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# **MICHIGANREALTOR®**

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## Time to Turn on the Jets

There is a lot to love about summer in Michigan, from the warm sun to the cool Great Lakes waters, longer days and fresh, local produce - there is just so much to take in and enjoy. As Realtors®, there is one more great joy every summer: the sheer pleasure and distinct privilege of helping Michigan consumers achieve the American dream of home ownership in our magnificent state!

No doubt you are all in right now doing just that. It's a busy time for all of us, but one that allows us to practice all of the skills and resources that we have been picking up along the way over the course of the winter. This is go time, and we are ready for it!

Don't let the momentum slip away, so make sure your next steps for learning and growth are comfortably at hand. It's time to register for The Convention.

#### THE CONVENTION A MICHIGAN REALTORS® EVENT

Detroit Marriott at the Renaissance Center, Detroit October 2-4, 2019

Online registration now open! (convention.mirealtors.com)

The Convention is the premier real estate education and trade show event in the state of Michigan. Hosted by Michigan Realtors®, The Convention offers a full slate of CE Marketplace certified knowledge sessions, networking opportunities as well as new products and services for our members and industry professionals in an upscale environment. There is truly something for every Realtor® no matter how novice or seasoned.

The Convention is set to exceed your expectations and connect you with countless tools to grow your business, build your pipeline and help

you be the best Realtor® you can be. We'll offer you everything you need to grow and prosper as a cuttingedge Realtor® in

Michigan - CE Marketplace certified knowledge sessions, networking opportunities and new products and services in the

Expo. We have dynamic presenters lined up to address some of your pain points and help you recognize some you didn't even know you had. And best of all, you will be inspired to be your best self as you return to your community with more great ideas under your belt.

This year, we are proud to welcome Nicole Malachowski as The Convention Grand Assembly Keynote Speaker or 2019. In addition to a distinguished 21-year career in the United States Air Force, Nicole adds jet fighter combat veteran and White House Fellow to her exemplary list of accomplishments. A debilitating illness brought her career to a crashing halt and left her to overcome enormous odds in regaining her speech, mobility, and life. She will challenge your thinking in ways you never expected, and inspire you to a whole new level of success. This will be epic and hopefully motivate you every day.

We will also honor some very important individuals, including the Realtor® of The Year and Realtor® Active in Politics. We will also install Maureen Francis as our 2020 President!

Make connections, hone your skills and take in the electric energy of hundreds of your colleagues in the real estate industry at this year's event. Save the date now and register today!

While you continue to reach out to your pipeline, network and community throughout the second half of 2019, be open to sharing tips and tricks while receiving some, too. Be open to continuing to work on your personal and professional development while continuing to break barriers personally, professionally and in your communities. •

This is go time, and **WE ARE READY** for it!



#### MICHIGAN REALTORS®

**Matt Davis** 

E'toile L. Libbett

## **COMING EVENTS**

#### September 10, 12 and 13, 2019

#### **Professional Development Series**

September 10 – Kalamazoo

September 10 – Sault Ste. Marie (video conference)

September 12 – Mt. Pleasant

September 13 – Livonia

#### September 18, 2019

#### Capitol Day

Downtown Lansing

#### October 2-4, 2019

#### The Convention

Detroit Marriott at the Renaissance Center, Detroit Learn more and register by visiting: www.mirealtors.com

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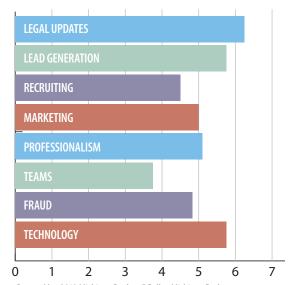






#### **POLL RESULTS**

What topics do Brokers want to discuss at the 2020 Broker Summit?



Source: May 2019 Michigan Realtors® Poll to Michigan Brokers.





# The Nitty-Gritty

We are now officially more than a quarter of the way through this legislative session under a divided government, and the legislature and Governor Whitmer still looks to be working cooperatively on the big issues affecting Michigan. Sure, they still have very different philosophies on how to approach these problems. They are still competing against each other in the political arena. However, a compromise on Auto Insurance Reform signaled willingness to work together, and that's a good thing for Michigan.

The next tasks to tackle, balancing the budget and road funding, are going to require even more trust and commitment to compromise. Governor Whitmer's perspective is that these two issues are one and the same, and that she will only sign a budget that includes money for our underfunded infrastructure system. The House and Senate leadership dismissed the Governor's budget and road proposals out of the gate. The legislature is now at work on its own proposal that could include options such as: eliminating sales tax at the pump in favor of a road specific tax, bonding on the Michigan Public School Employee Retirement fund, or trimming costs from other areas of government.

Early on, the Michigan Realtors® Public Policy Committee opposed the Governor's proposals to increase the income tax on LLCs and other pass-through entities and increase the gasoline tax by \$0.45 per gallon. However, we remain at the table with other business organizations to stress the importance of road funding and a balanced budget to Michigan's economic future. We recently co-signed a letter to the Governor and legislative leaders urging them to continue their discussions to put this state in the best position for the future.

As the legislature debates these issues, Michigan Realtors® is continuing to successfully back key pieces of legislation that recently received the Governor's signature and gain initial movement on our top priorities and legislation beneficial to commercial and residential real estate.

#### LAND DIVISIONS AND PROPERTY TAXES -HB 4055 - PUBLIC ACT 23 OF 2019

This bill gave Michigan Realtors® the opportunity to work with freshman Representative Brad Slagh (R- Zeeland) on an important clarification to the Michigan Land Division Act. Representative Slagh, a former county treasurer, introduced the bill to give local tax collecting units the ability to collect back taxes on property owners seeking to divide their land. Over the years Michigan Realtors® has staunchly defended the Land Division Act to make sure that property owners across the state know the specific requirements for a division and prevent local governments from adding additional criteria to deprive owners of that right.

The bill as introduced would have added an additional requirement to the Land Division Act that all of the taxes be paid current on the parent parcel in order for a local government to approve a division. Michigan Realtors® recognizes that sometimes land divisions are used to pay off back taxes, especially in the case agricultural property. Working with Representative Slagh and the Michigan Association of County Treasurers, an amendment was added to the bill to allow the division to go forward while codifying the existing practice that the taxes be paid and current on the new parcel once it is transferred.

As a result, HB 4055 passed the House and Senate unanimously and was signed into law on June 18th.

#### **PROPERTY TAX PAYMENT PLANS -**HB 4121 - PUBLIC ACT 35 OF 2019

Michigan Realtors® was proud to work again with Representative Wendell Byrd (D- Detroit) on this bill that provides county treasurers the ability to enter into property tax repayment plans with delinquent homeowners.

The law originally passed in 2012 to help homeowners stave off tax foreclosure so long as they were able to enter into a repayment agreement with their local government. Unfortunately, as originally passed the law included a "sunset" provision meaning it expires after a period of a few years. We have been back to the table with Representative Byrd every session since that initial passage praising the work it has done for homeowners across the state. Each time the legislature extended the sunset, and the law was set to expire again June 30, 2019.

The number of Michigan homeowners that have been able to hold onto their homes through these programs tells a compelling story for keeping it around. Unfortunately, Representative Byrd's original proposal to make the program permanent needed to be met with a compromise. The bill as passed and signed into law will now allow tax payment programs to extend until June 30, 2026.

Governor Whitmer has signed 47 Public Acts this year and we are happy to count these bills among them.

# To get **REALTOR® PARTY MOBILE ALERTS**, text "Realtor" to 30644.

Looking ahead to the fall, Michigan Realtors® is anticipating continued movement on three other bills that received legislative action before the last votes in June.

#### MAIN STREET FAIRNESS ACT - HB 4540-4543

The issue of leveling the playing field between main street and on-line businesses in terms of sales tax collection is a long debate at both the state and federal level. Court cases over the years, including the recent *South Dakota v. Wayfair*, have increasingly found in favor of the states on the issue of nexus. Under Wayfair, states are allowed to collect sales tax on purchases, even where the seller has no physical presence in the state.

Over the years, both Michigan Realtors® and NAR have supported the Main Street Fairness Act as a means of preserving the value of commercial real estate and retraining vital investment in our cities and infrastructure. This bipartisan package of bills aims to implement the sales tax collection practice in Michigan, a move that other states are making as well.

The bills passed out of the House Tax Policy Committee on June 19th and will now proceed to the House Ways and Means Committee, a final stop before the House floor. Michigan Realtors® plans to make the Main Street Fairness Act a key talking point during our Capitol Day this September.

## SOLAR PANELS AND ALTERNATIVE ENERGY SYSTEMS - SB 47 HB 4069 AND 4465

These bills are a reintroduction from last year after they met the same fate as our First-time Homebuyer Savings Account bills—a veto from Governor Snyder. Spearheaded again by now-Senator Tom Barrett (R- Potterville), along with Representative Bronna Kahle (R- Adrian) and Representative Yousef Rabhi (D- Ann Arbor), these bills prevent increases in taxable value for commercial and residential property with the addition and maintenance of solar panels and certain types of alternative energy systems.

Sometimes classified as real property, sometimes personal property, solar panels have been subject to a variety of interpretations under Michigan tax law. These bills seek to provide a clear in consistent direction stating that solar panels would not be considered "additions" under the General Property Tax Act and further ensure that maintenance and repair of certain alternative energy systems not be included in calculating true

cash value. Michigan Realtors® supports incentivizing these types of green additions to homes and commercial real estate.

The bills are now moving forward as a package through both the House and Senate with wide bipartisan support. Governor Snyder indicated a number of technical issues with the bills in his veto message last year so work with Treasury is important to make sure the administration of these tax benefits helps those that seek to use it.

#### **CAP ON FORECLOSURE FEES - HB 4226**

This bill sponsored by freshman Representative Ryan Berman (R- Commerce Township) seeks to put a statutory cap on the amount that a purchaser of a foreclosure, and their designee, could charge for calculating the redemption amount.

Representative Berman introduced the bill after noticing a practice of purchasers and their designated companies charging abusive fees to homeowners seeking to redeem their property. Under Michigan law, after a Sheriff's sale a homeowner has a statutory redemption period that typically lasts 6 months. The purchaser must state the amount by which the homeowner can redeem the property and may use a designee to help calculate the redemption amount for a fee. Under the bill, that fee would be capped at \$250.

Michigan Realtors® has long been a proponent of Michigan's redemption period to allow homeowners to assess all of their options during a foreclosure. An excessively large fee could mean the difference between redeeming the property and losing it forever. The Public Policy Committee supported capping a fee that real-life examples show can very between \$50 and a couple thousand dollars, for what should be a rather easy calculation. In a few instances provided to the legislative committee, the fee was higher than the redemption amount.

Though the legislature is not currently voting, Michigan Realtors® continues to monitor the ongoing budget and road funding discussions. When the legislature returns to voting in September we look forward to continued movement on the bills mentioned above, along with votes on our top priorities - - Michigan First-time Homebuyer Savings Accounts and protection of vacation rentals.

Please follow along with breaking news through our social media and E-news publications. Additionally, be the first to receive legislative Call for Action alerts on your mobile phone by texting the word "REALTOR" to 30644.

# Relationships (Not Technology) Matter Most

Missed the event of the year? No worries, we've got the top takeaways from the conference ready for you.

BY TRACEY C. VELT

This year's *Gathering of Eagles* brought together leaders from all models of real estate brokerages to hear from industry icons, technology gurus, advertising experts and more. Missed the event? No worries, we've cherry-picked the most pertinent tips and quotes. The overarching theme: Technology only serves to help agents facilitate relationships. While the focus has been on technology, the truth is that success in real estate has always been—and will always be—all about the relationships.

FACEBOOK HAS THE POWER. Well, not really, but Ken Auletta, keynote speaker and author of the book, Frenemies, regaled GOE attendees with an insider view of the advertising world. Included in that analysis was the fact that social media is manipulating your decision to take action, buy something or sign up for a service. Of course, we all know that, but we're still getting sucked in. Something to think about when you're developing your next Facebook ad: no one likes being manipulated, so consider transparency and reaching out instead of gimmick ads.

**ONE-STOP SHOPS ARE THE FUTURE.** Robert Reffkin of Compass talked about making his company the "Amazon of real estate." He thinks that along with the already-in-place Compass Concierge, which allows his agents to be full-service advisors, along with mortgage, title and insurance components, will offer the perfect way to fight the culture of the discounters. He also announced that listing agents always get the lead, even if they're not with Compass. "On the Compass website, if you're the listing agent, you get the lead, no matter what. It creates transparency, and creates the foundation for various ways to partner," he says.

**IF YOU CAN'T BEAT THEM; JOIN THEM.** The GOE iBuyer panel (by the way, they hate the term iBuyer), wants to make the transaction more straightforward for the home seller, so you have something in common with them. One tip: During your listing presentation, give prospective sellers all of their options, so you don't get left out of the transaction.

TECH IS GREAT, BUT... Sure, Keller Williams is rebranding itself as a technology company, but their leaders are smart enough to know that technology is about making the transaction more efficient for the buyers and sellers. It won't take the place of great relationships. Coach Tom Ferry posed the thought that "Agents don't care about technology. They care about whether their kid is smoking pot, how they're going to lose weight and when they'll get their next listings." In response, Keller Williams CEO Josh Team said, "I agree they don't care about disruption on a macro level, but when it hits their bottom line, they care a whole lot. Agents do care about technology because to stay relevant, they need to compete with disruption." Ferry also mentioned that brokers should not give their managers an office. "Managers should be out on the floor getting to know the agents."

GO BACK TO BASICS. Ninja Selling's Founder Larry Kendall discussed the relationship-building basics that brokers and agents should get back to ASAP. "Focus on productive activities, and the sales will take care of themselves. We call these activities FLOW. Have your sales associates keep a weekly log of their flow activities (handwritten notes, live interviews, real estate reviews, mailings, etc.) If they are in a slump, your first question is, "Can I see your activity log?" Sure enough, you will notice a drop off in their activities about 45 to 90 days before their production slump. Activities predict production. Do a pattern interrupt! Get them back into the flow again and logging their activities.

IT'S TIME TO TELL YOUR STORY. Author and coach Mike Staver says to increase productivity, you have to reduce the noise (internal and external). To retain agents, he says you must be willing to tell your story. "Telling people why you'll go to battle to get them over the hill will do more for you than promising them money. Most agents will tell you it's not about the money. The higher the percentage of people who leave you for the money; the more likely you will resign yourself that you can't compete against money," he says. So, get good at getting to know your agents and telling your story.

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# 4 TIPS

# **FOR MORE PRODUCTIVE OFFICE MEETINGS**





#### **Keep It Short**

Try out 10 minute meetings. The limited time only allows for a few top priorities to be discussed and will lessen interruptions from regular work.



#### **Shine Light on Top** and Small Producers

Don't stunt the growth of your team by ignoring their potential. Keep everyone engaged by highlighting accomplishments of all levels to encourage future success.



#### Up the Entertainment and Social Value

Plan an awesome community service event or field trip, or host a pizza party at lunch. Watch engagement and overall morale sky rocket with fun perks!



#### Try Something New

Have a cold calling power hour or introduce and test out a new tech tool. Spice up the meeting with something of value and prove you're invested in your team.



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# A Cautionary Tale Involving RELIANCE ON ADVICE

from Municipal Employees



Many of us who have been in the real estate business for a number of years have developed a valuable list of contacts. This contact list often includes a number of municipal employees who we can count on to point us in the right direction when a question arises. When we make inquiries of our favorite municipal employees, it is important to keep in mind that the information provided in these casual conversations is not legally binding. A recent Court of Appeals case provides a good illustration as to what can go wrong when we put too much stock in this kind of advice.

In this recent case, Mrs. Reaume had lived in her home in Spring Lake Township for ten years.
The home was located within the Township's "R-1 Low Density Residential District." Mrs. Reaume hired a property management company to explore the possibility of renting out her home. The property manager called the Township on Mrs. Reaume's behalf to inquire as to whether Mrs. Reaume could use her home for short-term rentals.
According to the property manager, during this call, an employee of the Township advised him that the Township had no restrictions on

short-term or long-term rentals. This statement was subsequently confirmed by the Township's zoning administrator. In reliance on these statements, Mrs. Reaume made substantial improvements to her home and began renting it out seasonally as a short-term vacation rental. This use continued for two years.

Mrs. Reaume's neighbors were unhappy about Mrs. Reaume's use of her home as a short-term rental. Under pressure from the neighbors, the Township passed a new ordinance prohibiting short-term rentals in its R-1 Residential District, which effectively prohibited Mrs. Reaume from continuing to use her property as a short-term vacation rental. Mrs. Reaume then filed a lawsuit against the Township.

#### My Use Should Be "Grandfathered"

In her lawsuit against the Township, Mrs. Reaume argued first that because she had used her home for short-term rentals prior to the time the Township enacted its short-term rental prohibition, she should be permitted to continue to do so. The Court acknowledged that under the law, a prior nonconforming use is protected if the use was lawful before the zoning regulation's effective date. The Court went on to conclude that in this case, Mrs. Reaume's prior use of her home as a short-term rental had not been lawful. Although previously there had been no ordinance that expressly prohibited short-term rentals, the Court found that Mrs. Reaume's use of her property as a short-term rental had never been a permitted use in the Township's R-1 Residential District. Since Mrs. Reaume's use of her home as a short-term rental had never been lawful, the Court found that such use was not "grandfathered."



When we make inquiries of our favorite municipal employees, it is important to keep in mind that the **information provided** in these casual conversations **is not legally binding**.

#### But The Township Told Me It Was Permissible

Mrs. Reaume then argued that the Township should not be allowed to take the position that her prior use was illegal because she had expressly asked the Township and been told that such use was permissible. Mrs. Reaume pointed out that she had spent considerable sums of money on renovations to her property in reliance upon the Township's assurances that short-term rentals were lawful in the R-1 Residential District. The Court found that the Township employees who gave this advice had no authority to bind the Township. The Court noted that while in "exceptional circumstances" a municipality may be stopped from enforcing a zoning ordinance based on its own actions, "casual private advice offered by township officials" is not sufficient. In reaching this conclusion, the Court of Appeals relied upon a number of prior decisions in which it had held that a municipality cannot be stopped from enforcing a zoning ordinance because one of its employees gave permission that was contradictory to the ordinance.

#### A Note on Short-Term Rentals

Critical to the Court's decision in this case was its conclusion that a home used as a short-term rental did not qualify as a "singlefamily dwelling." In other words, the Court found
that the Township
did not need an
ordinance that
expressly prohibited
short-term rentals
in its R-1 Residential
District. Short-term
rentals were never legally
emissible in the Township's

R-1 Residential District because, under the Court's analysis, the term "single-family dwelling" means only one family, not one family at a time. The Court of Appeals had previously reached this same conclusion when looking at another municipality's zoning ordinance and holding that weekly short-term rentals "do not establish the type of permanency needed to establish a single-family dwelling." In both cases, the courts reached that conclusion even though the communities had permitted short-term rentals for many years, and in both cases, the zoning administrator had said they were permitted under the ordinance. By statute, the zoning administrator is the person charged by law with enforcing a municipality's zoning ordinances.

This twist has presented itself in a number of recent short-term rental cases. Most people assume that a zoning ordinance will say in plain language that a particular use – whether it is a barber shop or a short-term rental – is permitted or prohibited. The answer can be more complicated. Over the last 10 years, opponents of short-term rentals have convinced courts to give new meaning to old language in their zoning ordinance. Some have said that renting property to a third-party for any length of time is a commercial use "because the property owner is likely to yield a profit from the activity," and is therefore prohibited in residential zones. Other decisions, like the ones discussed above, give new and more restricted meaning to "single-family" or "dwelling."

Reinterpreting old language has

an extra effect: As Mrs. Reaume, the township, and the court all agreed, when a new zoning ordinance is adopted, the property owner has the vested right to continue using her property in the same way she used before the amendment. When a court interprets the meaning of words already in the ordinance, however, they are applied as though they always had that meaning — even if the township officials and zoning administrator thought otherwise. Indeed, why would the Spring Lake Township Board have adopted an ordinance to prohibit short-term rentals if they thought the ordinance already did that?

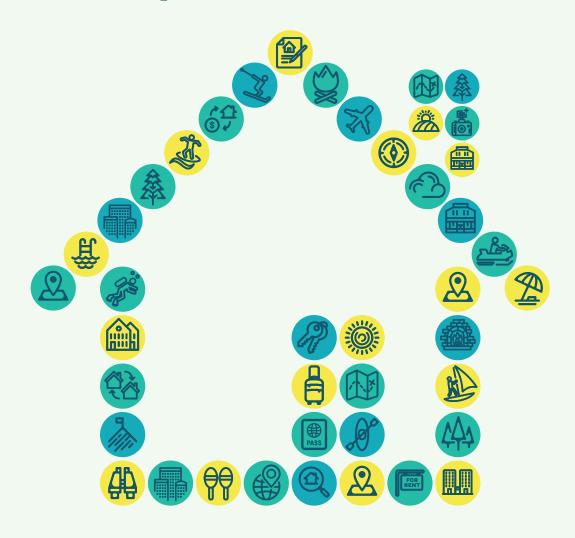
When opponents of short-term rentals and courts give new meaning to old words, Mrs. Reaume and thousands of other property owners lose property rights they, and even their own township officials, thought they had. For that reason, Michigan Realtors® has pressed the Legislature for an amendment to Michigan zoning law to preserve those rights and the long-time tradition of vacation rentals in Michigan. The legislation would declare short-term rentals a permitted use in any residential zone, superseding a local ordinance.

# What to Say and What Not to Say

As these cases make clear, checking with a local government to see how a property can be used is a good call to make, but not enough to take to the bank. For the Realtor® it is information to report to the buyer, but with a warning that such information is only casual advice and not legally binding. For the buyer, it may be just a start in verifying how the property can be used. If it is important to your buyer to know how she can use the property, the purchase contract should include enough time to go beyond "casual advice" and go through the formal approval process. •

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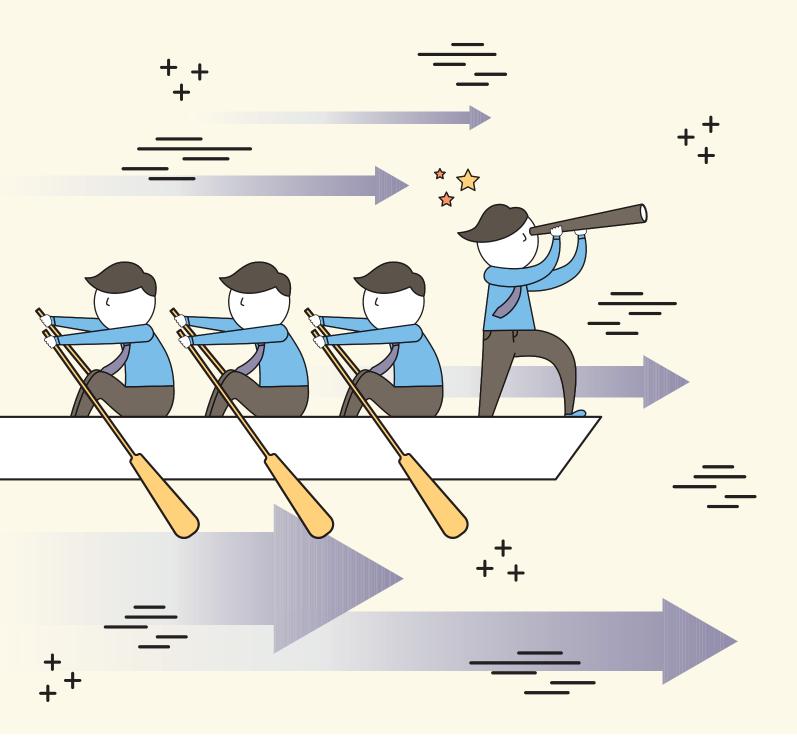




# It's All About the Manager

A great manager is what it takes for companies to be productive.

BY LARRY KENDALL, AUTHOR OF NINJA SELLING & CHAIRMAN EMERITUS OF THE GROUP, INC



Five years ago, the Gallup organization embarked on one of the most ambitious deep dives it has ever conducted—an analysis of the future of work based on a decade of input from nearly two million employees and more 300,000 business units. The results confirmed something Gallup had seen before: It's the manager. A company's productivity depends, to a high degree, on the quality of its managers.

What was unusual was the sheer size of the correlation—something Gallup calls "the single most profound, distinct, and clarifying finding" in our 80-year history of research! Their study showed that managers didn't just influence the results; they explained a full 70 percent of the variance. In other words, if you want to build a great team, 70 percent of the battle is hiring the right manager.

Here's a thought for our industry: Rather than recruiting top producers, how about putting your energy into recruiting the top managers as well? Or are you developing them? Do you have a career development program for your managers?

The manager is the difference that makes the difference. No other single factor even comes close according to Jim Clifton, Gallup's CEO. "That blew me out of my chair when I saw it," he says. The study's conclusions are laid out in Gallup's forthcoming book, It's the Manager. It is recommended reading for any owner or CEO of a company.

#### MEASURING ENGAGEMENT

One of Gallup's favorite metrics for rating business teams is engagement or a belief among employees that they're doing meaningful work in a climate that supports personal growth. Gallup and others have shown that highly engaged teams have significantly lower turnover and higher productivity, among other things. Only one-third of employees in the U.S. are highly involved, Gallup found, but in successful businesses that figure runs north of 68 percent. And what was the single most significant factor in engagement? It's the manager.



Gallup advises companies to seek out managers who engage and infect their teams with a sense of purpose and function more like coaches than conventional top-down bosses. When we hold Ninja Selling workshops at a company, we notice the company owners who are there for the classes (engaged) and require their managers to be there (engaged) have much more productive companies. They are committed, connected, and engaged with their people and their people feel that level of commitment and purpose. Their productivity is not an accident. It starts with engagement at the top.

#### IMPROVING PRODUCTIVITY

What specifically can a manager do to improve engagement, productivity, profitability, retention, and customer satisfaction? An earlier Gallup study found the great managers in these areas rated 5's on 12 questions asked of their employees. Poor performing managers rated 3's or less. Can it be that simple? According to Gallup—yes! Here are dozen key questions (On a scale of 1 to 5 with 5 (Strongly Agree) and 1 (Strongly Disagree):

- Do I know what is expected of me at work?
- Do I have the materials and equipment I need to do my work right?
- At work, do I have the opportunity to do what I do best every day?
- In the last seven days, have I received recognition or praise for doing good work?
- Does my supervisor, or someone at work, seem to care about me as a person?
- 6 Is there someone at work who encourages my development?
- At work, do my opinions seem to count?
- Does the mission/purpose of my company make me feel my job is important?
- Are my co-workers committed to doing quality work?
- **10** *Do I have a best friend at work?*
- 11 In the last six months, has someone at work talked to me about my progress?
- 12 This last year, have I had opportunities at work to learn and grow?

Companies that administer this 12-question survey every year to both their sales associates and staff have found, just as in the Gallup study, there is a direct correlation between the manager's rating and the performance of their office. The 12 questions help their managers get clear on what is essential and how to get results. The survey can also be used in the manager's performance evaluation.

Can great management be as simple as engagement in these 12 areas? Gallup believes the answer is yes. For more information, read their book on this study, First, Break All the Rules, What the World's Greatest Managers Do Differently, by Marcus Buckingham and Curt Coffman. Then, read Gallup's latest research in their new book, It's the Manager. It will be worth your investment. After all, it's the manager who is the difference that makes the difference.



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# Michigan Placemakers | August 2019

How have community partnerships contributed to the community's revitalization? When you put yourself out there to take on a project, you come to meet other people who are passionate about improving the community. The main thing that I've learned is to really listen to what the community desires. I really thrive on the energy that feeds these project ideas to fruition.



#### What is the long-range plan for the historic building?

**Project Name** REO Town Art Attack: Mural **Grant Recipient EXIT Realty Home Partners** 

Location Lansing, MI

**Completion Date** 



### **Featuring Special Guest** Jonathan Lum

GRI, Broker/Owner **EXIT Realty Home Partners** 

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