



OHIO
REALTORS®



POLICY POSITIONS

Where we stand on important public policy issues.



OUR STORY

Ohio REALTORS® is the state's largest professional trade association. The organization, formed in 1910, is comprised of real estate professionals who have joined the local, state and national associations of REALTORS® and agreed to abide by the National Association of REALTORS®' stringent Code of Ethics. Ohio REALTORS®' membership is composed of residential and commercial brokers, salespeople, property managers, appraisers, counselors, auctioneers and others engaged in the real estate industry.





LICENSING & PROFESSIONALISM

LICENSING & REGULATION:

Ohio REALTORS® pledges to work cooperatively with the Ohio Division of Real Estate and Professional Licensing and other government agencies. Staff will collaborate when possible and necessary to ensure REALTOR® members' interests are being represented.

Ohio REALTORS® supports regulations and legislation that ensure professionalism in the real estate industry, but that such do not unreasonably restrict business practices or impose unnecessary burdens on the industry. Ohio REALTORS® will continue to work with the Legislature, and the Division of Real Estate and other policymakers to illustrate the importance of high standards in the practice of real estate.

Further, Ohio REALTORS® supports technological improvements of the Division's systems to ensure the timely processing of applicants and current licensees when conducting business with the Division. We believe continued modernization of the Division will help licensees and prospective licensees and allow real estate professionals to continue to serve their clients and communities.



HOME INSPECTOR LICENSE:

Ohio REALTORS® supports a home inspector licensing program in Ohio. The inspection of a residential property is one of the most important steps in the home purchase process. Instituting consistent standards of practice, education and competency is important to ensure a smooth inspection process.



AGENCY RELATIONSHIPS & RESPONSIBILITIES:

Ohio REALTORS® continues its commitment to the timely disclosure of agency relationships to Ohio's consumers in a meaningful way. It also is committed to reasonable policies and assure that REALTORS® are complying with the fiduciary obligations owed to their clients.

INDUSTRY & PROFESSIONAL LIABILITY:

Ohio REALTORS® supports legislative and regulatory policies that clearly define the obligations and standards imposed on real estate professionals, but that do not unreasonably place additional duties on the licensee and expose them to disciplinary action and civil liability. These requirements should be well-defined so that they are not subject to varying interpretation, thereby exposing REALTORS® to potential liability. Additionally, any legislation should confirm the duty of the client to conduct their own due diligence so they have a full understanding of their real estate transaction.

Due to the COVID pandemic, Ohio REALTORS® supports policies that provide civil immunity to individuals and businesses to prevent frivolous lawsuits for unintended and inadvertent COVID transmission.



TAX ISSUES

REAL ESTATE TRANSFER TAXES:

Ohio REALTORS® opposes real estate transfer taxes and potential tax increases, in addition to all other fees and similar financial roadblocks to residential and commercial property ownership and investment. In general, these taxes make property ownership more expensive and can make property investment in Ohio less attractive.

Additionally, we oppose proposals that would apply the transfer tax to the sale of a business ownership interest in an entity that directly or indirectly owns real estate. In the case of a transfer of a business, the value of real property within the business can be difficult to ascertain.

SCHOOL FUNDING REFORM & PROPERTY TAXES:

We support fair and equitable property taxation policies. Ohio REALTORS® continues to monitor all school funding reform legislation as this may impact property taxation and property values.

SALES TAX ON PROFESSIONAL SERVICES:

We oppose legislation that would levy sales taxes on professional real estate services including real estate brokerage services, appraisal fees, home inspections, and credit reporting which could significantly drive up the cost of housing and property investment. This would make homeownership and commercial investment more expensive and less attractive.





TAX ISSUES

COMMERCIAL REAL ESTATE & PROPERTY VALUATION:

We Ohio REALTORS® supports policies that give flexibility to a property owner and certain other representatives to contest property values for tax purposes. Further, we support legislation that provides transparency and accountability into the property value challenge process, specifically when another party is challenging another property owner's property values.

BUSINESS INCOME DEDUCTION:

Ohio REALTORS® oppose any changes to the Ohio small business income deduction that would adversely affect our members by reducing the significant tax savings benefit provided by this tax treatment of business income.

The savings from this tax treatment have been re-invested by REALTORS® in their businesses including the hiring of additional agents or employees, investment in technology, office space, equipment, and many other items important to a growing small business that provide economic benefits to Ohio's economy. We will continue to protect and retain this tax provision as it impacts many Ohio REALTOR® members and their businesses.

BROADBAND ACCESS

BROADBAND INTERNET EXPANSION:

Ohio REALTORS® supports legislation that expands broadband internet access to all Ohioans. Across the state, many communities have no or limited access to broadband internet. In a time where many employees and businesses have begun working remotely, the need is greater than ever to expand broadband access to rural and underserved communities.

While Ohio REALTORS® supports broadband access, we oppose excessive fees or taxes on homeowners to cover the costs of expansion and believe the financial responsibility should be equally distributed to all Ohioans as everyone will reap the benefits.



EQUALITY IN HOUSING

FAIR HOUSING & EQUAL PROTECTION:

Ohio REALTORS® affirms its support of federal and state fair housing laws that provide equal opportunity in housing by protecting individuals from discrimination in the sale, rental, financing, or advertising of housing. We also support the REALTOR® Code of Ethics and noted policies that further protect individuals and families by requiring REALTORS® to provide equal professional services and to refrain from using discriminatory or hate speech.

We support legislation to further enhance Ohio's Fair Housing practices, and support legislation that would add "gender identity" and "sexual orientation or expression" as protected classes under Ohio law.

DISCRIMINATORY COVENANTS:

Ohio REALTORS® denounces discrimination in any form. It therefore supports legislation to allow property owners to redact discriminatory covenants from their online deeds. Legislation should create a uniform process to be utilized by property owners or a qualified party acting on their behalf (attorney, title company or agent) to remove such language from recorded instruments. Any administrative fees charged for redaction should be reasonable.





RESIDENTIAL INVESTMENT & PROPERTY MANAGEMENT

LANDLORD AND TENANT ISSUES:

Ohio REALTORS® supports policies that provide fairness and balance between a landlord and tenant. Tenants should be able to enjoy and use of the property within the rights outlined in a lease or other agreement.

We oppose legislation that would unduly restrict or diminish the rights of the landlord or housing provider. We oppose policies that would put unfair mandates on the landlord or housing provider or restricts their ability to use their property as intended. We assert that property owners should be able to financially benefit from a real property investment if a favorable market allows, without the interference from a government entity.

Additionally, we oppose blanket eviction bans as they fail to consider the financial responsibilities and liabilities of the property owner. Eviction bans that relieve all tenants (both residential and commercial) of the obligation to pay rent do not take into consideration the entire rental situation and can create an unfair playing field for property owners and housing providers. When considering such policies, a comprehensive approach to the issue must be undertaken that factors in the landlord's financial obligations, including mortgage payments, utilities, staff costs, and other expenses. Instead, in certain situations (COVID, other emergencies) we support rental assistance that is paid directly to the housing provider to ensure no interruption of services or payment.

SOURCE OF INCOME PROTECTIONS:

Ohio REALTORS® opposes policies that would prohibit housing providers from refusing to rent to tenants based upon the source of their income. (I.e., the Housing Choice Voucher Program administered through the U.S. Department of Housing and Urban Development.) The Housing Choice Voucher Program was developed and intended to be a voluntary program for housing providers to offer housing options to certain low-income residents. While Ohio REALTORS® supports this program, a private property owner should be able to decide if they want to participate in the program that entails additional requirements and inspections.



SUSTAINABILITY & ENVIRONMENTAL ISSUES

CLIMATE CHANGE:

When developing climate change and sustainability policies, Ohio REALTORS® believes the policy should account for the protection of private property rights and preserving affordability. Environmental initiatives should not be barriers to the ability to own, use and transfer property. The association opposes transaction-triggered mandates and requirements that impose undue economic impact on property owners, managers and tenants.

HOUSING INVENTORY SHORTAGES

HOUSING SUPPLY:

Legislative and regulatory policies should support the development and redevelopment of housing for all income levels. With housing inventory at critically low levels, policymakers are urged to continue to seek creative, innovative ways to increase housing supply. Special attention should be directed to the shortage of workforce housing and to identify policies that increase this inventory.

Ohio REALTORS® shall work to better understand the housing needs and gaps that exist in the state. A coalition of industry partners may provide additional creativity and guidance to better understand how policymakers can best develop policies to increase housing inventory across the state.

While Ohio REALTORS® supports policies to encourage housing inventory, it opposes expensive and unfair requirements to reach a more plentiful housing market.





REAL ESTATE FINANCING & TRANSACTION ISSUES

RESIDENTIAL PROPERTY ASSESSED CLEAN ENERGY (R-PACE) FINANCING:

Ohio REALTORS® opposes Residential Property Assessed Clean Energy (R-PACE) financing. R-PACE provides a mechanism for financing energy-related home improvement projects. But R-PACE financing is not a traditional loan. It is an assessment on the homeowner's property taxes and becomes a super priority lien on the property. Ohio REALTORS® believe that residential PACE liens should be subordinate to any first mortgages, meaning "super liens" should be prohibited. This will allow homebuyers to continue to easily obtain financing while supporting energy efficiency and ensure mortgage markets remain secure. Although the PACE program has worked well for commercial/industrial properties, there have been serious concerns raised regarding predatory, fraudulent practices in the residential market. Any statutes permitting residential PACE liens should also include consumer protections against predatory practices including disclosures and sound underwriting.

PROSPECTIVE AND FIRST-TIME HOMEBUYERS:

Ohio REALTORS® supports legislation and programs that encourages and assists first time buyers in achieving homeownership. Homeownership is one of the best financial decisions an Ohioan can make. Additionally, homeownership is widely beneficial to the economy, builds strong communities, and creates generational wealth.

POINT OF SALE INSPECTIONS:

Ohio REALTORS® opposes any policy that would require a property owner to obtain and pass an inspection of any kind, and to make government mandated repairs prior to transfer of their real property. Point of sale inspections infringe on the rights of a private property owner and require expensive, unnecessary roadblocks to a home sale.

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REAL ESTATE FINANCING & TRANSACTION ISSUES

Moreover, purchase contracts typically include an inspection contingency that allows the buyer to have a private inspection and provides for remedies in the event of an unsatisfactory report. Requiring the seller to pay for an additional inspection by the city is a duplicative and unnecessary expense for sellers.

LAND CONTRACTS:

Ohio REALTORS® opposes legislation that would significantly alter land installment contract law in Ohio, by imposing unnecessary burdens on the vendor to the extent that could eliminate this as a viable option to finance a real estate purchase. Land contracts are, for some, the only method by which they can purchase a home, and as such should remain a viable financing option for Ohio consumers.



RESIDENTIAL PROPERTY DISCLOSURE FORM:

Ohio REALTORS® continues to support current law requiring the seller to disclose known defects and other relevant information involving the condition of residential property via the Ohio Residential Property Disclosure Form. This form should be concise and clear to facilitate good faith disclosure by the seller and to assure the buyer has a clear picture of the current condition and history of known defects or hazardous substances within the home or property.

While Ohio REALTORS® supports certain necessary updates to the form, we oppose policies that will expand the form to include information unrelated to the physical condition of the property and that would stray from the original intent of the Residential Property Disclosure form.



PRIVATE PROPERTY RIGHTS

LAND USE/ZONING:

Ohio REALTORS® supports the right of a property owner to use their land as zoned. In addition, property owners shall not be denied variances or re-zoning by governmental authorities in an arbitrary and capricious manner and without providing due process and equal treatment as provided for in the constitution. Therefore, Ohio REALTORS® opposes government interruption of an owner's use such as down-zoning, prohibitions against development, and other limits placed on development and land use.

PRIVATE PROPERTY RIGHTS & EMINENT DOMAIN:

One of Ohio REALTORS® core values includes the protection of private property rights. To this end, governments shall not arbitrarily infringe on the basic right of the individual to acquire, possess, use and freely transfer their real property.

When a government entity exercises its eminent domain authority, it should do so only when necessary to materially advance a real and substantial public purpose or benefit and after paying just compensation to the property owner, not only for the value of the property but also all other reasonable and necessary costs generated by the taking, including, but not limited to, hiring legal counsel, obtaining temporary housing, lost business revenue, and severance damages.

Such power should only be exercised with respect to property that is not blighted when it is pursuant to a comprehensive, objective economic development plan. The government should provide persuasive, objective evidence that the project, and the resulting public purpose or benefit, will in fact be realized.





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