directors and Officers, but also included participation by the respective presidents of the National Association of Realtors and the New York State Association of Realtors.

NAR President Charlie Oppler installed the 2021 HGAR Officers—President Crystal Hawkins Syska of Keller Williams NY Realty of White Plains, as well as Anthony A. Domathoti of Exit Realty Premium of the Bronx as President-elect; Treasurer Carmen A. Bauman of Green Grass Real Estate Corp. of Bronxville; Secretary Tony L. D'Anzica of DynaMax Realty NYC, Inc. of New York City and Immediate Past President Gail Fattizzi of Westchester Real Estate, Inc. of Somers.

NYSAR President David Legaz installed the 2021 HGAR Board of Directors. Serving on the 2021 Board, in addition to the aforementioned 2021 HGAR Officers are: Previous Past President Ronald Garafalo of John J. Lease Realtors Inc. of Middletown; Regional Director and Chapter Representative Bronx County Vincent Buccieri of Today Realty Corp. of the Bronx; Regional Director and Chapter Representative New York County (i.e., Manhattan) Maurice Owen-Michaane of Capital Realty NY LLC of New Rochelle; Regional Director Putnam County Clayton C. Livingston of Grand Lux Realty, Inc. of Armonk; Regional Director Orange County Eydie Lopez of Keller Williams Hudson Valley United of Middletown; Regional Director Rockland County

"This year, we will strive to make this (the 'American Dream') more than just a dream. We have to sleep to dream and dreams are not realities until we make them so. For 2021, let's work to transform the 'American Dream' into the 'American Promise.'"

—2021 HGAR President Crystal Hawkins Syska

Continued on page 3

Latimer Defers on Co-Op Disclosure; Gets Personal on COVID-19 Battle

By John Jordan

WHITE PLAINS—In an exclusive interview, Westchester County Executive George Latimer offered his views on some key real estate issues, including cooperative disclosure, the county's efforts to bolster the affordable housing stock and efforts to improve the storied Rye Playland.

In *Real Estate In-Depth*'s "Five Questions With" feature (see page 2), Latimer also shared when the COVID pandemic hit home for him and became not just a serious healthcare crisis he needed to deal with.

The co-op disclosure issue now before the Westchester County Board of Legislators has pitted Realtors against cooperative building owners and managers. HGAR has been pushing for reform legislation to be passed by the county that would require co-op boards to provide a reason for a denial of an applicant in order to help prevent discrimination.

The County Executive said he "didn't know what the balance point is," but did note that if there are a significant amount of cases filed with the Human Rights Commission that involve co-op application rejections due to pure human rights violations, then reform would be necessary. "If it is apparent that there is consistent rejection of co-op applications because of race or gender or religion, then the reform will be necessary," the County Executive said. "But, if we are finding that the rejection is not prejudicial, it may be judgmental, but is not prejudicial, then it falls under a different category and let that be the debate."

Westchester County Executive George Latimer

Bolstered by the end of the Fair Housing case with the federal government and an affordable housing study that calls for the addition of more than 11,000 affordable housing units in Westchester, County Executive Latimer said that there are-about 1,400 units of affordable housing under development at the moment. He added that the county has a long way to go on the issue, but at the very least has begun the journey to address the problem.

The County Executive also recalled in the early days in the fight against COVID-19 last spring, when his battle-against the spread of the virus became personal. He shared in early April 2020 when he learned the news of the passing of Eastchester Councilman Glenn Bellitto who he described as "just a really great guy" how the crisis drastically changed for him.

"When I heard that (he died on April 2) I shook," Latimer recalled. "He was a couple of years younger than I, not a lot, but a couple of years younger, and I was shocked by it, I couldn't believe it."

Editor's Note: For the full interview, go to page 2.

Gov. Cuomo May Push Up Timeline on Downstate Casinos to Deal with COVID-19

By John Jordan

While details are still sketchy at press time, the massive state deficit that has been estimated between $8 billion and $15 billion may be the cause for the state to begin the process of awarding up to three casino gaming licenses in Downstate New York earlier than originally planned.

Gov. Andrew Cuomo in his State of the State address reported that he intends to issue a Request for Information for interested parties in securing up to three of the remaining casino gaming licenses in Downstate New York (New York City metro region) to be granted by New York State.

While further details were not released, the New York State Gaming Commission noted that the proposal, if part of the state budget, would have to be approved by the State Legislature by the end of the fiscal year (March 31, 2021). While the Gaming Commission offered no further information or a timeline on when those licenses might be approved, it did release a study on Monday Jan. 27 undertaken by Spectrum Gaming Group, on the impact of downstate casino gaming and mobile sports betting on the state's economy and the potential windfall in revenues the new facilities could bring to state government. The governor has also proposed the legalization of mobile sports betting as a revenue source to help offset the impact of the coronavirus in the 2022 state budget, as well as the legalization of recreational marijuana.

MGM Resorts acquired Empire City Casino in Yonkers from the Rooney family in early 2019 in a deal valued at approximately $850 million.

The addition of up to three casino gaming facilities in the New York City metro region that might include: Empire City Casino in Yonkers, Resorts World New York at Aqueduct Raceway in Queens—both operating as Video Lottery Terminal (VLT) facilities—and perhaps at the new Belmont complex in Nassau County or at a site to be developed in Manhattan, would definitely impact customer traffic at Resorts World Catskills in Sullivan County and at other existing upstate casinos. If the downstate initiative does move forward, the state would be beginning the process early, since the state's gaming law bans the award of downstate casino licenses until 2023. The measure was intended to allow the upstate casinos to establish a client base before they faced competition from downstate facilities.

If downstate casinos move forward ahead of plan, the economic impact on the New York City and surrounding

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5 QUESTIONS WITH Westchester County Executive George Latimer

By John Jordan

This month, *Real Estate In-Depth* talks with Westchester County Executive George Latimer, who recently announced he would be seeking a second term of office.

As the COVID pandemic drags on and the county's death toll topped 2,000 residents recently, the County Executive has had to deal with a host of issues in addition to the health and financial fallout the virus has caused, such as the future of Rye Playland, the need to develop more than 11,000 units of affordable housing, as well as the need to address discriminatory practices in the cooperative housing sector to name just a few.

Latimer, a native of Mount Vernon, has been a resident of Rye for nearly 30 years. The County Executive has extensive experience in both the public and private sectors. Latimer's private sector experience spanned more than 20 years at major corporate subsidiaries of Nestle, and ITT, with on-site responsibilities for projects with AT&T, IBM and Shearson Lehman.

He began his political career on the Rye City Council, then successfully ran for a seat on the Westchester County Board of Legislators where he served for 13 years, including from 1998 to 2001 as the first Democratic Chairman of the County Board. In 2004, he was elected to the New York State Assembly and then in November 2012 won a seat on the New York State Senate, representing the 37th District. In November 2017 he defeated incumbent Westchester County Executive Robert Astorino.

1 **Real Estate In-Depth:** Realtors and some county lawmakers believe that the co-op buying process needs to be reformed to include requiring co-op Boards to state in writing why a prospective buyer was denied. Are you in favor of that change to the current county regulations?

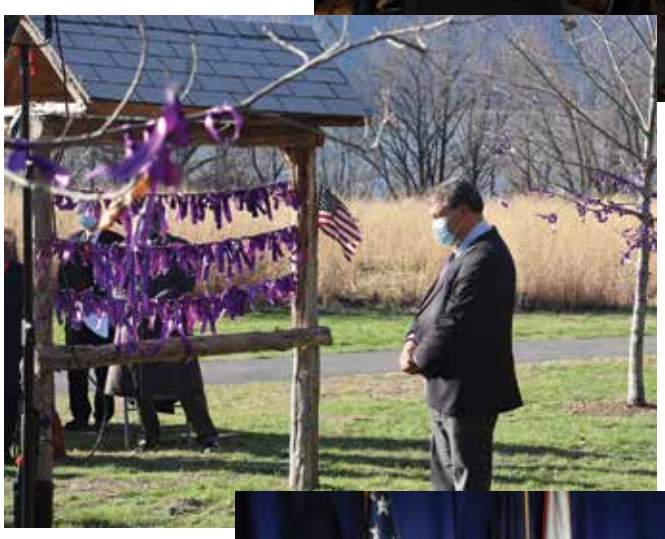
Latimer: I think it is a debatable issue before the County Board and they look at all sides of it. On one side of it, you certainly don't want discrimination. You don't want people to say we don't want you in our building because of your ethnicity, your religion or what have you. I think that's a reprehensible way to factor people out. On the other hand, you will hear from co-op officials that they are looking for people that they think will fit into something where you actually own shares; you are not just renting an apartment, you are actually becoming a part of the infrastructure that operates the building and you want to have a person you think you can work with.

So, I don't know what the balance point is. We originally had a referral mechanism when we did the last reform two years ago, which tightened the time frame that they (co-op Boards) had to respond, which I thought was good, and then a requirement of a referral to the Human Rights Commission. I don't know how many cases there were—pure human rights violations—and I think that's the key. If it is apparent that there is consistent rejection of co-op applications because of race or gender or religion, then the reform will be necessary. But, if we are finding that the rejection is not prejudicial, it may be judgmental, but is not prejudicial, then it falls under a different category and let that be the debate.

2 **Real Estate In-Depth.** With the recent settlement with Standard Amusements, what can you tell us in terms of the future management and improvements planned at Rye Playland?

Latimer: Well, the county is committed to putting in well over $100 million worth of improvements to the park. The county continues to own the facility, even though Standard (Amusements) will have a 30-year arrangement to manage it. We want to see the park thrive. We want to see kids come there, grow the attendance and grow the experience and the enjoyment like it once was. So, at the end of the day that is our mission and we are going to work with Standard to try and accomplish that. Now, they have the position of the primary authority and responsibility and management of the park, that is what (former Westchester County Executive) Rob Astorino signed in the deal and that is what is going to happen. We are certainly going to be involved financially and we are going to be involved as an active partner, not a passive partner, and the hope is that Playland will improve demonstrably and people will see it, feel it and enjoy it.

Editor's Note: Standard is contractually obligated to spend more than $30 million in primarily ride and new feature-oriented improvements to the park, while the county's $100 million will be focused more on infrastructure improvements.



3 **Real Estate In-Depth:** While you held down tax increases in this year's budget despite the pandemic, some have said that COVID relief funding from the federal government was critical in achieving that result. Do you agree and could you tell us what measures you would have taken and what tax increase the county would have been forced to impose without such federal aid?

Latimer: Well, the federal aid helped us handle the excessive expenditures that we received because of COVID. If we had the excessive expenditures and we didn't have any additional aid, then we would have spent significantly more money and could have very easily had a 5% increase in property taxes, without question. You are talking about overtime in the Health Department, overtime in the police and corrections departments. Just imagine, you have so many police on post, a group of guys get COVID and so you can't hire police like substitute teachers, so you have guys work overtime. And when they work overtime, they get time and a half or double time and that cost goes through the roof because a wide variety of people get COVID on and off the shift and they are infecting other people. So, to have the coronavirus aid money cover that got our costs back closer to normal. And to have money from coronavirus (aid funding) that we used to help us stabilize businesses, in fact helped them stabilize. And they did a little better in sales tax revenue than we would have received if we did none of that. We thought the sales tax revenue was going to be disastrous, a total crash, while it went down, it wasn't of the same magnitude (the county had predicted). So, we were able to realize a little bit better result on sales taxes.

Those are examples of how the coronavirus money helped us and I think the bottom line is this—all factors being equal, we could have used the coronavirus as an excuse to raise taxes, but we didn't. The very smart people that we have working in this government figured out how to balance the budget honestly and honorably and then at the same time cut taxes a little bit, not a huge amount, but cut it a little bit and also meet all of our obligations. I think that is smart management. Let's be candid. When I ran for office, the argument on the other side of the aisle was always that if you elect a Democrat you are going to raise taxes. Watch out for the Democrat, he is going to raise taxes. We just cut county property taxes two consecutive years—the first time in 20 years. So, I guess the rhetoric does not match up with the reality. The reality is that we understand that taxes, property taxes particularly, are problematic and we have to try and keep them under control and the last two years I think we should get credit for what we did.

4 **Real Estate In-Depth:** I know one of the key issues you have advanced is the need for more affordable housing in Westchester County. The *Journal News* reported that a study from your office last year found that 11,700 new affordable housing units are needed to address needs in Westchester. The study also found a total of 82,451 units require affordability relief. Can you spell out how the county is addressing this critical need for so many in Westchester?

Latimer: Well, the first thing is the county has faced up to the need, because for the prior administration, affordable housing was not seen as what their responsibilities were. They fought the HUD lawsuit and then they obviously had to accept the final settlement and develop 750 units of housing to satisfy the settlement. We walked in the door and we believed in affordable housing and we embraced it. We are the ones that authorized the (affordable housing) study. We didn't have to, there was no mandate to do it and then once you see the study come out and you see the need of 11,000-plus units, it tells you this

Continued on page 16

Resorts World Switches Gaming Project from Harriman to the Newburgh Mall

By John Jordan

NEWBURGH—Resorts World Catskills Casino is poised to present plans for a Video Gaming Machine (VGM) facility at the Newburgh Mall here.

The Genting Group, parent company of Resorts World Catskills Casino in Monticello, confirmed that it will soon present plans to the Town of Newburgh to develop the VGM facility in an attempt to capture downstate gaming market share.

Resorts World had floated a plan to develop a VGM facility at the former Nepera Chemical plant property in Harriman, but has since abandoned the project in favor of the Newburgh Mall due to higher than anticipated property cleanup costs at the Nepera site, according to a Facebook posting by New York State Sen. James Skoufis (D-39).

"After a comprehensive environmental review, the Nepera site proved to be far more contaminated than previous evaluations suggested. Due to the extensive remediation that's necessary, the property will not be buildable for the better part of a decade," Sen. Skoufis stated. "As such, it was in everyone's best interest—including Woodbury's and Harriman's—that a new location be found for the project."

The Newburgh Mall

He revealed that a court settlement reached between Woodbury and the Nepera owner in December 2020 resolved an ongoing tax dispute and, as part of the agreement, will prompt the owner to begin cleaning up the site with strict DEC oversight.

Sen. Skoufis said the Resorts World Catskills' VGM facility in the Town of Newburgh "will revitalize a dying mall and employ hundreds of permanent, good-paying jobs with an emphasis on hiring from the City of Newburgh. Furthermore, annual local benefits will be provided to the Town of Newburgh and surrounding communities—in addition to legally required casino taxes and increased property tax payments from the mall."

A spokesman for Genting confirmed the project had been moved to the Newburgh Mall, stating, "Developing a VGM facility in Orange County has, for many years, been part of Resorts World's long-term vision for Hudson Valley and the Catskills. It will create hundreds of good-paying unions jobs, generate significant revenue for New York's public schools, and is an important step in ensuring the long-term sustainability of Resorts World Catskills." The spokesman added that development of the VGM facility will ensure the long-term viability of the Resorts World Catskills operations.

Published reports indicate plans may be presented to the Town of Newburgh later this month. The Genting spokesman stated that it is finalizing the number of Video Lottery Terminals that will be housed at the Newburgh Mall facility.

Approximately 200 construction jobs are expected to be created by the project and the facility, once operational, will employ between 200 to 225 employees, according to the Genting spokesperson. Construction on the project is anticipated to take between six to 12 months to complete. No development cost for the project was released.

The plan for the new VGM facility comes as New York State contemplates moving up the timeline on the development of up to three downstate casinos in the New York metro region, that could include the award of full gaming licenses at Resorts World New York (at Aqueduct Racetrack) in Queens and Empire City Casino in Yonkers. (**Editor's Note:** see story on page 1).

Maureen Halahan, president and CEO of the Orange County Partnership, said of Resorts World's plans in Newburgh, ""Resorts World is making a monumental investment in Orange County, in the Town of Newburgh. Not only will they be hiring local labor, paying hundreds of thousands of dollars in taxes and creating good jobs, their presence will breathe new life into the Newburgh Mall reviving the corridor which will result in new opportunity. This is a win-win for all during uncertain economic times."

Resorts World Catskills had operated a VGM facility at the Monticello Raceway property, but closed operations there a little over a year after it first opened the doors to the full gaming facility at Resorts World Catskills on Feb. 8, 2018.

Crystal Hawkins Syska Installed

Continued from pge 1

Roberta F. Bangs of Howard Hanna | Rand Realty of New City and Regional Director Westchester County Carol Christiansen of Cafe Realty of Mount Kisco and newly installed directors: J. Philip Faranda of J. Philip Real Estate, LLC of Briarcliff Manor, Maryann A. Tercasio of Howard Hanna | Rand Realty of Central Valley; Ismail S. Kolya of eXp Realty of Yonkers; Joseph Houlihan of Houlihan & O'Malley R. E. Services of Bronxville; Brian A. Phillips of Douglas Elliman Real Estate of the Bronx and Joseph Lippolis of BHHS River Towns Real Estate of Peekskill.

NAR's Oppler, who noted that his installation was also held virtually back in November 2020, spoke of the key attributes of leadership. "To me, it's always about doing something for somebody else. That's why the Directors are here and that's why the Officers are here. And leadership is about other people. It's empowering other people, it's enabling other people and it's showing them what you believe in, whether it's for the association or your community." He also discussed his initiative to highlight Realtor volunteerism this year. (See HGAR CEO's Richard Haggerty's column on page 4 for more details).

Newly installed 2021 HGAR President Syska credited John and Carol Kope, Gary Leogrande and Toni Chrystal as her mentors in her real estate career and discussed the various initiatives she has planned under the umbrella of her "The American Promise" platform.

The Zoom program began with 30-minute Mixer with breakout sessions. Leogrande invoked the Pledge of Allegiance while Freddie Vargas offered the Inspiration. HGAR CEO Richard Haggerty was the host of the program and introduced both NAR President Oppler and NYSAR President Legaz. Entertainment was provided by The Reminders.

The program was supported by a host of sponsors that included: Platinum Sponsors: A.S.A.P. Mortgage Corp. and the Law Office of Peter Spino Jr.; Gold Sponsors: Richard Haggerty, Daniels & O'Connell PC and Dolgetta Law PLLC and Silver Sponsors: Allan M. Block Agency, Inc., Clancy Relocation & Logistics, Elissa Grayer Interior Design, Robison Oil, Honey Do Men and Quintessential Mortgage Group.

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I wish to be a police officer

Chris, 7
leukemia

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We are proud to do our part in helping grant wishes for children, like Chris, who inspired the creation of the Make-A-Wish Foundation!

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PRESIDENT'S CORNER

By Crystal Hawkins Syska
HGAR President

I am Biased, Are You?

When I was dating my better half, we spent a lot of time at Gedney Park in Chappaqua with his three daughters, ages 12, 10 and 7 at the time. We loved getting nets and trying to catch tadpoles and water snakes and little lizards that frequent the pond, as well as racing up and down the hill, walking the path and playing in the playground. I was one of the few adults who would go down the slide. Hey, you are only as old as you feel, right? We were regulars there every other weekend. On one particular weekend, one of the other parent regulars came up to me and said, "You are so good with the kids! I see you here all the time. I wanted to ask you what company or agency do you work for?" I got excited and told her Keller Williams in White Plains and promptly grabbed a card from my cardholder in my back pocket. The woman turned really red and I could tell she was uncomfortable.

Was I too "salesy" just then? I internally questioned myself. I asked her if she had seen one of my real estate ads online? I asked because I was surprised she knew I was a Realtor. She hurriedly said that she did but couldn't remember where I worked. She thanked me for my time and hurried on. That same scenario would be repeated two more times from different park frequenters. On the third occasion when I gave the person my card, they stopped and said, "Oh, I am really sorry and embarrassed. I thought you were the kids' babysitter. You know what, that will teach me a lesson. I am so, so, sorry." She was nearly in tears. The conversation went on and she asked me about myself and who the kids were to me and I let her know I was dating their dad. The conversation totally ended nicely and she did refer me to a real estate deal later on. However, on that day, I walked away with a sinking feeling.

You see, deep inside I knew what they were asking me, but I told myself it wasn't the case. I am a black woman with three white children in a park in Chappaqua, and they saw me as "the help." That is implicit bias. Now just to be clear, this didn't happen in 1965, it happened in 2014. This would happen again under a different set of circumstances. When the oldest was in high school, I would drop her at school most of the time. A rumor was going around school that she was very wealthy and she didn't understand why. One of the kids told her, "Well, your Nanny drives you to school like almost every day." She told them she didn't have a Nanny; she was confused. It hurt to break it to her that it was because I was "black." She still didn't understand, which touched my heart. Now, if any of you are thinking this is an "honest mistake," just ask yourself, when have you been mistaken for your kids' or stepkids' babysitter? Did it happen more than five times in a calendar year? Okay, that's implicit bias.

The Perception Institute defines implicit bias as:

"Thoughts and feelings are 'implicit' if we are unaware of them or mistaken about their nature. We have a bias when, rather than being neutral, we have a preference for (or aversion to) a person or group of people. Thus, we use the term 'implicit bias' to describe when we have attitudes towards people or associate stereotypes with them without our conscious knowledge. A fairly commonplace example of this is seen in studies that show that white people will frequently associate criminality with black people without even realizing they're doing it."

Hey, don't feel bad. I am biased too!! There was a very tall, burly white man that approached me with a beard, shaved head and tattoos. His face looked menacing to me. And he was riding a motorcycle. You know where I am going here, right? We made eye contact and as he approached I could feel my heart jump. In like the sweetest voice ever, he told me how he loved my hair and has been trying to convince his wife to get dreadlocks or braid her hair. But, he didn't know where to go. They were new to the area. He showed me a picture of his wife who appeared to be African-American. Can you say "embarrassed?" I knew what I was thinking about that guy because I associated him with a stereotype. I didn't know him. But, I made an assumption about him based upon how he looked. Then I began to wonder if he was really "menacing" at all, or did I just perceive him that way? It's not about hate to prejudge someone without any knowledge of them. Yet, it is worthy of attention and is an area for adjustment.

Implicit bias shows up in how we perceive people other than just by their race. This is something we can't just turn off or on. It's deep-seated, learned behavior or attitudes that we are not even conscious of. In this area, we are the same people when we work in our profession as Realtors as we are at home. The aim is to become "aware" of it, so that we can work in a way to counteract it. Only in this way can we truly serve the public.

Sometimes our implicit bias may lead us into actions or behaviors in which we believe we are being "helpful" when performing our duties as Realtors. The National Association of Realtors has developed a training simulation to assist us in identifying areas for growth and of strength.

To those ends, the staff of The Hudson Gateway Association of Realtors will be undergoing Implicit Bias Recognition training. This will be facilitated by Dr. Nicole Furlonge of Columbia University. She is also working with our Board of Directors to enrich us in our listening skills, understanding and navigating implicit biases and furthering the strategic plan of our organization. Now, here is where you all come in. It is my desire that 80% of our producing membership take the FairHaven Simulation training from NAR. This is one action you can take in "doing the work" toward fulfilling "The American Promise" I spoke about in last month's *Real Estate In-Depth*. I hope you enthusiastically do so voluntarily. It will help our association be better tooled in performing as agents in our community...and it's even freeat https://www.nar.realtor/fair-housing/fairhaven

GATEWAY PERSPECTIVES

By Richard Haggerty, HGAR CEO

That's Who We 'R'

I begin this article with a confession. Until the most recent advertising campaign from the National Association of REALTORS®, the "That's Who We R" campaign, I was not a big fan of the previous NAR public image campaigns. I thought Ty Burrell did an excellent job playing the fictional character Phil Dunphy on Modern Family. His effectiveness as a spokesperson for NAR, well, not so much. I think that Elizabeth Banks is an excellent actress who was very funny in some of the commercials she did as NAR's spokesperson, but you remembered them because Elizabeth was funny, not for the REALTOR® message. Then there were some years where the message was more focused on slap stick humor than on a positive REALTOR® message.

Fortunately, that all began to change a couple of years ago when NAR went back to basics and decided to focus on the value the REALTOR® brings to the transaction as opposed to comedy, and it was a welcome change. I encourage you to check out the most recent commercials for the ad campaign at www.nar.realtor/thats-who-we-r. They convey positive messages that are grounded in real life, and they consistently emphasize the REALTOR® Code of Ethics. As NAR puts it, the campaign helps consumers understand that REALTORS® are real estate experts in their local communities, who fight for real estate dreams and property rights.

I believe this type of messaging can be very valuable, and I'm pleased that the New York State Association of REALTORS® will be launching its own videos this year with the same type of positive messaging.

Another component to the "That's Who We R" campaign is a renewed emphasis on the volunteer work in which REALTORS® are constantly engaged in their communities. This volunteerism is certainly not new. Our own Hudson Gateway REALTOR® Foundation focuses not just on raising funds for worthwhile charities, but also on recruiting volunteers to help those charities achieve their goals. It's not just about money, it's also about the work.

This year NAR President Charlie Oppler, a good friend to HGAR who installed Crystal Hawkins-Syska and the other HGAR Officers in January, is challenging REALTORS® across the country to step up our volunteerism, and also to keep track of it. Think about the collective number of charitable volunteer hours REALTORS® engage in every year. The number must be staggering! Again, that's who we R!

Another new initiative that NAR debuted in November of 2020 is a new Fair Housing training program called Fairhaven, an interactive training platform designed to help combat discrimination. As NAR describes it, the platform takes real estate professionals to the fictional town of Fairhaven, where agents work to close four deals while confronting situations in which discrimination is a factor. As agents advance through the simulation, they receive feedback on their performance that they can use in real-life situations. The course takes 60 to 100 minutes to complete and can be paused or retaken as necessary.

The launch of this program couldn't be timelier. The New York State Legislature is poised to pass a series of legislative initiatives to combat discrimination in real estate transactions. One of the initiatives is a significant increase in resources to conduct testing. Brokers and agents need to devote more time and energy into fair housing training and Fairhaven is a perfect place to start. If I were a broker owner or manager I'd be inclined to strongly suggest that all of my agents, including myself, complete the training and discuss how everyone did. Just saying. You can access the program here: https://fairhaven.realtor/home.

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The 'New' Federal Rule and Employee Versus Independent Contractor Analysis

LEGAL CORNER

By John Dolgetta, Esq

On Jan. 8th, the U.S. Department of Labor issued its final rule ("Final Rule") clarifying the standard for employee versus independent contractor status under the Fair Labor Standards Act (see https://bit.ly/371n8rp). The new rule was set to go into effect on March 8th, however, the Biden administration has delayed the rule's effective date to May 7th. It may ultimately be withdrawn altogether. Whether or not the Final Rule goes into effect, it is important to review it and the independent contractor versus employee analysis as it relates to the real estate industry.

In New York, and nationwide, it is a widely accepted practice for real estate salespersons to be treated as independent contractors. Over the years there has been litigation brought against brokerage firms because agents have been requested to fulfill mandatory office hours, complete mandatory training and undertake other office responsibilities (e.g., answer phones, attend to the reception desk, etc.) that have traditionally been fulfilled by office staff rather than salespersons. This article will address the state of the law, particularly federal and New York law, as it applies to employment classification.

The U.S. Department of Labor's Final Rule

The U.S. Department of Labor issued a press release (see https://bit.ly/3de6Nnd) wherein it summarizes the salient features of the Final Rule as follows:

• Reaffirms an "economic reality" test to determine whether an individual is in business for him or herself (independent contractor) or is economically dependent on a potential employer for work (FLSA employee).

• Identifies and explains two "core factors" that are most probative to the question of whether a worker is economically dependent on someone else's business or is in business for him or herself:

• The nature and degree of control over the work.

• The worker's opportunity for profit or loss based on initiative and/or investment.

Identifies three other factors that may serve as additional guideposts in the analysis, particularly when the two core factors do not point to the same classification. The factors are:

• The amount of skill required for the work.

• The degree of permanence of the working relationship between the worker and the potential employer.

• Whether the work is part of an integrated unit of production.

The actual practice of the worker and the potential employer is more relevant than what may be contractually or theoretically possible.

• Provides six fact-specific examples applying the factors.

Review of the 'Eleven Factor' IRS Independent Contractor Test

Although the Internal Revenue Service had previously used the "Twenty Factor" test, for purposes of determining whether a worker should be classified as an employee or an independent contractor, in an attempt the streamline the test, the IRS now uses the "Eleven Factor" test. These factors are also known as the "common law" rules (i.e., rules that have come into existence through the years from the case law and are not actual statutory rules passed by Congress or a state legislative body). The "Eleven Factor" test is organized into three categories: "behavioral control, financial control and the relationship of the parties." (See https://www.irs.gov/pub/irs-pdf/p15a.pdf). Below are relevant excerpts taken from Publication 15-A issued by the IRS entitled "Employer's Supplemental Tax Guide," which detail and explain the 11 factors.

In the "behavioral control" category there are two distinct factors an employer needs to consider when determining whether there is an "employee" or "independent contractor" relationship:

1. Instructions that the business gives to the worker.

2. Training that the business gives to the worker.

The IRS explains that "[t]he key consideration is whether the business has retained the right to control the details of a worker's performance or instead has given up that right."

The next category focuses on "financial control." In this category, an employer must assess whether the business has a "right to control" the business aspects of the worker's job and the extent to which those controls exist. An employer must consider the following:

3. The extent to which the worker has unreimbursed business expenses.

4. The extent of the worker's investment.

5. The extent to which the worker makes services available to the relevant market.

6. How the business pays the worker.

7. The extent to which the worker can realize a profit or loss.

Finally, an employer must determine the "type of relationship" that exists, based upon the following remaining factors:

8. Written contracts describing the relationship the parties intended to create.

9. Whether the business provides the worker with employee-type benefits, such as insurance, a pension plan, vacation pay, or sick pay.

10. The permanency of the relationship.

11. The extent to which services performed by the worker are a key aspect of the regular business of the company.

Every employer, including Brokers, should review each of the above factors carefully when determining how a particular worker is classified.

IRS: Licensed Real Estate Agents Are 'Statutory Nonemployees'—What Does This Mean?

In Publication 15-A, the IRS also points out that licensed real estate agents are "statutory nonemployees." It provides that licensed real estate salespersons are treated as self-employed for all federal tax purposes, including income and employment taxes, if the payments to them are based on sales, rather than hours works, and there is a written contract for their services which provides that they will not be treated as employees for federal tax purposes.

The fact that the IRS designates licensed real estate salespersons as "statutory nonemployees" does not mean that they are automatically deemed to be independent contractors. Brokers must still apply the "Eleven Factor" test in determining whether the salesperson is an employee or an independent contractor.

New York State 'Carve Out' Under Section 201(6) of Workers' Compensation Law

New York State provides for an important "carve out" under the Workers' Compensation Law (see https://bit.ly/2Z9Havw). Section 201(6) that specifically provides that the term "employment" will not include the services of a licensed real estate broker or sales associate if three requirements are met: "...(a) substantially all of the remuneration (whether or not paid in cash) for the services performed by such broker or sales associate is directly related to sales or other output (including the performance of services) rather than to the number of hours worked; (b) the services performed by the broker or sales associate are performed pursuant to a written contract executed between such broker or sales associate and the person for whom the services are performed within the past 12 to 15 months; and (c) the written contract provided for in subparagraph (b) of this paragraph was not executed under duress...." Section 201(6) further requires that in connection with subsection (c) above, the written agreement include additional provisions summarized as follows:

• the person, whether broker or salesperson (the "agent"), is engaged as an independent contractor associated with the firm for services performed in accordance with Article 12-A of the RPL, for all purposes, including among others, federal and state taxation, withholding, unemployment insurance and workers' compensation;

• the agent shall be paid a commission for the gross sale, without deducting taxes, shall not receive any remuneration related to the number of hours worked; and shall not be treated as an employee, but as an independent contractor for federal and state tax purposes;

• the agent shall be permitted to work any hours he or she chooses;

• the agent shall be permitted to work from home or the office of the person for whom services are performed;

• the agent shall be free to engage in outside employment;

• office facilities and supplies may be provided by the firm for the use of the agent, but the agent shall otherwise bear his or her own expenses (i.e., automobile, travel, entertainment expenses, etc.);

• that the firm and the agent shall comply with the requirements of Article 12-A of the RPL, but such compliance shall not affect the agent's independent contractor status nor will it be deemed that agent is an employee of the firm for any purpose whatsoever; and

• that the agreement and relationship may be terminated by either party thereto at any time upon notice given to the other.

While New York law does provide for this specific "carve out," brokers must be sure to adhere to the requirements outlined above and also be sure to comply with the IRS "Eleven Factor" test.

New York City 'Freelancers' Clarification and The Independent Contractor Agreement

For brokers operating in New York City, it is recommended that additional language be added to the independent contractor agreement pursuant to New York City Administrative Code Title 20: Consumer Affairs, Chapter 10: Freelance Workers (FIFA) (see https://on.nyc.gov/374AjaT). Any independent contractor agreement should clarify that the term "Sales Associate" or "Licensed Real Estate Salesperson" shall be deemed to mean "Freelance Worker" and the term "Broker" shall also mean "Hiring Party" as defined in §20-927 of the New York City Administrative Code.

The New York State Association of Realtors, Inc. also recommends that the following additional provisions be added to the form of independent contractor agreement:

• The Sales Associate/Freelance Worker will provide the following services for the Broker/Hiring Party: lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental of an estate or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate, or negotiates or offers or attempts to negotiate, a loan secured or to be secured by a mortgage, other than a residential mortgage loan, as defined in §590 of the Banking Law, or other incumbrance upon or transfer of real estate, or is engaged in the business of a tenant relocator, as defined in §590 of the Real Property Law or who, notwithstanding any other provision of law, performs any of the above stated functions with respect to the resale of condominium property originally sold pursuant to the provisions of the General Business Law governing real estate syndication offerings. In the sale of lots pursuant to the provisions of Article 9-A of the Real Property Law employed by or on behalf of the owner or owners of lots or other parcels of real estate, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate.

Sales Associate/Freelance Worker shall be paid:

a.a commission on Sales Associate/Freelance Worker's sales, if any, without deduction for taxes, which commission shall be directly related to sales or other output;

b. when the Sales Associate/Freelance Worker is the "procuring cause" of the transaction;

c. within 30 days of the receipt of the full commission paid to the Broker/Hiring Party for the transaction; and

d. pursuant to a separate "Commission Agreement" between the Sales Associate/Freelance Worker and Broker/Hiring Party.

• Broker shall not threaten, intimidate, discipline, harass, deny a work oppor-

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NAR: 2020 Annual U.S. Sales Registered Highest Level of Activity Since 2006; Northeast Home Sales Spiked 27.4% Last Year

NAR Chief Economist Lawrence Yun

WASHINGTON—Existing-home sales rose in December, with home sales in 2020 reaching their highest level since 2006, the National Association of Realtors announced recently. Activity in the major regions was mixed on a month-over-month basis, but each of the four areas recorded double-digit year-over-year growth in December.

Total existing-home sales, completed transactions that include single-family homes, townhomes, condominiums and co-ops, increased 0.7% from November to a seasonally-adjusted annual rate of 6.76 million in December. Sales in total rose year-over-year, up 22.2% from a year ago (5.53 million in December 2019).

"Home sales rose in December, and for 2020 as a whole, we saw sales perform at their highest levels since 2006, despite the pandemic," said Lawrence Yun, NAR's chief economist. "What's even better is that this momentum is likely to carry into the new year, with more buyers expected to enter the market."

Yun predicts a continuation of the strong activity that's currently taking place in the housing market and in the overall economy.

"Although mortgage rates are projected to increase, they will continue to hover near record lows at around 3%," Yun said. "Moreover, expect economic conditions to improve with additional stimulus forthcoming and vaccine distribution already underway."

The median existing-home price for all housing types in December was $309,800, up 12.9% from December 2019 ($274,500), as prices increased in every region. December's national price increase marked 106 straight months of year-over-year gains.

Total housing inventory at the end of December totaled 1.07 million units, down 16.4% from November and down 23% from one year ago (1.39 million). Unsold inventory sits at an all-time low 1.9-month supply at the current sales pace, down from 2.3 months in November and down from the 3.0-month figure recorded in December 2019. NAR first began tracking the single-family home supply in 1982.

Properties typically remained on the market for 21 days in December, seasonally even with November and down from 41 days in December 2019. Seventy percent of the homes sold in December 2020 were on the market for less than a month.

"To their credit, homebuilders and construction companies have increased efforts to build, with housing starts hitting an annual rate of near 1.7 million in December, with more focus on single-family homes," Yun said. "However, it will take vigorous new home construction in 2021 and in 2022 to adequately furnish the market to properly meet the demand."

First-time buyers were responsible for 31% of sales in December, unchanged from the same time in 2019, but down from 32% in November 2020. NAR's 2020 Profile of Home Buyers and Sellers, released in late 2020, revealed that the annual share of first-time buyers was 31%.

Individual investors or second-home buyers, who account for many cash sales, purchased 14% of homes in December, identical to the share recorded in November 2020 and a small decline from 17% in December 2019. All-cash sales accounted for 19% of transactions in December, down from 20% in both November and December 2019.

Distressed sales—foreclosures and short sales—represented less than 1% of sales in December, equal to November's percentage but down from 2% in December 2019.

“NAR will work with the incoming Biden administration in pursuit of policies promoting housing affordability and accessibility,” said NAR President Charlie Oppler, a Realtor from Franklin Lakes, NJ, and the CEO of Prominent Properties Sotheby's International Realty. "We were pleased with the homebuyer tax credit President Biden proposed as a candidate and we look forward to continuing our work with Congress and the White House. We will aim to find common ground, especially related to ways of boosting home supply, and work toward solutions that will protect and support homeownership and America's broader real estate industry."

According to Freddie Mac, the average commitment rate for a 30-year, conventional, fixed-rate mortgage decreased to 2.68% in December, down from 2.77% in November. The average commitment rate across all of 2020 was 3.11%.

Single-family home sales rose at a seasonally-adjusted annual rate of 6.03 million in December, up 0.7% from 5.99 million in November, and up 22.8% from one year ago. The median existing single-family home price was $314,300 in December, up 13.5% from December 2019.

Single-family and Condo/ Co-op Sales

Existing condominium and co-op sales were recorded at a seasonally-adjusted annual rate of 730,000 units in December, up 1.4% from November and up 17.7% from one year ago. The median existing condo price was $272,200 in December, an increase of 6.9% from a year ago.

Regional Breakdown

Median home prices increased at double-digit rates in each of the four major regions from one year ago.

December 2020 saw existing-home sales in the Northeast climb 4.5%, recording an annual rate of 930,000, a 27.4% increase from a year ago. The median price in the Northeast was $362,100, up 19.0% from December 2019.

Existing-home sales in the Midwest were unchanged, recording an annual rate of 1,590,000 in December, but up 26.2% from a year ago. The median price in the Midwest was $235,700, a 13.7% increase from December 2019.

Existing-home sales in the South increased 1.1% to an annual rate of 2,860,000 in December, up 20.7% from the same time one year ago. The median price in the South was $268,100, an 11.3% increase from a year ago.

Existing-home sales in the West fell 1.4% from the month prior, recording an annual rate of 1,380,000 in December, a 17.9% increase from a year ago. The median price in the West was $467,900, up 14.2% from December 2019.

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Study: Orange, Rockland, Dutchess Housing Markets Among Most Vulnerable to COVID-19 Economic Impacts

IRVINE, CA—A recently released study has found that pockets of the Northeast, including three counties in the Hudson Valley region, were most at risk to the impacts of the coronavirus heading into 2021.

The report released on Jan. 21 by property database curator ATTOM Data Solutions found that 18 of the 50 U.S. counties most at-risk in the fourth quarter of 2020 were in metropolitan statistical areas around New York City, Philadelphia and Chicago.

They included eight counties in or near the New York City suburbs including Dutchess, Orange and Rockland counties in New York; Bergen, Essex, Ocean, Passaic and Sussex counties in New Jersey, along with four counties around Philadelphia, PA (Burlington, Camden and Gloucester counties in New Jersey plus Delaware County, PA).

The other six were in the Chicago suburbs (DuPage, Kane, Kendall, Lake, McHenry and Will counties). The New York and Chicago metropolitan areas saw increases from the third quarter of 2020 in the numbers of counties on the top 50 list.

While seven of Connecticut's eight counties made the top 50 list in the third quarter of 2020, just two did in the fourth quarter—Litchfield and Windham counties. The number of counties on the list in the Baltimore metro area also fell notably in the fourth quarter, from four to one (Carroll County) and dropped from four to two in the Washington, D.C, area (Charles County, MD, and Prince George's County, MD).

Nationwide, the study revealed that New Jersey, Illinois, California, Louisiana, New York, Florida and Maryland had 40 of the 50 counties most vulnerable to the economic impact of the pandemic in the fourth quarter of 2020.

Fourth-quarter trends generally continued those found in the third quarter of 2020, but with different concentrations around several major metropolitan areas. The number of counties among the top 50 most at-risk was up from five to eight in the New York City area and from three to six in the Chicago, area, but down from four to two in the Washington, D.C., region and from four to one in the Baltimore, MD area.

Markets are considered more or less at risk based on the percentage of homes facing possible foreclosure, the portion with mortgage balances that exceed the estimated property value and the percentage of average local wages required to pay for major home ownership expenses.

"Areas of the U.S. most at risk from damage connected to the Coronavirus pandemic spread out somewhat in the fourth quarter of 2020. But they still fell mainly along the East Coast, with significant pockets in certain areas, while other parts of the country seem to be less vulnerable," said Todd Teta, chief product officer with ATTOM Data Solutions.

He continued, "This report is not a sign that any area actually took a fall in the fourth quarter. It's more a gauge of areas that may be more vulnerable if the market falters. In the coming months, much will depend on whether the country can halt the pandemic. We will continue to keep a close watch on home sales and prices to see how everything shakes out in 2021 and if changes hit different regions in different ways."

Major home ownership costs (mortgage payments, property taxes and insurance) consumed more than 30% of average local wages in 36 of the 50 counties that were most vulnerable to market problems connected to the virus pandemic in the fourth quarter of 2020. The highest percentages in those

counties were in Rockland County (65% of average wages needed for major ownership costs); El Dorado County, CA, (outside Sacramento) (57.8%); Bergen County, NJ (outside New York City) (55.3%); Delaware County, PA (outside Philadelphia) (52%) and Beaufort County (Hilton Head), SC (51.7%). Nationwide, major expenses on the median-priced home typically consumed 29.6% of average wages.

At least 15% of mortgages were underwater in the third quarter of 2020 (the latest data available on owners owing more than their properties are worth) in 33 of the 50 most at-risk counties. Nationwide, 12.3% of mortgages fell into that category. Those with the highest underwater rates in those counties were Lowndes County (Valdosta), GA (36.8% of mortgages underwater); Hardin County, KY (outside Louisville) (32.8%); Cumberland County (Vineland), NJ (30.8%); Caddo Parish (Shreveport), LA (28.6%) and Atlantic County (Atlantic City), NJ (27.8%), the report stated.

More than one in 2,500 residential properties faced a foreclosure action in the third quarter of 2020 in 29 of the 50 most at-risk counties. Nationwide, one in 5,048 homes were in that position. (Foreclosure actions dropped about 80% last year amid a federal moratorium on banks taking back properties from homeowners behind on their mortgages during the virus pandemic.) Those with the highest rates in those counties were Hardin County, KY (outside Louisville) (one in 1,032 residential properties facing possible foreclosure); Onslow County (Jacksonville), NC (one in 1,090); Caddo Parish (Shreveport), LA (one in 1,361); Saint Clair County, IL (outside St. Louis, MO) (one in 1,409) and Livingston Parish, LA (outside Baton Rouge) (one in 1,562).

Eighteen of the 50 counties least vulnerable to pandemic-related problems from among the 499 included in the fourth-quarter report were in Colorado, Massachusetts, Minnesota and Texas. They were concentrated in the Denver, Boston, Minneapolis, Houston and Dallas metro areas. The largest of the 50 least at-risk counties were Harris County (Houston), TX; King County (Seattle), WA; Clark County (Las Vegas), NV; Tarrant County (Fort Worth), TX and Middlesex County, MA (outside Boston).

Foley Promoted to CEO of Building and Realty Institute

BRI Chief Executive Officer Timothy Foley

ARMONK—One year after joining the Building and Realty Institute as its executive director, Timothy Foley of Scarsdale has been promoted to chief executive officer of the locally-based organization. "BRI has grown as an organization while staying true to our mission to advocate for the best interests of the realty industry to government and the community, and to provide knowledge and resources to our members," said recently appointed BRI President Lisa DeRosa said. "The Board of Trustees believes that having our executive officer be recognized as a CEO reflects the proactive, professional, and entrepreneurial organization and culture we're trying to build. We also strongly believe that this title change will enhance the prestige of the organization and bring us into alignment with the titles given to executive officers in the Westchester-based organizations that we regard to be our peers."

In his position as Executive Director, Foley was instrumental in leading the organization through a period of transformation, prompted by the long-term trends for affordable housing in the region, the dizzying changes enacted by the state legislature in the Housing Stability and Tenant Protection Act, and the unprecedented changes from the ongoing COVID-19 pandemic, BRI officials stated.

The change reflects a renewed and refocused entrepreneurial spirit to the organization during these challenging times, including a renewed focus on building alliances with the community and taking full advantage of technological innovations. During 2020, the BRI was able to hold two successful fundraising campaigns, combining to raise more than $40,000 for the charitable nonprofits Feeding Westchester and Lifting Up Westchester. BRI was forced to move the entirety of its robust education, training, and programmatic offerings to an all-virtual format, with every Membership Meeting being held via Zoom.

The BRI was also instrumental in launching the Building and Allied Construction Industries of Westchester (BACI), the local Westchester chapter of the National Association of Home Builders (NAHB) and the New York State Builders Association (NYSBA). Foley was recently appointed to a one-year term on the Land Development Committee for NAHB.

Foley led his team through a year of increased productivity as the BRI continued to conduct monthly meetings and engaged members in numerous advocacy efforts at the state and county level. Paired with the consistent ratings of the organization's two radio shows on WVOX and WOR 710 AM, and the doubling of its social media presence, the BRI continues to re-invent its image all while becoming one of the thought leaders in the building and realty sectors in Westchester County and the Mid-Hudson region.

"George Frank and Albert Annunziata, my predecessors at the BRI, worked tirelessly for years to make the BRI an organization resilient enough to withstand a once-in-a-century pandemic and a furious pace of change at the state and county level," said Foley. "I'm grateful for the trust that President De Rosa, the Trustees, and the hardworking members of the BRI have put in me to continue our path of innovation and progress, and look forward to continue to advocate for the best interests of our industry, for smart growth, affordable housing, and commonsense approaches to sustaining our communities, and to experiment with new opportunities for our members to build relationships and improve their businesses."

Prior to joining the BRI in January 2020, the previous two years Foley served as the communications director for New York State Assembly Member Amy Paulin of Scarsdale. Previously, he was the director of the Services Employees International Union Connecticut State Council. Foley replaced Annunziata, who had served as the executive director of the BRI since 2001.

The Building and Realty Institute of Westchester and the Mid-Hudson Region has more than 1,800 members in 14 counties of New York State, including home builders, commercial builders, renovators, property managing agents, co-op and condo boards, and owners of multifamily apartment buildings in many communities, as well as suppliers and service providers with a special focus on real estate.

NYC's Residential Market Recovery Hinges on COVID Vaccine and its Impact on Consumers and Business

By John Jordan

WHITE PLAINS—Residential brokerage experts in the New York metro region believe the home sales boom in the New York City suburbs will continue in 2021 while the recovery of New York City's market will depend heavily on the success of the COVID vaccine and its impact on if and when residents and businesses will return to Manhattan.

Top New York real estate leaders weighed in on the region's residential market, from the latest prices in Manhattan to bidding wars in Westchester, and shared strategies for how Realtors can take advantage of the current dynamics, at a virtual panel held on Jan. 22 hosted by the Hudson Gateway Association of Realtors, Inc. and OneKey MLS.

Approximately 350 industry professionals tuned in for "Getting the Deal Done: The State of NY Real Estate: Setting Sights on 2021+Beyond." The panel featured Bess Freedman, CEO of Brown Harris Stevens; Jonathan Miller, president and CEO of Miller Samuel Inc. and Joe Rand, chief creative officer of Howard Hanna/Rand Realty and executive director, Broker Public Portal. The discussion was moderated by Brian D. Tormey, NTP, president of TitleVest, a leading New York City-based provider of title insurance and related real estate services.

"We've all had to pivot during the pandemic and we've seen tremendous innovation in our industry," said Richard Haggerty, CEO of HGAR and President and Chief Strategic Growth Officer of OneKey MLS, the regional multiple listing service for New York, in describing how the industry reacted to the state-imposed shutdown of the real estate market beginning in March 2020.

In reviewing the market's response to the pandemic, Haggerty said, "I have been in the business for 35 years, what we saw this year (2020) was staggering." He related that after an active first quarter, the market was all but closed in March and for several months thereafter, but pent up demand fueled a robust market recovery in the third quarter and most notably the fourth quarter in the Hudson Valley.

PHOTO BY JOHN VECCHIOLLA

Top row, from left: Bess Freedman, CEO, Brown Harris Stevens and Jonathan Miller, president and CEO, Miller Samuel Inc. Second row: Richard Haggerty, CEO, HGAR and president and chief strategic growth officer, OneKey MLS and Brian D. Tormey, NTP, president, TitleVest. Bottom row: Joe Rand, chief creative officer, Howard Hanna/Rand Realty and executive director, Broker Public Portal.

He noted that single-family home sales, despite the pandemic, were 14% higher in 2020 in Westchester County as compared to 2019. Rockland single-family home sales ended the year 14.7% higher, Orange County posted an 8.5% increase; Putnam's single-family home sales spiked 20% and Sullivan County sales shot up 25.8% in the same period. Bronx County was the only market north of New York City to post lower single-family home sales, down 10% for the year as compared to 2019.

"Look for a V-shaped recovery," said Miller. "And by that, I mean 'vaccine.' True stability doesn't really happen until people feel safe."

While most of the news out of New York City has been negative, Miller added he has seen an upside as more affordability is creating a "youth renaissance" in Manhattan's rental space.

Miller said COVID-19 "crushed" the rental market in Manhattan, noting pricing was down some 23% overall in 2020, with some sections of the borough suffering pricing declines approaching 40%.

While Miller expects pricing to be soft going forward in 2021, the rental housing market was very active in December. He revealed that new apartment lease signings in December 2020 in Manhattan were at their highest level in 14 years.

Brown Harris Stevens' Freedman agreed, noting that of late her firm has seen pre-pandemic like contract activity in Manhattan's residential market. "It's looking good thus far (in 2021)," she added.

Freedman also said the vaccine's impact on the market will be critical to New York City's recovery. "Having the vaccine in sight is excellent. It diminishes the uncertainty. The path forward is going to be a bit tough but at least we have some resolution." She said it is vitally important to the future recovery of the New York City market that the federal, state and city governments get control of the pandemic.

Freedman said she's optimistic for 2021. "New York City is going to do very well," she said. "It's still a buyer's market—an opportunity market—rates are low. But theaters are going to reopen, restaurants are going to reopen ... I'm doubling down on my prediction for New York City in 2021."

Rand characterized the view of some that have predicted the death of urban centers due to COVID-19 as "crazy" and in fact said that many of the people who migrated out of Manhattan to the suburbs or elsewhere were people who were going to leave the city in the next couple of years anyway and were just pushed to make the decision early due to the pandemic.

"So, I think what is going to happen is that we are going to see it (migration out of Manhattan) slow and then in a year-and-a-half from now we are going to be saying, 'There is no one moving from the city to the suburbs. They all moved back in 2020.'"

Rand also discussed trends in pricing north of New York City and the types of properties being sold.

"COVID is impacting pricing, in the short term, in two ways," he said. "First, all that migration from New York City to the suburbs, those are higher-end buyers. So, the mix of properties being sold is skewing higher, they're competing and pushing prices up. Also, the economic impact of COVID is disproportionately hitting lower-income people. And that's really unfortunate ... we should be doing more from a public policy standpoint to help people."

"Getting the Deal Done" is part of the "Be Your Best" webinar series created by HGAR and OneKey MLS, to assist Realtors and agents during the COVID-19 pandemic. The event was sponsored by TitleVest.

C.S. McClellan Partners with Compass Real Estate

Sona Davidian, broker/owner of C.S. McClellan Real Estate.

PELHAM—Compass, the real estate technology company, announced recently a new partnership with C.S. McClellan Real Estate, led by Sona Davidian, who maintains the boutique firm's total ownership.

Founded in 1878 by the McClellan family, Davidian has owned C.S. McClellan since 1989, when she purchased it directly from the McClellan family. The company has a rich and extremely successful history in the town of Pelham and the surrounding communities. It operated as C.S. McClellan until 2008 when it franchised with Sotheby's, and now the firm has partnered with Davidian and her team will continue to operate out of its offices at 207 Wolfs Lane in Pelham.

"I am incredibly excited to start the new year with a fertile partnership with the top brokerage in New York City," said Davidian. "This union will give my clients access to a vast referral network and the industry's leading technological solutions. It is a high-tech, high-touch company, and we are incredibly fortunate to have access to its unique proprietary tools at our fingertips. There are many incredible advantages to this brand, and we look forward to presenting their platform to our clients and customers."

"We are thrilled about the opportunity to pair Sona and her team's local expertise with our high-tech solutions to elevate the experience for clients in the market," said Rory Golod, Compass Tri-State President.

The collaboration comes at a time when Compass is heavily investing in digital tools. Compass Lens, for example, launched last year and is an AI-powered tool that allows homeowners to envision what homes would look like with cosmetic upgrades to maximize their value.

On Jan. 25, Compass announced the launch of Business Tracker. Fully integrated into the Compass platform, Business Tracker is designed to help Compass agents save time by managing their pipeline from lead to active client to close, while providing a centralized view of an agent's active leads, clients and listings.

RXR Realty Tops Off New Apartment Tower

NEW ROCHELLE— RXR Realty, master developer of Downtown New Rochelle, announced on Feb. 10 the topping out of One Clinton Park, a 28-story mixed-use tower under construction here.

The project created 250 on-site construction jobs, employing a diversity of contractors, including MWBE firms and local New Rochelle companies.

One Clinton Park features 352 state-of-the-art, highly designed and amenitized apartments, with more than 13,000 square feet of retail space. The building is minutes away from the New Rochelle train station, providing direct access to Midtown Manhattan in less than 45 minutes.

The 433,000 square-foot development broke ground in 2020 and has moved along swiftly despite the ongoing pandemic. RXR and the project's construction manager, LRC Construction, implemented on-site health and safety protocols to keep everyone safe, including social distancing markers and signage, enhanced cleaning processes, and enough space for crews to work collaboratively and effectively.

One Clinton Park is on track for completion in early 2022, as is the start of construction on its sister tower, Two Clinton Park.

Homeownership—Student Debt and A Mismatch Between Supply and Demand

Guest Opinion

By Joe Czajka

This week, the quarterly "Pattern for Progress Housing Update" is being released, which will provide an analysis of the residential real estate market of 2020. As many of us know, no matter what field we are in, the residential real estate market skyrocketed in 2020 as interest rates dropped and the housing inventory declined. Simultaneously the region witnessed an influx of buyers from New York City looking to buy a home quickly, as the fears of the pandemic drove people from the dense urban core of the city to the suburbs of the Hudson Valley. The convergence of these factors rapidly showed a supply and demand issue for the Hudson Valley.

Simple economics tells us with limited supply and high demand—prices go up. With rising prices, affordability of homeownership becomes more difficult, especially for first-time buyers. Many of those first-time buyers are the generations known as Gen Z and the Millennials and their rising student debt plays a major role in their ability to purchase a home and therefore in the housing market.

As you read through the following analysis, please keep in mind this blog does not suggest that a higher education is not worth the investment, nor is it suggesting that every graduating senior is ready for homeownership. The purchase of a home takes time and financial stability. I am simply pointing out that student debt most definitely hampers the ability to save for a down payment and closing costs for the purchase of a home.

Student Debt

An education is said to be an investment that lasts a lifetime.

Statistics show that earnings are dramatically higher with a bachelor's degree and even higher with a master's degree. However, those earnings are increasingly realized on a delayed timetable. In other words—it takes a longer time to reach a high annual salary. Very few graduates start their career with a six-figure offer.

Many of today's graduates leave college with enormous student debt and face an economy that is on shaky ground at best. On the national level, total federal student loan debt has now topped $1.7 trillion, and is the second largest source of household debt next to mortgages.

• Average student loan debt in New York State = $37,000 (many are over $50,000).

• Amortize the average loan over 10 years=$37,000 @ 7% interest = monthly payment of approximately $430.

• Today's economy does not support the repayment.

Let's Look at the Numbers

This is going to get a little wonky, but please bear with me as I walk you through a possible scenario.

To qualify for a mortgage, typical underwriting requires the borrower meet two basic thresholds:

1. The borrower's housing debt to income ratio cannot exceed 28% of gross income. The housing debt includes the principal, interest, taxes and insurance (PITI).

2. Total debt to income ratio, is typically set at 43%. In other words, the borrower cannot have recurring monthly debt payments, including a car(s), personal loans, student loans and PITI that exceeds 43% of gross income.

For purposes of this illustration, we are assuming a two-person household and using the median household income for Orange County ($80,000 or $6,700 monthly). We are also using standard underwriting guidelines for a 30-year, fixed rate mortgage at 3.25% with the assumption of a 5% down payment. These standards also include the 28% and 43% ratios as described in the thresholds above.

Threshold 1- Housing to Income Debt Ratio - Allowable Housing Costs:

Monthly Gross Income x 28% = amount for monthly housing debt (PITI).

$6,700 x 28% = $1,875 for housing.

Threshold 2- Total Debt to Income Ratio - Allowable Other Monthly Debts:

Monthly Gross Income x 43% = maximum allowable amount for all monthly debts such as student loans, car loans and other personal loans including the PITI.

$6,700 x 43% = $2,880

$2,880 - $1,875 = $1,005 the amount for other monthly debts (car, loans, etc.)

Now let's assume the following:

• Total monthly student debt for both borrowers = $600.

• The average monthly car payment in the U.S. is $550 for new vehicles, $393 for used and $452 for a lease. If each of the borrowers has a used car, the monthly car debt = $786 ($393 x 2)

• The student loans ($600) + the car loans ($786) = $1,386 per month.

• Using the calculations above, which would allow for $1,005 for other debts the total monthly debt, the debt is too high for the purchase of a median priced home in Orange County of $300,000.

Add to this scenario that the borrowers would need $33,000 for the down payment and closing costs.

Simply put – the median annual median income of $80,000 is not enough for the purchase of the median priced home.

So, What Can They Buy?

Without showing all the math—an annual median income of $80,000 with $1,386 of other recurring monthly debt can carry a mortgage of $175,000.

A quick look at the current inventory of homes for sale in Orange County shows there are 740 homes on the market. Only 57 of them are priced below $175,000 and the average age of those homes is over 100 years old. There is a good chance that these homes will likely need major system replacements and renovations, which can easily top $25,000.

This scenario is only one out of dozens—and not everyone has student debt. However, in order for the region to be competitive in attracting and retaining young adults—there must be a sufficient supply of homes priced for young families. I completely understand and agree that people need to manage their own expectations when looking for their first home. Homeownership does not happen overnight and sound financial decisions are part of the calculus.

The Key Takeaway - There is a mismatch between the existing inventory of homes, including the new residential developments.

Solutions? Here are Several Possibilities for Thought:

1. Develop small homes - approximately 1,200 to 1,400 square feet on small lots and utilize Cluster Development to reduce costs and encourage open spaces.

2. Build super energy efficient homes including geothermal systems, solar panels and high efficiency appliances to reduce monthly utility costs.

3. Streamline the local approval process to reduce development costs.

4. Establish a set-aside to include the development of affordable homes.

5. Municipalities can opt into the five-year property tax phase-in (NYS ORPS Section 457) for first-time homebuyers to allow young buyers to build equity while reducing the initial tax burden.

6. Establish a Community Land Trust and Shared Equity models for homeownership.

7. Create Employer Assisted Housing programs—to assist first-time homebuyers enter the market.

Continued on page 15

Concordia College in Bronxville to Close in the Fall; Deal Being Finalized for Iona College to Buy Campus

By John Jordan

BRONXVILLE—Concordia College, which was founded 140 years ago, announced late last month that it will close beginning with the fall semester of 2021 and plans to sell the 28-acre campus to Iona College of New Rochelle.

The Concordia Board of Trustees has agreed to proceed on a formal agreement with Iona College to provide continued education for Concordia's students through a "teach-out" and to sell Concordia's Bronxville campus to Iona College.The teach-out plan is expected to allow most Concordia students to finish out their degrees at Iona, according to a Concordia spokesperson. There are currently 780 students enrolled at Concordia. No sale price for the 28-acre campus was disclosed.

Concordia originally operated in what is now Hawthorne, but in 1908 moved to its current campus in Bronxville.

Concordia officials stated that the extremely difficult decision was the result of a "deliberative, thoughtful and strategic process, informed by immutable business realities. Set within the context of a changing and broadly challenged higher education sector, the college's financial shortfalls were further accelerated by the global pandemic."

Concordia College was founded 140 years ago and has operated at its Bronxville campus since the early 1900s.

Many details of the agreement are being finalized and are subject to regulatory approval. At present, Concordia does not expect any disruption to the current Spring 2021 semester. The agreement is expected to be completed by the summer of 2021.

Iona plans to utilize the Concordia campus to develop a leading school of health sciences, furthering Iona's strategic investments in the field, and continuing Concordia's legacy of excellence in health sciences education, according to a statement released by the two colleges.

Concordia's President Rev. John A. Nunes, Ph.D., said, "Concordia's challenges are reflected broadly in the higher education sector; accelerated by the pandemic, these challenges necessitated an outcome that brings deep pain to all those invested in Concordia and its 140-year history. I am grateful to the Board of Regents and my administration for working so hard to save our institution. Students continue to be our priority. By acting now, Concordia's Regents have provided our students with an excellent pathway for continuing the high-quality, faith-informed education they began at Concordia."

Iona's President Seamus Carey, Ph.D., added, "The closure of a sister institution affects us all. As I've said since I arrived at Iona, higher education must, and will, be different going forward. This is especially true for private, faith-based institutions, and the COVID-19 pandemic has only exacerbated the circumstances demanding change. While we pursue regulatory approvals, Iona and Concordia will work together to ensure their students can complete their education with minimal disruption."

A series of co-hosted, virtual Town Halls will be taking place to discuss the plans and help answer student questions. Details on those Town Halls are to be released shortly.

HGAR FEBRUARY 2021 UPDATE

Orange County to Hold First Regional Meeting of 2021

By Mary T. Prenon

WHITE PLAINS—Orange County Regional Director Eydie Lopez has scheduled the first Regional Meeting for Orange County HGAR members for Tuesday, Feb. 23, from 11 a.m. to 12:30 p.m. via Zoom.

Members will have the opportunity to meet and chat with Crystal Hawkins Syska, the newly installed 2021 HGAR President, and hear her vision for 2021. They will also learn about HGAR's new Diversity Equity and Inclusion Committee, as well as the association's Leadership Accelerator Program.

Another important part of the meeting will deal with the National Association of Realtors' new Fair Housing simulation, involving the fictional town of "Fairhaven." Launched in November by NAR, the "Fairhaven" simulation uses the power of storytelling to help members identify, prevent and address discriminatory practices in real estate.

The simulation is actually inspired by real stories and has agents working against the clock to sell homes, while confronting discrimination in the home buying process. Agents will also have the opportunity to act as the homebuyer facing discrimination. The training offers customized feedback that Realtors can apply to daily business transactions.

"Our goal for this year is to strive to get as much participation in Orange County events as possible, either via Zoom or hopefully in person maybe toward the end of the year," said Lopez. "I'm also happy that we have had several Orange County agents involved in the Leadership program and I'm anxious to hear from our regional agents about what more we can do to bring us all together."

For more information about the event, please visit HGAR.com and click on Events. HGAR's other regions including Westchester, Putnam, Rockland, the Bronx and Manhattan, will be planning similar events throughout the year.

PHOTO BY JOHN VECCHIOLLA

In April 2019, HGAR held a regional meeting at the Orange County offices in Goshen. This year, due to the pandemic, the session will be held via Zoom and will feature newly installed HGAR President Crystal Hawkins Syska. FILE PHOTO

SPOTLIGHT ON

The Mobile Broker

By Mary T. Prenon

You may know Brian Phillips by his moniker, "The Mobile Broker," which is actually a registered trademark in New York City and Westchester County. Based in the Riverdale section of the Bronx, as well as Harlem in upper Manhattan, the Douglas Elliman Associate Broker finds himself on the road just about all the time.

With more than 23 years in the real estate business, Phillips handles sales and leasing on everything from modest studio apartments to luxury homes throughout Westchester, the Bronx, Manhattan and Brooklyn. Phillips is also a new member of the HGAR Board of Directors and is excited to get started in his new role.

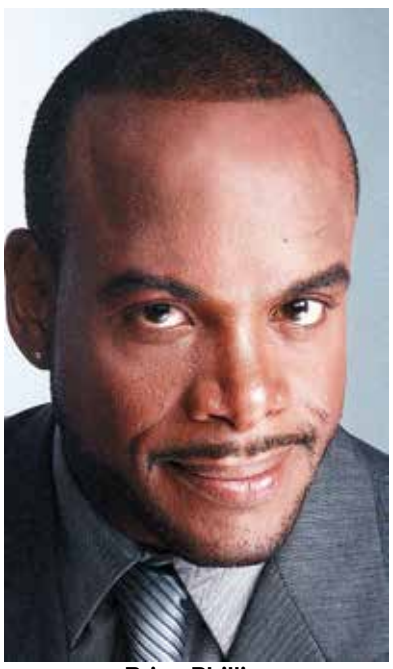
"I applied to join the Board of Directors at HGAR because I enjoy taking part in my industry as being the voice of my peers," said Phillips. "I have been the voice of my peers in Upper Manhattan and Riverdale and on several committees, I have served on at the Real Estate Board of New York (REBNY). Now I can add my voice for my colleagues at HGAR."

One of his goals for 2021 is to bring more activities and events to the Bronx and Manhattan, when live events finally get the green light to resume.

Originally from St. Vincent and The Grenadines in the southern Caribbean Islands, Phillips came to the U.S. when he was just six years old. "I guess that's why I don't have an accent" he quipped. "I do remember it was a harder way of life there, but there was so much natural beauty."

Always a "people person," Phillips gravitated toward sales and spent 10 years as a housewares distributor, where he led a quarter-million-dollar sales group selling high-end housewares. "It was very challenging to say the least, but I loved it and excelled at it," he recalled.

When a friend suggested he consider a real estate career, Phillips followed that advice. He took the real estate salesperson's course in 1997 at the Long Island Board of Realtors, as he was living in Roslyn at the time. After earning his license, he began working with an independent brokerage in Queens, and gradually transitioned from the housewares business into a full-time real estate agent.



Brian Phillips

"I left that business for what to me is an easier career, as everyone needs a place to live," said Phillips. Eventually he found his way to Manhattan working with Sotheby's International Realty and Warburg Realty before settling into Douglas Elliman.

Experiencing a smooth transition into real estate, Phillips received many referrals from his housewares clients and attended as many networking events as he could. "I love to network and I love helping people," he said. "Plus, I love the freedom of having my own business that I can grow and earn as much as I want."

On most days, Phillips is busy hopping between his Riverdale and Harlem offices, while handling listings and showings. "I don't like being stuck in an office, so I'm always out meeting people. I prefer face-to-face interactions."

Despite the pandemic sending many New York City natives fleeing for the suburbs, Phillips said he hasn't experienced those flight trends in upper Manhattan and other sections of the boroughs. "I've still had a lot of closings and I find that the Bronx and Brooklyn are still very busy," he added. "A lot of younger people who have been priced out of Manhattan or Brooklyn are now moving into the Bronx. Any area near a subway station is hot right now."

In addition to his new duties as an HGAR Director, Phillips in involved with the Greater Harlem Chamber of Commerce, the Mount Morris Park Community Improvement Association and the Schomburg Center for Research in Black Culture. A resident of Harlem, Phillips is a big believer of giving back to the local community.

In his spare time, he enjoys biking along the Henry Hudson Parkway in Manhattan, in Central Park and at Van Cortlandt Park in the Bronx. A vegetarian for the past 20 years, Phillips finds New York City one of the best places for vegetarian food options. "I get to see a lot more when I'm biking and I always enjoy looking for new places that offer vegetarian cuisine," he said. Phillips loves all forms of exercise and is also a tennis player.

Due to COVID travel restrictions, Phillips has traded in trips to Florida and California for road trips within the tri-state area. "I seem to always be on the road, so as you can see, 'The Mobile Broker' description fits me very well," he noted.

2021 HGAR RPAC HONOR ROLL
as recorded by NYSAR to February 2021

Thank you to the following Members
who are leading the way in the 2021 RPAC campaign

Platinum R $10,000
Dorothy Botsoe, Dorothy Jensen Realty Inc., White Plains
Anthony Domathoti, Exit Realty Premium, Bronx
Richard Haggerty, Hudson Gateway Association of Realtors, Inc.
Nancy Kennedy, Houlihan Lawrence Inc., Croton-on-Hudson
Michael Schmelzer, Tyrax Realty Management, Inc., Bronx

Crystal R $2500-$4,999
JP Endres, BHG Rand Realty, New City
Crystal Hawkins Syska, Keller Williams NY Realty, White Plains

Sterling R $1,000-$2,499
Leah Caro, Park Sterling Realty, Bronxville
Carol Christiansen, Café Realty, Mount Kisco
Katheryn DeClerck, BHG Rand Realty, Goshen
Ronald Garafalo, John J Lease Realtors, Middletown
Ann Garti, Hudson Gateway Association of Realtors, Inc.
Clayton Livingston, McGrath Realty Inc. Pawling
Mark Seiden, The Mark Seiden Real Estate Team, Briarcliff Manor

President's Club $500-$999
Carmen Bauman, Green Grass Real Estate Corp., Bronxville
Teresa Belmore, Keller Williams NY Realty, White Plains
Maryann Tercasio, Better Homes and Garden Rand Realty, Central Valley

Capitol Club $250-$499
Cathleen Stack, HGAR, White Plains
Marianne Lepore, Corcoran Legends Realty, Tarrytown
Robert Shandley, BHG Rand Realty, White Plains

99 Dollar Club $99-$249
Mark Engel, Eli Rodriguez, Joey Williams

Recap of Contributions Year to Date**
TOTAL: $78,015 31% towards goal
With 1,647 contributors 40% towards participation goal.
Goal: $255,201 from 4,103 contributors for a total of 36% of membership

BOARDROOM REPORT

Boards of Directors
Hudson Gateway Association of Realtors, Inc. (HGAR)
Nov. 19, 2020 via Zoom and at the
HGAR offices in White Plains.

HGAR Management, Financial & Membership Reports

President Gail Fattizzi presented the President's Report. President Fattizzi reported on the following items: (i) HGAR Global Council receiving NAR's Gold Award, (ii) the plans to remediate the oil tank at the Bronx office location, with work to commence after Thanksgiving and be completed by Christmas, and (iii) the appointment of a work group chaired by John Barrett to evaluate HGAR's existing office space and make recommendations to the Board of Directors regarding future office space needs.

CEO Richard Haggerty presented the CEO's Report. CEO Haggerty reported that Matrix would now track for any co-op transaction that has been changed from pending status back to active status. Going forward the listing office will be queried whether that change in status was due to a board denial of the applicant. This information will be used to track the number of co-op board rejections in an effort to promote further co-op transparency legislation. CEO Haggerty further reported that with the surge in COVID-19 cases, HGAR is prepared in the event another shutdown is required.

HGAR Treasurer Anthony Domathoti presented the Treasurer's Report for August, September, October, and November, which were all approved for filing by the Directors. Treasurer Domathoti also reviewed various new charts that were prepared and provided to the Directors for the first time, for informational purposes.

Immediate Past President and Chair of the Nominating Committee Ron Garafalo then sought the confirmation of HGAR Officers for 2021 in accordance with the HGAR Nominating Committee's Report presented at HGAR's Annual Members' Day and Annual Meeting on Oct. 27, 2020. The Slate of Officers are as follows: Crystal Hawkins Syska, as President, Anthony A. Domathoti, as President Elect, Carmen A. Bauman, as Treasurer, Tony L. D'Anzica, as Secretary, and Gail Fattizzi, as Immediate Past President. The Directors confirmed the slate of Officers as presented. Director Garafalo then presented the report of the HGAR Nominating Committee recommending the following individuals to fill vacancies on the Hudson Gateway Realtor Foundation Board of Trustees: Roberta Bangs, with a term expiring on Dec. 31, 2023; and Theresa Crozier, with a term expiring on Dec. 31, 2023, and the Directors approved these recommendations.

CEO Haggerty reported that the NAR Board of Directors, at its November meeting, approved five amendments to Core Standards as summarized in the handout provided to the Directors. CEO Haggerty then recommended that, in light of one of the NAR recommendations (i.e., "Require that associations strategic plans include a diversity, equity and inclusion, and fair housing component"), the following language, based on work already done by the HGAR Diversity Task Force, be added to HGAR's Strategic Plan under the Advocacy section: "Launch a Diversity and Inclusion Standing Committee tasked with creating and supporting diversity, equity and inclusion initiatives," and the Directors approved this recommendation.

Professional Standards

The Board of Directors approved the recommendations of the respective hearing panels of two ethics decisions designated as Ethics Decision 265-E and Ethics Decision 266-E.

Diversity, Equity and Inclusion Task Force

President Elect and Chair of the Diversity Task Force Crystal Hawkins Syska provided the report on the work of the Diversity Task Force and presented five voting items to the Board of Directors for consideration. After discussion, the Directors approved the creation of a Diversity, Equity and Inclusion Steering Committee of 11 members and a Diversity, Equity and Inclusion Committee at large which would include the members of the Steering Committee as well as an additional nine members. The Directors approved the following mission statement for the Committee: "At Hudson Gateway Association of REALTORS, we aim to create a more diverse, equitable and inclusive professional community in which all members are empowered to learn, thrive, and work as agents for change. We commit to diversifying our membership, creating a deeply diverse, equitable and inclusive organization for REALTORS and Brokers, and embedding inclusive practices in the ways we work and learn with one another." The Directors approved a recommendation that there be an additional staff position created which would be designated as either a "Chief Diversity, Equity and Inclusion Officer" or a "Director of Diversity, Equity and Inclusion." The Directors authorized HGAR to solicit bids from various companies for the purpose of conduction of a survey to obtain demographic information concerning the HGAR membership. The Directors also authorized the creation of an informational video and having an open invitation to the HGAR general membership to become a member of the new Diversity, Equity and Inclusion Committee.

Additional Business

President Fattizzi briefly reported that HGAR would continue to work with David Severance with respect to the Best Practices Project initiated at the previous meeting, as well as with Dr. Nicole Furlonge with respect to issues of inclusion and equality. CEO Haggerty reported on NAR's approval to the modification of Article 10 of the NAR Code of Ethics and the inclusion of the new Standard of Practice 10-5. The Directors approved a $5,000 contribution to RPAC as well as a $5,000 contribution to WRO.

Committee Reports

President Fattizzi pointed out to the Directors that reports of the various Committees and Councils (i.e. Education Council, Fair Housing Committee, Legislative and Legal Issues Council, Professional Standards Committee, RPAC Committee, and Global Business Council) had been provided to them via e-mail and had also been included in their Directors' packets. President Fattizzi indicated that reports of the Commercial & Investment Division and HG REALTOR Foundation, were also provided to the Directors.

Please welcome the new members in your area:

Designated Realtor

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Saira Ahmed
Keller Williams Realty

Andriana Alvazians
HomeSmart Homes & Estates, White Plains

Gladys J. Alvarez
Century 21 Galvez

Eric Asuo-Mante
Douglas Elliman Real Estate, Bronx

Candiece A. Atkinson
Keller Williams NY Realty

Geraldine Aughey
Claire D. Leone Associates Ltd.

** Kanwaljit Bal
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Meaghan Beck
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Laura Bellafronto
Compass Greater NY, LLC, Yorktown Heights

Nicholas Beninati
Houlihan Lawrence Inc., Briarcliff Manor

Michael Berry
ERA Insite Realty Services, Bronxville

Joseph O. Blasetti
Corcoran Legends Realty, Irvington

Marie M. Blatch
Charles Rutenberg Realty, Inc., Bronx

Brian Bonar
Grand Lux Realty, Inc., Chappaqua

Megan Brown
Howard Hanna Rand Realty, Pine Bush

Keith W. Brunson
Keller Williams Realty Partner, Baldwin Place

Anita Bryant
Keller Williams Hudson Valley, Middletown

Anil Budram
Exp Realty, White Plains

Lillian Canals
Exp Realty, Yonkers

Eanca Canameti
Exp Realty, Yonkers

Kathleen Capocciamo
Rita Levine Real Estate

Marianne C. Carey
Houlihan Lawrence Inc., Bronxville

Christina Cartaya
Joyce Realty Corp.

Amy D. Castillo
Howard Hanna Rand Realty, Central Valley

Frederick Cindrich
Giner Real Estate Inc.

Gianna Colarusso
Howard Hanna Rand Realty, Stony Point

Veronica Colman
Weichert Realtors, Monroe

Erika Concepcion
Coldwell Banker Signature Properties, Bronx

Zachary Costa
Curasi Realty, Inc., Montgomery

LisMary Cotto Montenez
HomeSmart Homes & Estates, Montgomery

Selimagnon Coulibaly
Core Realty Family

Jodi Council
Houlihan Lawrence Inc., Millbrook

Pamela L. Cummings
William Raveis- New York LLC, Katonah

Bianca D'Alessio
Nest Seekers Westchester LLC

Kaitlyn D'Ambrosio
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Dena Dancykier
Rodeo Realty Inc.

TinaMarie Del Vino
Keller Williams Realty Partner, Baldwin Place

Stephen J. Devita
Keller Williams Realty Partner, Baldwin Place

Sarah DiBiaso
Coldwell Banker Realty, Dobbs Ferry

Nancy Diehl
Rita Levine Real Estate

Adrian H. Djonbalaj
Henry Djonbalaj Real Estate

Debra C. Dowling
CI Elite Home Services LLC

Alex Duran
William Raveis Real Estate, Yorktown Heights

Elizabeth Evans
Link NY Realty

Emmanuel Faure
Unite Real Estate LLC

Angelica Federici
Houlihan Lawrence Inc., Briarcliff Manor

Sebastian Ferlin
Coldwell Banker Signature Properties, Bronx

Aidan Fitzmaurice
Houlihan Lawrence Inc., Rye

Darryl Freeman
Coldwell Banker Realty

Joel Friedman
Keller Williams Hudson Valley, Middletown

Gerard M. Gannon
Henry Djonbalaj Real Estate

Samuel Ganz
eRealty Advisors

Martin Garcia
Besmatch Real Estate, Bronx

Muzi Garnero
HomeSmart Homes & Estates, Montgomery

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HGEDU
SCHOOL OF REAL ESTATE

HGAR Classes are Currently Being Offered Via Zoom!
Please contact our Member Success Team with any questions!
support@hgar.com /914-681-0833

March 2021
Zoom Course Calendar

March 1- 75 Hour Sales Pre-Licensing Qualifying Course with Varied Instructors

March 6- Working with Sellers & Landlords from Listing Appointments to Moving Truck & Beyond (includes 1 hr. Agency)* with Katheryn DeClerck (Saturday Course!)

Environmental Issues in the Home Series – MOLD* with Josef Fasolino (Saturday Course!)

March 8 - Developing Great Relationships with Attorneys- Disarming the Pesky Deal Killer Type* with Katheryn DeClerck

March 9- Human Rights and Fair Housing* with Dorothy Botsoe

March 10- Understanding Assessments & Taxes/Due Diligence for Your Buyers & Sellers* with Richard O'Donnell

Ethical Business Practices* with Peter Mallon

March 11- Fiduciary Duties – It's the Same O-L-D-C-A-R* with Carole McCann

Legal Update* with William O'Keefe

March 13- Environmental Series: Asbestos/West Well Water Test* with Josef Fasolino (Saturday Course!)

March 15- CORE Day* with Dorothy Botsoe

March 16- Realtor Safety Survival Guide* with Katheryn DeClerck

Financing the Deal; Understanding the Mortgage Process* with David Moore

March 18- Consumer Expectations (includes 2 hrs. Agency)* with Katheryn DeClerck

March 19- Real Estate Auctions 101* with Frank Pietrzak

March 21- Environmental Issues in the Home Series – Oil Tanks* with Josef Fasolino (Sunday Course!)

March 22- Sales Remedial or Gap Course- 30 Hour with Varied Instructors

March 23- Matrix 1: Introduction to Matrix* with Katheryn DeClerck

March 29- Matrix 2: The Next Step into Matrix* with Katheryn DeClerck

March 30- What's the Score? Understanding Credit Scores* with Sharon Tucker

March 31- Matrix 3: Matrix to the Max* with Katheryn DeClerck

HGAR 22.5 Hour Virtual Education Card— Buy a Virtual Education Card and Save! Learn more at HGAR.com

*Course qualifies for the Virtual Card

For More Class Information (In-Person and Online) and Registration, go to HGAR.com/Education.

CALENDAR

FEBRUARY 2021

February 22
Women's Council of REALTORS® - Insuring Home, Health, and Happiness Via Zoom – 10:00AM – 11:00AM

February 23
Breakfast with Benefits: "YouTube secrets for Real Estate Agents"
Via Zoom, 9:30AM – 10:30AM

Orange County Regional Member Meeting
Via Zoom, 11:00AM – 12:30AM

MARCH

March 10
Breakfast with Benefits: "Social Media Secrets Revealed" (am & pm sessions)
Via Zoom, 9:30AM – 11:00AM and 1:00pm - 2:30pm)

March 17
HGAR Board of Directors
Via Zoom, 10:00AM – 12:00PM

March 23
Breakfast with Benefits: "Advanced Tik Tok Secrets for Real Estate Agents"
Via Zoom, 9:30AM – 10:30AM

REALTOR®

BARRISTER'S BRIEFING

By Brian S. Levine, Esq

Understanding Zillow: Membership and Anti-Trust Activity

Remain calm and carry on! Do not panic! Yes, the rumor is true. So, what am I talking about? Well, if you haven't come out of your home, picked up a newspaper, or read a trade publication since the beginning of the pandemic, then please allow me to be the first one to inform you that...wait for it... Zillow is now a member of HGAR and a participant in our OneKey MLS.

Yes, you heard that correctly. Zillow is now a brokerage. While for some of you this might strike fear into your hearts, and shouts of: "The fox is in the chicken coop" or "The sky is falling," the reality is, this is a good thing all around. We just need to understand the bigger picture and what this means. We also need to understand how we need to act to this new development.

Zillow as a Member

Zillow is now a licensed brokerage in the State of New York and on Oct. 8, 2020 Zillow joined HGAR as a Realtor member (as well as becoming a member of NAR and NYSAR). Thereafter, Zillow became a participant in the OneKey MLS. It currently identifies an office in Manhattan and, at the time of the writing of this article, it has two agents. If this were any other brokerage, no one would give it a second thought. But this is Zillow. It's the company that everyone identifies as one of the go-to property search websites for the public. So, now that Zillow is a Realtor brokerage, what does that mean? Well, for starters, it means that Zillow, like all other Realtors must comply with the NAR Code of Ethics, including acting in the best interests of their clients and treating all parties fairly. They cannot make false or misleading representations in their activities or in their marketing and advertising. They must comply with New York Advertising Guidelines. They must conform with the new clear cooperation regulations and the recent "coming soon" rules. They can be brought before the Professional Standards Committee for violating the Code of Ethics or to resolve an arbitration dispute. All these things are good and will hold them, as it does all Realtors, accountable. It also pays dues and can have an equal, active voice in all its association activities, just like everyone else.

What will be different is that Zillow will no longer provide real estate listing information in the same way as it once did in the past. Previously, Zillow entered into individual contracts with MLS providers and brokerages to receive direct feeds from these providers. It charged agents and brokerages for various services and exposures on its website. That will now change. Like all OneKey participants, Zillow will receive an IDX feed. This feed is identical to the feed that all participants receive, and Zillow will be required to comply with the policies and guidelines established by NAR, as well as local policies, on how the IDX feed can be utilized. In short, the information they receive will be exactly the same as the information that is received by all other OneKey participants. The playing field is leveled, with one slight hiccup.

There will be one slight difference with Zillow's website. We have been informed that while Zillow will have the IDX feed that will supply them with the same listing information that is received by all other participating brokerages, it will also maintain another area on its website that is separate and apart from their IDX feed. These listings will not be comingled with their IDX feed. That section(s) will contain rentals (Zillow will not subscribe to obtain rentals via the IDX feed) and For Sale by Owner (FSBO) listings. These will be paid placements. Aside from that exception, Zillow's information and pictures will be identical to any other New York broker's information and pictures. Its website will be just as informative as anyone else's, aside from the rental and FSBO information.

Disparagement and Anti-Trust Actions Against Zillow

It is important for us to understand and remember that Zillow is now a Realtor brokerage. As such, all Realtors are required to treat it with the same amount of respect, courtesy, and ethical standards that would apply to any other member. Realtors should not disparage it in any marketing, advertising, or social media platforms, including blogs, Yelp and e-mails. Simply because it utilizes a different business model does not mean that a Realtor can criticize, snipe, or attack its agents, the brokerage, or its transactions. Failing to comport with the Code of Ethics could result in the offending party being brought before a Professional Standards panel on ethics charges and subsequently disciplined. Depending on the gravity of the offense, the Realtor could be reported to the Department of State, or worse still, sued in a court of law.

More important is that no Realtor or brokerage should ever discuss, allude to, or act in such a way that could be perceived as violating anti-trust laws. Anti-trust laws are state and federal laws that are designed to protect competition and eliminate artificial restrictions on competition. Such activities include, boycotting, price fixing, bid rigging and other restraint of trade activities. A Realtor should never threaten, joke or in fact refuse to work with a brokerage, show that brokerage's properties, boycott that business, reduce its cooperating compensation, or act in any way that would detrimentally impact that other brokerage or its standing with the public simply because that brokerage operates under a different business model. A Realtor that engages in anti-trust activity could find themselves in a suit brought by the U.S. Department of Justice, the Federal Trade Commission or the New York Attorney General.

Conclusion

Zillow becoming a Realtor member may make others in our industry apprehensive. However, as a Realtor, Zillow commits itself to upholding all the same standards that all other association members hold important. While Zillow's business model may differ from other brokerage's business models, Zillow is a welcome addition to our diverse membership. All brokerages live and die by their transactions and business models and we should wish all Realtors continued success in this ever-changing industry. There's plenty of business for everyone.

Brian S. Levine, Esq. is In-House Counsel/Director of Legal Services & Professional Standards Administrator for the Hudson Gateway Association of Realtors.

Senate Majority Advances Housing Discrimination Legislative Package

Senate Majority Leader Andrea Stewart-Cousins (D-Yonkers).

ALBANY—The leadership of the State Senate Democratic Majority announced on Feb. 8 it will advance major legislation to continue addressing housing discrimination across New York State. The legislative package was created following two public hearings on housing discrimination that included 25 subpoenas. The package of bills is also in response to legislative suggestions outlined in the Senate Majority's 97-page investigative report on fair housing and discrimination on Long Island released on Jan. 27, 2021 in response to investigative reports published in *Newsday* in late 2019.

HGAR Government Affairs Director Phil Weiden reported on Feb. 11 that all 11 bills had passed the Senate and await action in the Assembly. The governor has not weighed in on these proposals, he added.

The bills advanced will implement fair housing practices, implicit bias training, compensatory relief to victims of housing discrimination, create an anti-discrimination housing fund, and increase required training, Democratic state lawmakers stated.

"There is no place in New York for housing discrimination and predatory practices," Senate Majority Leader Andrea Stewart-Cousins (D-Yonkers) said. "Buying a new home should be a special achievement in a person's life without the risk of becoming a victim of abhorrent discrimination. I am proud of the Democratic Majority Conference for holding these hearings and issuing an extensive report that has led this continued swift action to end these discriminatory practices and hold bad actors accountable."

The legislation advanced by the Senate Democratic Majority includes:

Annual Covert Fair Housing Testing: This legislation, Senate Bill S.112 sponsored by Senator Anna Kaplan, requires the State Attorney General to conduct annual covert fair housing testing to assess compliance with fair housing laws throughout New York State.

"Fair housing testing" would include annual covert investigations conducted for the purpose of comparing how members and non-members of a protected class are treated when they are otherwise similarly situated (similar to federal pair testing), and gathering evidence of compliance with fair housing provisions pursuant to Human Rights Law.

Implicit Bias Training: This legislation, Senate Bill S.538B sponsored by Senator Anna Kaplan, requires real estate brokers and salespersons to receive implicit bias training as part of their license renewal process.

Compensatory Damages: This legislation, Senate Bill S.715 sponsored by Senator Kevin Thomas, compels the Commissioner of the Division of Human Rights to award compensatory damages, punitive damages, or other relief to victims of housing discrimination.

Anti-Discrimination Housing Fund: This legislation, Senate Bill S.945B sponsored by Senator Jim Gaughran, would increase the maximum fine imposed by the Department of State on real estate licensees to $2,000, and direct 50% of the fine collected to a newly created Anti-Discrimination in Housing Fund to be used by the Attorney General for fair housing testing and other grants to local agencies and non-profits to fight housing discrimination.

Affirmatively Further Fair Housing: This legislation, Senate Bill S.1353 sponsored by Senator Brian Kavanagh, establishes the state's obligation to "Affirmatively Further Fair Housing," which directs the commissioner and heads of all housing agencies to establish and administer housing programs in a manner that affirmatively further fair housing.

Identify Brokers: This legislation, Senate Bill S.1448 sponsored by Senator Brad Hoylman, would require that real estate salespersons and real estate brokers licensed by the Department of State legibly write their name and license number whenever required to sign a document to make it easier to identify brokers.

Increases Required Training: This legislation, Senate Bill S.2132B sponsored by Senator James Skoufis, requires additional testing and training for initial licensing of brokers and salespeople, including specific courses on fair housing laws, the legacy of segregation, and anti-bias training, and requires licensing course faculty to certify that curriculum complies with Department of State regulations.

Standardized Client Procedures: This legislation, Senate Bill S.2131A sponsored by Senator James Skoufis, requires standardized client intake procedures for real estate brokers.

Surcharge Fee: This legislation, Senate Bill S.2133A sponsored by Senator Skoufis, adds a surcharge to the fee paid for issuing or reissuing a real estate broker or salesmen license and directs the new funds to be used for fair housing testing by the Attorney General.

Statutory Obligations of Oversight: This legislation, Senate Bill S.2157A sponsored by Senator Kevin Thomas, requires associate real estate brokers serving as real estate officer managers to exercise supervision over other associate brokers and real estate salesmen.

Client Demographic Data: This legislation, Senate Bill S.2525A sponsored by Senator Brian Kavanagh, requires real estate brokers to compile client demographic data and submit it to the Secretary of State.

In November 2019, *Newsday* released an investigative report proving that Black home buyers were being discriminated against. The report found that real estate agents provided an average of 50% more listings than they gave to black counterparts—39 compared with 26. In response, the legislature took swift action to pass Senate Bill S.6874A, sponsored by Senator Gaughran, to penalize licensed real estate brokers and salespersons by revoking or suspending their licenses, or issuing a fine if they violate the Human Rights Law, which includes housing discrimination.

People

Continued from page 10

Howard Hanna | Rand Realty has welcomed **Julian Diaz** to its leadership team. Diaz will be the branch manager for its New Rochelle operations.

Diaz has six years of residential and commercial real estate experience primarily with multifamily developments. Before joining Howard Hanna | Rand Realty, he started and owned a brokerage that focused on new developments, represented more than 3,500 apartments and successfully brought a dozen projects to the market.

Diaz graduated from the University at Buffalo with a degree in economics. He is a member of the National Association of Realtors, licensed in New York State, Connecticut and New Jersey.

Julian Diaz

Christie's International Real Estate Westchester | Hudson Valley, an exclusive partner of Christie's International Real Estate, announced recently that **Richard Herska** has joined the company in the firm's New City sales gallery.

Herska is a lifelong Rockland County resident and 10-year resident of Nyack, specializing in Rockland and Westchester County residential home sales. For several years in a row, he has been a recipient of numerous sales excellence awards, including the HGAR Up and Coming Award, Rookie of the Year 2016 and the Silver Circle Award.

Richard Herska

Howard Hanna | Rand Realty announced recently that **Todd Stevens** is its new Bronx Branch Manager.

With 20 years of experience in the urban real estate industry, Stevens brings to the table his network and connections to the Manhattan market and his expertise as a real estate coach, the brokerage firm stated. He sold more residential townhouses than any Realtor in Manhattan for 10 consecutive years, from 2004 to 2014, marketed 15 new condo developments, and rented more than 260 properties at Compass and Douglas Elliman, the company stated.

Todd Stevens

The Business Council of Westchester recently announced the winners of its 2021 Hall of Fame Awards.

Among the winners was **Sarah Jones-Maturo**, president and CEO, RM Friedland who was selected for its "Women in Business Success" award winner.

Other honorees were: Corporate Citizenship: ENT and Allergy Associates, LLP; Entrepreneurial Success: Allstar Innovations, Allstar Products Group; Family Owned Business Success: Lippolis Electric, Inc.; Small Business Success: Progressive Computing Inc.; Minority Business Success: Business of Your Business and Chairman's Award: Chereese Jervis-Hill, Events To Remember PR

The honorees will be recognized on April 27 during a virtual awards ceremony.

Sarah Jones-Maturo

Green Team New York Realty reported that **Jennifer DiCostanzo** was both the Fourth Quarter and Yearly Sales Leader for the Warwick-based brokerage firm. This is the fifth consecutive year that she has achieved the yearly sales leader designation.

DiCostanzo became the first recipient of Green Team Realty's MVP Award for over $10 million in sales volume. She will be receiving that award for the third time, for her 2020 sales. She was among the top 1% of selling agents in Orange County for 2020.

Jennifer DiCostanzo

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Guest Opinion

Continued from page 9

8. Update local zoning and codes to allow for Accessory Dwelling Units and two-family homes as a way to create a revenue stream to augment income for the buyer.

9. Encourage and support housing organizations to secure state and federal grants for down payment and closing costs for home buyers.

10. Support and expand Financial Education and Homeownership Counseling programs

One last thought—a Bachelor's Degree is a worthwhile investment. However, there are also a number of degrees and professional certificate programs available through the region's community colleges that should not be overlooked. Furthermore, there are also apprenticeship and technical training schools available for various trades, which offer a terrific pathway to a number of professions. These programs may require less financial investment than a Bachelor's Degree, however, there will likely be far less long-term debt. It is critical for the region to have a balanced workforce for a healthy and sustainable economy.

These ideas are just meant to get you thinking about creating other pathways to homeownership—we would love to hear yours.

Joe Czajka is Senior Vice President for Research, Development, & Community Planning, Hudson Valley Pattern for Progress and Executive Director, Center for Housing Solutions and Community Initiatives.

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NJ-Based Plawker Group Joins Rand Commercial

ENGLEWOOD CLIFFS, NJ - Rand Commercial announced on Feb. 8 that locally-based Plawker Commercial has officially joined the Rockland-County headquartered commercial brokerage firm.

The firm is now operating as Rand Commercial Plawker Group and is located at 601 Palisades Ave. in Englewood Cliffs, NJ.

In December 2020, residential brokerage firm Plawker Real Estate, one of Bergen County's leading brokers, announced it had joined forces with Howard Hanna Rand Realty. The Plawker Real Estate residential brokerage office now operates as Howard Hanna Rand Realty – Plawker Group. At that time, the brokerage firms stated that Plawker Commercial would join Rand Commercial. The residential brokerage also operates at 601 Palisades Ave. in Englewood Cliffs, according to the firm's website.

Plawker Commercial has been an institutional name for commercial real estate in the State of New Jersey, with more than 30 years of success, specializing in office sales and leasing, tenant representation, investments, industrial and property management.

The Rand Commercial New Jersey office will operate under the direction of Adam Plawker as managing director of the New Jersey region. The Plawker Group also includes Andrew Papanestor and Andrew Steinberg.

"The merger of Plawker Commercial and Rand will allow us to expand our reach and increase our market share, using our experience and creativity to deliver superior results," said Adam Plawker, managing director of Rand Commercial NJ.

Plawker Commercial decided to join forces with Rand Commercial to create a stronger network, offering top-notch service backed by expertise, high-end marketing tools, and great technology already established by Rand Commercial, company officials stated.

"This is an important building stone for Rand Commercial in our continuing growth in the New Jersey region and our commitment to building better communities," said Chief Strategy Officer of Rand Commercial Paul Adler

With this agreement, Rand Commercial now has more than 50 commercial real estate associates operating in 10 offices in the Hudson Valley and New Jersey. Its main offices are located in New City, White Plains, Pine Bush and now Englewood Cliffs, NJ.

Rand Commercial is a full-service commercial real estate institution with expertise in commercial real estate, multi-family residential housing, development marketing, land sales, and corporate relocation serving the Hudson Valley and Northern New Jersey.

5 Questions - Westchester County Executive George Latimer

Continued from page 2

isn't about getting 750 units to satisfy the court case and then you are done. You haven't begun being done and that I think is a factor.

Right now, we are working on in some way shape or form on about 1,400 units of affordable housing, which is slightly above 10% of what that goal is. We think we can juice that up higher, but again we are operating in a pandemic, so while certain projects were underway before the pandemic hit, projects that would start from scratch have been kind of bumped off to the side because the pandemic freezes up capital and freezes up a number of other things that are necessary to move forward. But, we are working it.

Editor's Note: County Executive Latimer provided updates on a number of affordable housing projects including a 36-unit building in Port Chester, a 75-unit WestHELP project and a housing development in Peekskill to be developed by Wilder-Balter Partners.

He concluded his remarks on the affordable housing issue by saying, "Do I think we have a long way to go? We have a long way to go, but I think we are committed to making the journey and the process and we have started and we are on the road (to addressing the affordable housing problem in Westchester."

5 **Real Estate In-Depth:** In looking back on the past 11 months of the pandemic, is there any event or moment that affected you personally the most and has there been anything positive to come out of this that you can point to?

Latimer: Very early on in the process, I had heard that a fellow by the name of Glenn Bellitto had contracted COVID. Glenn was an Eastchester Councilman, a Republican. There was a time we had the same dentist, so I must have met him conservatively close to 30 years ago and neither he nor I were involved in politics when we first met. I liked him. He was a nice guy. We chatted a little bit and got to know each other and over time we found ourselves, when I became a (State) Senator when I represented Eastchester and he was on the Board, we would be at some Eastchester community events and so forth. He contracted COVID, got very sick and died within a week (on April 2, 2020 at the age of 62). When I heard that I shook. He was a couple of years younger than I, not a lot, but a couple of years younger, and I was shocked by it, I couldn't believe it. This was very early in the pandemic and he was probably the first fatality of anybody I knew and of course I have come to know others since then. He was not in his advanced years, he was not in a nursing home, he did not to my observation have any comorbidities. Like I am, he was a little overweight, but he was just a really great guy. And that struck me and what it did was, it turned the pandemic from a discussion of this is a health care crisis and we have to have process, this turned into this is a person I know has died. And from moment in time I took it very seriously. And at that time, on a national level there was a lot of minimizing the threat. 'Oh, it's not that bad. 'Oh, it's going to be like the flu.' 'Oh, it's just being used to try defeat me in the election.' But, I knew that wasn't true because it had already cost somebody that I knew. And so, I think from that point forward, and I don't try and present myself as some superior leader, I think I am a good guy, I work hard and I try to do my job every day, but I took this thing seriously.

Editor's Note: Some positives the County Executive pointed to since the pandemic began included the emergence of Zoom as a means to conduct operations safely, as well as the opening of some parks and golf courses. He noted that this past summer, the county's six public golf courses had the most rounds of golf played in their history.

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Tenants Sign 102,000 SF in Lease Deals At GHP Office Properties in Westchester

140-145 Huguenot St., New Rochelle

660 White Plains Road, Tarrytown

WHITE PLAINS—GHP Office Realty, LLC, an affiliate of Houlihan-Parnes Realtors, LLC, announced recently it had leased 102,212 square feet in transactions worth more than $26.6 million in rental income.

Ampacet Corp. renewed its lease of 35,000 square feet on the third floor of 660 White Plains Road in Tarrytown for seven years. The space serves as Ampacet's corporate headquarters. Ampacet Corporation is a global masterbatch leader offering the broadest range of custom color, special effect, black, white and specialty additive masterbatches for flexible and rigid extrusion processes and applications. It has 25 manufacturing sites located in 18 countries and employs more than 2,000 people worldwide. It operates technical and color development centers and manufacturing sites throughout the Americas, Asia and Europe.

Additionally, Grossbach, Grossbach, Tramaglini & Hayes, PC leased 2,100 square feet on the third floor of 660 White Plains Road. Founded more than 40 years ago, the law firm specializes in Matrimonial and Family Law, Real Estate, Commercial Law and Business Transactions, Trusts and Estates (including Trust and Estate Administration and Estate Planning), Litigation and Tax Law.

Jamie Schwartz, executive vice president at GHP, represented the building ownership in both deals. GHP acquired the six-story, 280,000 square foot Class-A building in 2017 when it was 80% leased. Since that time, GHP has invested in renovations to the common areas, bathrooms, the 850-car surface parking lot and constructed a new state-of-the-art fitness facility. The building is now 100% leased.

Additionally, the US Social Security Administration (SSA) signed two new leases totaling 22,413 square feet, each for 15-year terms at two of GHP's buildings. The SSA will remain in 10,152 square feet on the fourth floor at 297 Knollwood Road in White Plains. It has occupied the space since 1995. GHP will renovate the space to comply with new SSA requirements. The SSA also signed a lease deal at GHP's 140 Huguenot St. in New Rochelle.

GHP has also recently completed renovations at the 35,000-square-foot 297 Knollwood Road office building that included a new awning at its entrance as well as modernizing and completely renovating the lobby entrance, common hallways and bathrooms. Other deals at the building included AJ Contracting of NY LLC, a construction company specializing in highway and bridge construction, signed a new lease on the first floor, totaling 1,308 square feet and Lecce Engineering, a mechanical engineering firm, renewing its lease for 1,147 square feet on the second floor. Schwartz and Brendan Hickey, Senior Director at GHP, represented the building ownership in the deals.

GHP's 140 Huguenot St. in New Rochelle is an 80,000-square-foot, three-story office building, with an onsite parking garage that is walking distance to the New Rochelle Transportation Hub which includes a Metro-North as well as an Amtrak stop. SSA signed a 12,261-square-foot lease for a portion of the ground level of the building where they have an exclusive entrance off Harrison Street for visitors. It also expanded its footprint at the building to a portion of the second floor for additional administrative offices. GHP will also renovate the SSA spaces to comply with its new requirements. The Social Security Administration has occupied the ground level space at 140 Huguenot St.for more than 20 years serving New Rochelle and surrounding communities. 140 Huguenot St. is now 94% leased. Ownership was represented by Schwartz and Hickey.

At GHP's other downtown New Rochelle building, 145 Huguenot St., the New York State Department of Health signed a 10-year lease for 19,000 square feet on the seventh floor of the building.

Northeast Family Services of New York, Inc., represented by Keller Williams City Views Realty, signed a three-year lease for 2,489 square feet on the third floor and We Ship Express, Inc. signed a lease for an additional 1,526 square feet on the lower level of the building for nine years. Schwartz and Hickey represented the building in the deals.

At GHP's 130,000 square foot, Class A building located 4 West Red Oak Lane in White Plains, Dolgetta Law, PLLC, a law firm focusing on real estate agency law, corporate law, veterinarian practice representation, franchise relationships, purchases, sales and mergers of businesses, commercial and residential real estate transactions, probate and estate planning and attorney ethics, signed a new lease consisting of 2,752 square feet on the third floor.

Additionally, the building welcomed Star Boxing Inc., a boxing events promotional company. The company signed a new lease on the third floor consisting of 2,216 square feet of office space. Schwartz represented the building in the deals.

Simone Development Completes Two Leases At 55 Lafayette Ave. Building in White Plains

55 Lafayette Ave., White Plains

WHITE PLAINS—Simone Development Companies reported on Feb. 3 it had completed two new lease deals totaling more than 17,000 square feet at the firm's 55 Lafayette Avenue in White Plains.

Westchester County Government has leased nearly 10,000 square feet and Sila Services, LLC, an HVAC and plumbing service company, leased 7,250 square feet at the property.

Josh Gopan, AVP of leasing for Simone Development, represented ownership in the lease negotiations, while Sila Services was represented by New York Commercial Realty Group, LLC. The Westchester Government lease was negotiated directly with the tenant.

Former Toyota Auto Dealership Property in New Windsor Sold

NEW WINDSOR—John J. Lease Realtors reported recently that it had sold the former Toyota Auto Sales facility, located at 2934 U.S. Route 9W in New Windsor. The sale price was $925.000.

The property consists of two buildings with 18,000 square feet total on 3.6 acres. The purchaser was Mid Hudson Films, LLC.

John J. Lease Realtors Commercial Properties was represented by Otto "Butch" Dudas and Arthur Fowler, both Associate Commercial Brokers, in the transaction.

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Gov. Cuomo May Push Up Timeline on Downstate Casinos to Deal with COVID-19

Contiined from page 1

markets would be significant. For Westchester County, if MGM Resorts' Empire City Casino is granted one of the available full gaming licenses, the City of Yonkers and Westchester County would definitely benefit from the expansion at the storied complex along the New York State Thruway that would include new construction and permanent jobs and significant investment in the expansion that could include new hotel and conference center space.

Gaming interests have been lobbying state lawmakers for some time to move the clock forward on downstate gaming. The Business Council of Westchester has been advocating for a full casino license to be issued to Empire City Casino. John Ravitz, executive vice president and chief operating officer of The Business Council of Westchester, said the full casino license at Empire City, along with approval for Empire City to manage mobile sports betting, will be among the top items on the Rye Brook, NY-based organization's legislative agenda for this session of the State Legislature.

Resorts World Catskills casino in Monticello opened its doors for the first time to customers on Feb. 8, 2018.

An Empire City Casino spokesman in a prepared statement in connection with the potential downstate casino RFI release, stated, "Empire City Casino was the largest private employer in Yonkers before the pandemic, and like many businesses, we've been hit hard during COVID-19. A full-scale casino license, with mobile sports betting and live dealers, would significantly speed up recovery, help us hire back employees and put more local residents back to work. It would also generate significant and immediate new revenue for the state through license fees and put revenue back into the local economies, especially Yonkers, Bronx, and Mount Vernon, where most of our employees live."

The impact of new downstate licensed gaming awards on existing upstate gaming facilities could prove troublesome to operations already under stress due to COVID-19.

A spokesman for Resorts World Catskills said in connection with the governor's announcement and Gaming Commission study of downstate casinos, "Since reopening in September, we have begun implementing the marketing and growth strategies to fulfill the untapped potential of Resorts World Catskills. On a parallel track, we will continue to work with our local and state partners on a variety of issues including protecting the good-paying union jobs that are critical during this period of severe unemployment."

Resorts World Catskills in June 2019 agreed to build a $100-million VGM facility (similar to existing facilities at Empire City Casino in Yonkers and at Resorts World New York in Queens) in Orange County to lure more downstate customers to their operations. Earlier this month, Resorts World Catskills confirmed reports that it will present plans soon on a VGM facility at the Newburgh Mall. (**Editor's Note:** See story on page 3). No development cost for the project was released.

Among some of the highlights of the Spectrum Gaming Group's report on downstate gaming and mobile sports betting include:

• Downstate counties show the greatest potential for growth in Gross Gaming Revenue, ranging from $970 million to $4.49 billion for New York City, and $606 million to $1.13 billion for Long Island. The potential of the New York City market could be captured by the addition of new gaming facilities. The potential of the Metro-North region may be realized by the addition of an already-approved Orange County video lottery gaming facility, as well as through expansion of gaming further Downstate. Spectrum indicates that such expansion might have negative impacts on existing gaming facilities.

• In light of the economic fallout from COVID-19, the State of New York could opt to delay, for an undetermined period, the decision to authorize the three commercial casinos in the Downstate region, the report stated.

• Spectrum recommended that a competitive bid process be utilized to arrive at the most optimal result for the state based upon a review of the economic, fiscal, and social implications of the awarding of up to three additional commercial casino licenses.

• Job growth in the gaming sector from 2015-2020 has been significant, as total employment at casinos and video-lottery gaming facilities grew from 12,000 jobs in 2015 to 15,700 jobs in 2020, of which roughly 3,400 are at the four commercial casinos that make up the Upstate expansion properties. Spectrum estimated that there are 32,000 people employed in the entire sector. While upstate expansion accounted for 17% of total employment, it accounted for 75% of growth from 2015-2000.

• Spectrum's analysis concludes the state's gaming industry will slowly recover from the pandemic, returning to pre-COVID-19 levels in 2023.

• With respect to mobile sports betting, Spectrum indicated that stabilization of revenue will occur three to five years after commencement. The firm's analysis concluded that at a 10% tax rate, retail and mobile sports wagering would generate between $72 million to $104 million in tax revenue to the state. The proposal advanced by the FY 2022 Executive Budget uses the same gross revenue estimate to generate upwards of $500 million for education. The estimate assumes that the tribal sports wagering operators will not be able to generate meaningful market share.

Commenting on the release of the gaming report, New York State Gaming Commission Spokesman Brad Maione stated, "This report provides a valuable tool for the commission and policy makers to use as discussions continue on the future of the gaming industry in New York. This report should assist with making sound fiscal decisions."

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SALT Cap Repeal Bill Introduced in Congress

WASHINGTON—U.S. Reps. Mondaire Jones (D-NY), Tom Suozzi (D-NY) and U.S. Senate Majority Leader Charles Schumer on Jan. 28 introduced the SALT Deductibility Act that would remove the $10,000 cap on state and local tax deductions imposed in 2017 under the federal tax reform law.

The SALT Cap was highly criticized by New York politicians, as well as the New York State real estate industry, including the Hudson Gateway Association of Realtors.

"When it comes to SALT, if you think Westchester and Rockland families needed and deserved this money before the coronavirus took hold, the stakes are even higher now because the cap is costing this community tens-of-thousands of dollars they could be using amid the crisis... Double taxing hardworking homeowners is plainly unfair; We need to bring our federal dollars back home to cushion the blow of this virus—and this harmful SALT cap—has dealt to so many homeowners and families locally," said U.S. Senate Majority Leader Charles Schumer.

The SALT Deductibility Act would: remove the cap on the SALT deduction instituted in 2017 as part of then President Donald Trump's Tax Cuts and Jobs Act and allows New Yorkers to fully deduct their state and local taxes from their federal taxes.

"Donald Trump cut taxes for billionaires and big corporations and paid for it on the backs of hardworking families in Westchester and Rockland counties, where we pay the highest property taxes in the entire nation," said Rep. Jones at a press conference announcing the introduction of the SALT bill. "That must change. Restoring the SALT deduction is a necessary first step to creating an equitable tax system—one where we put money back in the pockets of working people."

U.S. Rep. Mondaire Jones (D-NY) is an original co-sponsor of the SALT Deductibility Act, which would remove the $10,000 cap on state and local tax deductions instituted in 2017.

Congressman Jones said the passage of the bill will bring needed relief to his constituents in Westchester and Rockland who pay the highest property taxes of any Congressional District in the entire nation, with Westchester ranked first and Rockland ranked second.

Others who praised the bill's introduction were U.S, Senator Kirsten Gillibrand (D-NY), who said, "The reinstating of the SALT Deduction will ensure that New York families have more money in their pockets, get much-needed tax relief and will once again be treated fairly."

New York State Senate Majority Leader Andrea Stewart-Cousins noted that over the last three years, "Trump's unfair attack on Blue States has cost New Yorkers more than $30 billion, while wealthy corporations saw tax breaks."

"I want to thank US Congressman Mondaire Jones for his work, in conjunction with US Senator Chuck Schumer, to restore the State and Local Tax or 'SALT' deduction," said Westchester County Executive George Latimer. "This federal tax law is not only double taxation, but it also unfairly targets communities like Westchester County–and every homeowner in this county is a victim. In Westchester, where the average home is valued at $691,392.00, our homes are our greatest asset and this cap is a hit to our wallet. We cannot stand for this—and we will not. We won't stop fighting until we overturn the SALT deduction cap."

New Members

Continued from page 12

Vincent Gennarelli
Keller Williams Hudson Valley, Middletown

Andrea Graham
Keller Williams Hudson Valley, Middletown

Marci H. Haas
Exp Realty, White Plains

Julia Harrison
Hudson Valley Home Connection

Florence Henry
River Realty Services, Inc.

Kiyoshi Henson
RE/MAX Town & Country, Fishkill

Jose Hernandez
Exp Realty, White Plains

Robert Hevia
Exp Realty, White Plains

Tsahai A. Holder
Exp Realty, White Plains

Reina Y. Horowitz
Coldwell Banker Realty, Rye

Yi-Shan Huang
BRE Services LLC

Tessa J. Hughes-Freeland
Keller Williams Hudson Valley, Rock Hill

Donna G. Ingram
Corcoran Legends Realty, Irvington

JudePatrick G. Jacob
Exp Realty, White Plains

Ilona Jakocs
Keller Williams Realty Partner, Baldwin Place

Darlene Jelen
Abbott & Caserta Realtors

Ashley Knaggs
Keller Williams Realty

Manjola Kozi
Foxworth Realty Inc.

Margaret A. Kozlark
Keller Williams Prestige Properties

Lok Kui
Tuxedo Park Estates Ltd.

Jonathan Liang
Exp Realty, White Plains

Naomi Liptak
Keller Williams Realty NYC Group

Christopher Longo
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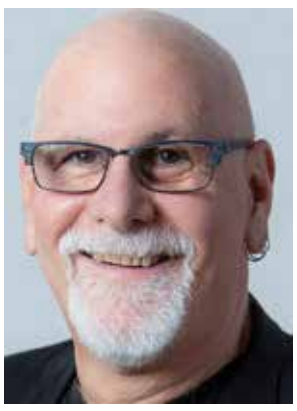
NYC Brokerage Firm Triplemint Expands to Westchester County

By John Jordan

NEW YORK—New York City-based residential brokerage firm Triplemint reported on Feb. 3 it had expanded its operations to Westchester County with the defection of a number of Douglas Elliman agents.

Carol Marrone

Triplemint reported that the Berkowitz Marrone Team led by Owen Berkowitz and Carol Marrone, who were the founding members of Douglas Elliman Westchester, have joined the firm. The team brings nearly six decades of collective experience in the Westchester region to the brokerage firm that was founded in 2013 by Yale classmates David Walker and Philip Lang.



Owen Berkowitz

Berkowitz and Marrone received the Pinnacle Award, given to Elliman's top 2% of agents company-wide, each year since 2016. In 2020, the team closed $60 million in sales volume and were recognized on the *Real Trends*' "The Thousand list."

Rounding out the Berkowitz-Marrone Team that is now affiliated with Triplemint are: Susan Reddy, Michael Taraboulos and Matthew Marrone, who all left Douglas Elliman to join Triplemint.

A Triplemint spokesperson said a Westchester office location has not been established as yet.

"Owen and I are so grateful for the success we saw during our time at Elliman," Marrone said. "We're so excited to take the next step, leading the team and shaping Triplemint from River to Sound. Westchester is our home, and we can't wait to create a better real estate experience for our neighbors."

David Walker, co-founder and CEO of Triplemint

"This move speaks to our entrepreneurial spirit," added Berkowitz. "Westchester has begun to realize a new generation and energy, so joining the Triplemint team presents us with a unique opportunity to marry exceptional data analytics with a robust and nimble marketing platform, which supports our team's hyper-focused approach to stay ahead of the curve."

Westchester marks Triplemint's third expansion. The firm set up operations in the New Jersey market in the summer of 2019 and in the Hamptons in the summer of 2020.

"Since the start, Triplemint's expansion strategy has been about quality over quantity, launching with a people-first focus, rather than market-first," said David Walker, co-founder and CEO of Triplemint. "Westchester has always been a key market for us, but we undoubtedly found the right launch partners in The Berkowitz Marrone Team. We can't wait to grow side by side with such wonderful human beings and the region's utmost real estate professionals."

Legal

Continued from page 5

tunity to or discriminate against a Sales Associate/Freelance Worker, or take any other action that penalizes a Sales Associate/Freelance Worker for, or is reasonably likely to deter a Sales Associate/Freelance Worker from, exercising or attempting to exercise any right guaranteed under this chapter, or from obtaining future work opportunity because the Sales Associate/Freelance Worker has done so.

Additionally, language should be included clarifying that the "Sales Associate/Freelance Worker" is an independent contractor and that nothing contained in the agreement shall be construed to create an employer/employee relationship of any kind, directly or inferred.

Real Estate Salespersons as Independent Contractors

While real estate salespersons have been traditionally characterized as independent contractors, federal law and state laws all vary. Therefore, before hiring any salesperson it is important for a brokerage firm to determine what the salesperson's duties and functions will be. If, after a careful review of the IRS factors, applicable state laws and the case law, there still remains a question as to whether a salesperson should be classified as an employee or independent contractor, or in some circumstances both, then the broker should engage legal counsel. It is crucial for brokers to be aware of any changes in the independent contractor laws.

If it is found that a worker has been misclassified, the penalties and interest may be severe. However, even where an employer may have misclassified its workers, all hope is not lost, at least on the federal level. There is a "safe harbor" provision under Section 530 of the Internal Revenue Code and also the "Voluntary Classification Settlement Program" offered by the IRS, which may provide some relief to employers provided certain conditions are met (see https://bit.ly/3aOYVFl).

Legal Column author John Dolgetta, Esq. is the principal of the law firm of Dolgetta Law, PLLC. For information about Dolgetta Law, PLLC and John Dolgetta, Esq., please visit http://www.dolgettalaw.com. The foregoing article is for informational purposes only and does not confer an attorney-client relationship nor does it constitute legal advice.

Westchester IDA Looks to Enact New Policy to Ensure Local Labor Works on Incentivized County Projects

By John Jordan

WHITE PLAINS—The Westchester County Industrial Development Agency has proposed a set of new local hire labor policy directives for certain development projects securing incentives from the agency. The policy is geared to ensuring projects that are approved for bond financing or other incentives from the IDA hire 85% of its construction workers from the local area.

Westchester County Director of Operations Joan McDonald, who also serves as the chairperson of the Westchester County Industrial Development Agency, presented the draft local hire labor policy proposal to IDA Directors at a virtual meeting of the agency held on Jan. 28. McDonald said that discussion on the proposal would take place at the agency's next meeting that is scheduled for Feb. 25. She added that it is possible that the IDA could vote to approve the policy at that session.

While stressing that the new local hire labor policy is a proposal and could be subject to change, McDonald noted that in addition to the local hire policy, the new proposal also includes mandatory safety training, drug screening, certification of authorization and insurance requirements, certified payroll records and participation in an apprenticeship program.

"I think these are very good policies and should be discussed and move forward," McDonald said. She noted that the County Executive is supportive of the policies and recommended the IDA undertake a two-step process whereby the Board would receive the draft proposal at its January session and then discuss and possibly vote on the measure at its February meeting.

In the draft policy, the IDA noted that construction jobs are vital to the overall employment opportunities available to county residents. The draft policy states, "The IDA believes that companies benefitting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices, including those who have returned from military service, during the construction phase of projects."

The proposed regulations were the result of ongoing negotiations for at least the past two years between county government and the county's building trades.

Among some of the key components of the proposed new policy include:

• Applicants receiving IDA benefits shall utilize at least 85% local labor (Bronx, Dutchess, Orange, Putnam, Rockland and Westchester) for their approved projects; 35% of which must be Westchester County residents.

Applicants receiving IDA benefits and contractors on the projects would be required to keep records of local vendors, suppliers, contractors, etc. and provide certified payroll records to ensure compliance with the local hire regulations. A monitor would be retained to report to the IDA Executive Director Bridget Gibbons. All costs of the monitor would be the obligation of the applicant, according to the draft policy.

• At the session, Chris Spiers, director of administrative services for Westchester County, also discussed the establishment of an apprenticeship program in connection with the initiative, which the county could provide seed money for.

There are potential exemptions that could be granted including:

• Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers;

• Specialized construction is required and no local contractors or construction workers have the required skills, certifications or training to perform the work;

• No labor is available for the project.

• The contractor requires the use of key or core persons such as supervisors, foremen, or construction workers having special skills that are not available in the "local labor" market.

• Cost Differentials: For projects whose project cost exceeds $15 million, significant cost differential in bid prices whereby the use of local labor and materials increase the subcontract or contract of a particular trade or work scope by at least 20%. The cost threshold for projects under $15 million the cost differential threshold would be 10% under the current proposal.

In both instances, the IDA proposal states, "Every reasonable effort should be made by the applicant and or the applicant's contractor to get below the (20% or 10%) cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Westchester-Putnam Building and Construction Trades Council and other local Contractor Associations."

IDA Counsel Michael Curti said that the county in crafting the local hire proposal utilized some of the components of a local-hire policy previously enacted by the Orange County (NY) Industrial Development Agency.

Also, at the IDA session on Jan. 28, the IDA Board approved bond financing and incentives in connection with the redevelopment of Marble Hill, a 133-unit apartment building at 100 Columbus Ave. in Tuckahoe.

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TECH TALK

By John Vrooman
john@johnvrooman.com

It's time for some friendly reminder nudges... 1) Is it time to back up your computer(s) and other devices? 2) Is it time to check for operating system and software/app updates? 3) Is it time to do some computer and other device maintenance activities? 4) When was the last time you ran a full antivirus/malware scan? 5) When was the last time you performed some maintenance (cleaning and calibration) work on your printer(s)? Please do yourself a favor and complete the above tasks as soon as possible (especially if they're overdue).

Online Calculators

If you're not familiar with online calculator sites I would encourage you to visit and explore some of them. Some online calculator sites focus on providing calculators that relate to a single topic while others offer calculators that cover many topics. A quick and easy way to find online calculator sites is to do a web search using "online calculators" as your search term. If/when you want to find a particular type of online calculator, simply include some relevant additional keywords in your web search. For example, if you want to find a calculator that could help you estimate how many jellybeans are in a jar, search for "jellybean jar calculator." If you invest some time exploring the world of online calculators, you'll be amazed at what you find. To help you get started, the following link leads to an "online calculators" Google search results page...www.tinyurl.com/y3hazb36.

Tools That Enable You to Block Unwanted/Annoying Webpage Elements

Webpages consist of different types of "page elements." Examples of common page elements include links, paragraphs, headings, numbered and bulleted lists, tables, regions, images, form controls (including radio buttons, edit fields, checkboxes, combo boxes, list boxes, and buttons) and other things like maps, videos, etc. If you regularly visit certain websites that load slowly, have lots of ads, videos that annoyingly play automatically, etc. there are tools available that you can use to block undesired web page elements. If this more advanced topic sounds interesting and you want to explore and learn more about it, check out the following guidingtech.com's article titled "Top 5 Chrome Extensions to Block Page Elements" that you can review by visiting this link...www.tinyurl.com/y4hoff5k

How to Use Tabs in Google Chrome

What's a Chrome web browser tab? How can you reopen a mistakenly closed browser tab? If a Chrome browser tab, window, or extension isn't working, how can you force it to close? For answers to these and other Chrome browser questions, please visit the following Google Chrome Help page...www.tinyurl.com/y4ja5fhu

Prevent Chrome From Exiting When You Accidentally Close the Last Browser Tab

"Don't Close Window with Last Tab" is the name of a free Google Chrome extension that simply prevents Chrome from exiting when you (often accidentally) close the last browser tab. For many, this simple and mostly single-purpose extension is a handy little frustration reducer. Here's a link to the extension...www.tinyurl.com/y24b8me7

Landline or Mobile?

When you want to know whether a phone number is a landline or a mobile number, these websites can help you answer that question...www.phonevalidator.com and www.freecarrierlookup.com

Under Desk/Table Cable Management Solutions

Do you wish you had fewer cables and cords draping down the back of your computing desk/workstation? If so, you might want to look for some under desk/table cable management solutions that might meet your needs. Amazon has a fairly good selection to choose from and the following link will lead you to them...www.tinyurl.com/y4bgceet

Have You Considered Using a Phone Lanyard?

Digging your phone out of your pants pocket (that you can only get to after first unzipping your coat/jacket) can be a pain. Similarly, if you often keep your phone in a handbag (where it always makes its way to the bottom of the bag) can also be problematic. For those who can relate to the just mentioned phone carrying and quick access challenges, you may want to consider getting a phone lanyard. Phone lanyards keep your phone with you, and easy to access. Additionally, since your phone is always tethered to you it's not left behind/forgotten as much as it would be if it wasn't tethered to you. Phone lanyards come in many different styles and can be "dressed up/down" with different straps for use in both less and more formal situations. The following link leads to an Amazon page where you can view many different phone lanyard styles...www.tinyurl.com/y6m6qahd

Reminders

This column (and many earlier ones) are made available for your viewing convenience at...www.realestateindepth.com/technology

If you have any comments, suggestions, tips, or questions, you can email John at john@johnvrooman.com.

John Vrooman keeps an eye out for cool new hardware, software, apps, gadgets; SaaS solutions; social media developments, trends as well as personal/SMB productivity and related solutions. He gathers information for his column from a diverse range of resources and he enjoys sharing his discoveries with others. John has been authoring this column since August 2000 and welcomes feedback from his readers.

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Legal Updates

As a new member benefit, NYSAR is hosting **FREE monthly legal updates** via Zoom.

These updates will be available for one hour of **CE credit** that satisfies the CE requirement for training on legal matters that relate to real estate.

CE credit is available on a first come, first served basis, but the updates will also be live streamed (for non-CE credit) to watch.

LEGAL UPDATES SESSIONS

» March 11
» April 14
» May 4
» June 28
» July 26
» August 16
» September 13
» October 20
» November 18
» December 14

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Rethinking Regulations Could Spur Organic Growth

PUTNAM POSTING

By Jennifer Maher

This devastating pandemic has resulted in so many lives lost, others negatively impacted, and businesses have taken a wallop. Landlords are struggling to fill spaces being left empty by businesses closing their doors. Each day yet another business announces that they are closing due to COVID-19.

Life will go on despite the terrible heartbreak, physical and emotional toll. New businesses will emerge and a “new" normal will emerge. However, we have seen that to thrive post-COVID, there is a need to shift. Municipalities must rethink antiquated zoning codes that are designed for big box retail, in order to thrive and preserve vibrant main streets. Entrepreneurs are begging for small scale retail opportunities, while residents desperately seek amenities. People want to play, shop, get quality health care and find employment within close proximity of their home in an affordable, accessible manner. It's becoming increasingly clear that municipalities who can deliver the above are the ones who will enjoy a competitive edge as we emerge from the pandemic-induced economic crisis.

Mixed-use zoning is a viable solution for our hamlets. Kids once grew up in Carmel and walked around after school, visiting the variety of family-owned and operated stores and restaurants. What a magical time. I have even considered making an apartment in the 6,000 square feet that my real estate company and my husband’s law office occupy. A post-COVID world is inviting much contemplation of different models for life and work and many are retro in the ways of zoning.

On every “Main Street,” even if the proprietor doesn't live in the residential space, having other dwellers in the commercial corridors supported by proper zoning enforcement (to ensure ample parking, etc.) creates a beneficial and affordable, mutually-supportive ethos. Why are we afraid of affordable housing? It’s not a symbol of class differences; it’s a lifestyle that many have adapted to, opting for travel or expensive hobbies instead of high housing costs.

Putnam County has so many corridors that are struggling because, with the exception of the villages of Cold Spring and Brewster, they do not have what Main Street needs to survive—residents with money to spend.

With so many businesses closing and job losses, wouldn’t homeowners have more opportunities for careers if they could start a business out of their home in a residential neighborhood? Wouldn’t encouraging this boost our own economy? When one starts considering commercial space into their budgets on top of housing costs, many just can’t afford to get started.

It’s time to rethink what needs to be regulated and what we can allow to organically grow in our beautiful county. I am not talking about allowing industrial use in residential areas, I am talking about low-impact, mom and pop, homeowner-driven businesses that could strengthen the social and economic fabric of our neighborhoods. Just food for thought. Please write to me, I’d love to hear your input!

Jennifer Maher is chairwoman of the Putnam County Business Council and Broker/Managing Partner of J. Philip Commercial Group and Managing Partner of J. Philip Real Estate Putnam County.

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Continued from page 22

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Tompkins Mahopac Bank President & CEO to Retire

David M. DeMilia

Gerald J. Klein, Jr.

BREWSTER—The Board of Directors of Tompkins Mahopac Bank announced on Feb. 4 that Gerald J. Klein, Jr. will retire as president and CEO of Tompkins Mahopac Bank after 26 years of service to the company.

Tompkins Mahopac Bank also announced the appointment of David DeMilia, currently senior vice president, to president and CEO. Klein will support the transition process during the first half of the year, retiring mid-year.

Klein joined Tompkins Mahopac Bank in 1995 and was executive vice president and chief lending officer before becoming CEO in January 2007. He currently sits on the board of directors of the bank and is an executive vice president of the bank holding company, Tompkins Financial Corp., and a member of its senior leadership team. Klein serves on the board of the Independent Bankers Association of New York (IBANYS) and was named as a member of the Community Depository Institutions Advisory Council of the Federal Reserve Bank of NY.

Consistent with his personal values and that of Tompkins Mahopac Bank, Klein is immediate past chairman of Putnam Hospital Center Foundation, and is a director on the boards of the Putnam Hospital Center, Putnam Economic Development Corporation and SCORE Putnam. In 2020, Klein was appointed to the Business Council of Westchester’s board of directors. Previously, he served on the board of the Westchester County Association and was also past chairman of the American Heart Association Heart Walk in Putnam, and past corporate chairman of the Cystic Fibrosis Great Strides Walk in Putnam County.

“Jerry is an exceptional business leader who has overseen a period of strong growth and high performance,” said Tompkins Mahopac Bank Board Chairman Michael Spain. “I would like to thank him personally, and on behalf of the Board, for his contributions to Tompkins Mahopac Bank.”

Steve Romaine, president and CEO of Tompkins Financial Corp. added, “Jerry has successfully led the bank into the digital age without ever losing his deep sense of community and the clients he serves. Integrity, positivity, a deep sense of caring and commitment and a strong sense of humor were all marks of Jerry’s leadership over the past two-and-a-half decades. He has been instrumental in the growth and success of the bank. I wish him all the best in his retirement.”

A lifelong resident of Westchester County, DeMilia joined Tompkins Mahopac Bank in 2008. He held a number of positions over the years and is currently the senior commercial lending division manager. DeMilia is a trustee of the WMC Health Organization where he has overseen team efforts to raise in excess of $125,000 for that organization over his years with Tompkins.

“Dave brings strong expertise and leadership in one of our core businesses, commercial banking,” said Spain. “He has directed and co-directed multiple important corporate initiatives that have helped Tompkins continue to be a forward-looking company providing superior services to its clients and its communities. I have gotten to know Dave over the years and, along with the entire board, warmly welcome him and wish him every success.”

“It has truly been an honor to lead Tompkins Mahopac Bank,” said Klein. “The company’s vision and values, as a community bank, closely align with my personal code of ethics, so it has been an outstanding fit for me. Tompkins Mahopac Bank has encouraged and supported my work over the years in the industry and the community. The team of people here at the bank are exceptional and truly committed to serving the needs of our communities and I remain grateful for their support. I look forward to working with Dave during the transition and I have the utmost confidence in his ability to lead and drive sustainable excellence in all that we do.”

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HGAR Installation of 2021 Officers and Directors, Feb. 4, 2021

Richard Haggerty, HGAR CEO

Charlie Oppler, NAR President, installs Crystal Hawkins Syska as 2021 HGAR President.

Charlie Oppler, NAR President, installed the 2021 HGAR Executive Officers and President.

Anthony Domathoti, HGAR President-Elect

Carmen Bauman, HGAR Treasurer

Freddy Vargas presented the Inspiration.

Tony D'Anzica, HGAR Secretary

Gail Fattizzi, HGAR Immediate Past President

David Legaz, NYSAR President (far right) installs the HGAR 2021 Directors

Gary Leogande (bottom) leads the Pledge of Allegiance. Richard Haggerty, HGAR CEO is pictured as well. (top)

The Reminders provided musical entertainment.