

## 2013 Calendar

### GREC Brokerage Course & Trust Accounts Class Dates:

- September 25 & 26, 2013  
Atlanta Board  
[www.learningrealestate.com](http://www.learningrealestate.com)
- October 16 & 17, 2013  
Altamaha Basin Board  
<http://altamahabasinmls.com>
- November 13 & 14, 2013  
N.W. Georgia Council  
<http://www.gcar.net/>

### Common Violations Class Dates:

- September 6, 2013  
NE GA BOR  
706-781-3030
- September 10, 2013  
GAMLS Tucker  
770-493-9000
- September 17, 2013  
Thomasville BOR  
229-228-5279

[Click here to  
see GREC  
Disciplinary  
Sanctions](#)

Georgia Real Estate Infobase



#### This Issue:

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## Are You Updating Your Listings, Profiles, Email, etc?

**With great technology comes responsibility.** The real estate industry benefits from internet advertising, listing sites, social media, targeted online databases, email broadcasting, and a host of other web services created or made possible by the World Wide Web. Real estate professionals must take advantage of technology to competently market their listings, stay competitive, find buyers, and take advantage of the many opportunities offered by internet exposure and the availability of data. Although the internet has made advertising real estate much easier than the days of paper flyers and mailed postcards, there is also the added responsibility of managing that exposure. Some of the issues to consider include:

1. When a listing expires, the licensee must remove the listing from all services within 10 days of the expiration. This sounds simple enough. But remember that a listing can be posted on several sites and could also be published in online newsletters, social media sites, links, and referral sites.
2. If a licensee advertises any properties on his/her personal website, those properties must be reviewed and updated as necessary and in a timely manner. Just as signage must be removed within 10 days of expiration, so must any online advertising.
3. The broker holding any listing must be sure to update any multiple listing service publication or site. Certain deadlines may require some planning in order to meet the requirements of the License Laws, Rules, and Regulations. The broker is responsible for reviewing and approving all advertising. [520-1-.09 \(2.1\)](#)
4. Most commercial listing services contact the listing broker every 30 days to verify that the listing is current. Some services do not contact the broker as they expect the broker to personally log into the listing site and update the data as needed. This applies to canceled listings and expired listings as well as those that are sold.
5. If a licensee transfers his/her license to another brokerage company, his/her personal website and any related real estate links must be updated immediately. Otherwise, he/she is providing inaccurate information and confusing the public. The License Laws, Rules, and Regulations prohibit licensees from presenting inaccurate or misleading information. [43-40-25\(b\) \(2\)](#) ...[see page 2](#)

New web address for the GA RE InfoBase. Bookmark it now.

<https://www.grec.state.ga.us/infobase/infobase.html>

This online resource for Georgia licensees is designed to help licenses maintain competency and further their knowledge in the practice of real estate brokerage.

## Online Courses from GREC

**\$10 each  
3 Hour CE  
Course  
Total of 9 Hours  
CE Available**

**“Avoiding Trust Account Trouble”**

**“Practicing Real Estate & Staying Out of Trouble”**

**“Being a Broker and Staying Out of Trouble”**

[Click Here](#)

Comments or Suggestions  
[Click Here.](#)



To sign up to receive the GREC RENEWSletter  
[Click Here](#)

**Georgia Real Estate Commission**  
Suite 1000  
International Tower  
229 Peachtree Street NE  
Atlanta, GA 30303-1605  
Phone 404-656-3916

# Update Your Profile....

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- If a property owner chooses not to renew a listing with the broker and hires another brokerage company to handle the property, the owner may decide to change the terms of the offering. If the past listing data is not removed it could be detrimental to the sale with the new listing company, especially if the price changes.
- Recently the Commission increased its use of email to communicate with licensees. The licensee is required to update all contact information, including email address, on the GREC web site. By law, this information must be current or updated within 30 days of the change.

Whether it is an internet posting, the Commission database, or the web site of the individual licensee who advertises property on his/her web site, accuracy of the information is critical. Consider the case of salesperson Vandale. (*All names are fictitious.*)

Vandale advertised herself to the public as a managing broker and broker/owner of World Realty when, in fact, she was a licensed salesperson/manager/owner of another firm, Global Realty. [43-40-25\(b\) \(2\)](#) & [520-1-.09 \(2\)](#)

In September, Vandale advertised on the internet website of the firm with which her license was actually affiliated that she was the managing broker of said firm. In the same month she advertised on a targeting and lead generation internet website that she was the broker and owner of World Realty. In fact, she was not a real estate broker at all. She advertised material which was misleading or inaccurate or which misrepresented services of the business conducted.

Vandale had previously been sanctioned by the Commission for other violations. The Commission may consider any such prior sanction in determining the severity of a new sanction. On more than one occasion, she demonstrated incompetency to act as a real estate licensee in such manner as to safeguard the interest of the public. Her actions demonstrated that she does not bear a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a real estate licensee in such a manner as to safeguard the interest of the public. [43-40-15\(a\) \(f\)](#).

Vandale's license was suspended, she was required to pay \$10,000 for administrative, investigative, and legal costs and expenses, and required to complete 9 hours of specific GREC coursework. If not complied within a timely manner, the license could be revoked without further notice or hearing.

## Focus on Concepts: “presenting offers”

The License Law, Rules, and Regulations require the licensee to present all signed offers. [BRRETA](#) actually goes further and requires all offers be presented. This is addressed in [BRRETA](#) in the sections detailing the duties and responsibilities of the broker when representing seller or landlords and buyers or tenants.

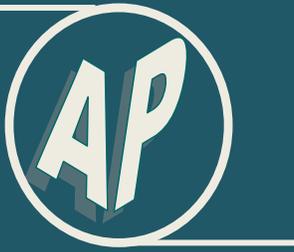
[BRRETA O.C.G.A. 10-6A-5 & 6](#) **Duties and responsibilities of broker engaged by seller or landlord:**

(B) Timely presenting **all offers** to and from the seller (or landlord), even when the property is subject to a contract of sale (or a lease or a letter of intent to lease)

[BRRETA O.C.G.A. 10-6A-7 & 8](#) **Duties of broker engaged by buyer or tenant:**

(B) Timely presenting **all offers** to and from the buyer (or tenant), even when the buyer is a party to a contract to purchase property (or the tenant is a party to a lease or a letter of intent to lease)

If an offer is made in an email that includes an electronic signature, it is considered a written offer. Even if it is made in a casual manner, the licensee must present the offer. There are court cases involving the validity or enforcement of contracts created through emails, or other actions, written or expressed otherwise. Licensees should be careful to maintain open communication with the client regarding the property as required by the agency relationship.



# The Appraisers Page

## Useful Links:

[GREAB Web Site](#)

[Appraisal Act](#)

[GREAB Disciplinary Sanctions](#)

## Manufactured vs. Modular

By: D. Scott Murphy, SRA



### What is a Manufactured Home?

The term "manufactured home" specifically refers to a home built entirely in a protected environment under a federal code set by the US Department of Housing and Urban Development (HUD). Manufactured homes are NOT mobile homes. The term "mobile home" describes factory-built homes produced prior to the 1976 HUD Code enactment.

The HUD code requires each manufactured home to meet the following requirements:

- Built as a one, two or three section home in a protected building center, transported to the home site on a frame and installed.
- Meets the strict HUD code restrictions for design and construction, durability and strength, fire resistance, transportability, energy efficiency and quality.
- Built on steel beams with wheels under each section.
- Meets the high standards for heating, plumbing, air conditioning and thermal and electrical systems performance.
- Passes stringent third party inspections.

### What is a Modular Home?

Modular homes are the fastest-growing segment of the home-building industry. A modular home is simply a home built to local building codes in a controlled, environmentally protected building center using precise and efficient construction technology. A modular home is built to the same codes as a site-built home, and because they must be transported to the home site, modular homes are much stronger than comparable site-built homes. Efficient building process provides strict quality control, faster building cycles and less material waste during the building process. The result is a 15-20% savings over comparable site-built homes.

Mobile homes (or [manufactured homes](#)) are [housing](#) units built in factories, rather than on site, and then taken to the place where they will be occupied. They are usually transported by semi-trucks over public highways. They are less expensive per square foot than site-built homes and are often associated with rural areas and high-density developments, sometimes referred to as mobile home parks.

The two major forms of manufactured homes are single-wides and double-wides. Single-wides are sixteen feet or less in width and can be towed to their site as a single unit. Double-wides are twenty feet or more wide and are towed to their site in two separate units, which are then joined together. Triple-wides and even homes with four, five, or more units are also manufactured, although not as commonly.

In the U.S., manufactured homes are regulated by the United States [Department of Housing and Urban Development](#) (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974. It is this national regulation that has allowed many manufacturers to distribute nationwide, since they are immune to the jurisdiction of local building authorities. By contrast, producers of [modular homes](#) must abide by state and local building codes.



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## Manufactured vs. Modular



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### History

A typical manufactured home of the 1960s-70s was twelve by sixty feet.

This form of housing goes back to the early years of automobiles and motorized highway travel. It was derived from the [travel trailer](#), a small unit with permanently attached wheels often used for camping. Larger units that were intended to be used as dwellings for several months or more in one location came to be known as house trailers.

The original focus of this form of housing was its mobility. Units were initially marketed primarily to people whose lifestyle required mobility. However, beginning in the [1950s](#), mobile homes began to be marketed primarily as an inexpensive form of housing designed to be set up and left in a location for long periods of time, or even permanently installed with a masonry foundation. Previously, units had been eight feet or less in width but in 1956, the introduction of the 10-foot wide mobile home was made. This helped solidify the line between mobile homes and house/travel trailers, since the smaller units could be moved simply with an automobile, but the larger, wider units required the services of a professional trucking company. In the 1960s and '70s, mobile homes became even longer and wider, making the mobility of the units even more difficult. Today, when a manufactured

home is moved to a location, it is usually kept there permanently. Since the 1970s, the term "manufactured home" has largely replaced "mobile home", since the mobility of the units has considerably decreased.

Many people who could not afford a traditional site-built home or did not desire to commit to spending a large sum of money on housing began to see manufactured homes as a viable alternative for long-term housing needs. The units were often marketed as an alternative to the apartment rental. However, the tendency of the units of this era to rapidly depreciate in resale value made using them as collateral for loans far riskier than traditional home loans. Terms were usually limited to a less than the thirty year term typical of the general home-loan market, and interest rates were considerably higher. In other words, mobile home loans resembled motor vehicle loans far more than traditional home [mortgages](#).

### Legal complications:

The rise of the manufactured home brought with it complications that the [legal system](#) was not prepared to handle. Originally, manufactured homes tended to be taxed as vehicles rather than real estate, which resulted in very low property tax rates for their inhabitants. This led local governments to reclassify them for taxation purposes.

However, even with this change, rapid [depreciation](#) often resulted in manufactured home occupants paying far less in property taxes than had been anticipated and budgeted. The ability to move many manufactured homes rapidly into a relatively small area resulted in strains to the infrastructure and governmental services of the affected areas, such as inadequate water pressure and sewage disposal, and highway congestion. This led jurisdictions to begin placing limitations on the size and density of developments.

As noted above, early manufactured homes, even those that were well-maintained, tended to depreciate in value over time, much like motor vehicles, rather than appreciate in value, as with site-built homes. The arrival of manufactured homes in an area tended to be regarded with alarm, in part because of devaluation of the manufactured housing potentially spreading to preexisting structures.

This combination of factors has led most jurisdictions to place [zoning](#) regulations on the areas in which manufactured homes are placed and limitations on the number and density of manufactured homes permitted on any given site. Other restrictions, such as minimum size requirements, limitations on exterior colors and finishes, and foundation mandates have also been enacted. There are many jurisdictions that will not allow the placement of any additional manufactured homes. Others have strongly limited or forbidden all single-wide models, which tend to depreciate in value more rapidly than modern double-wide models.