

A publication of Michigan Realtors®

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*Use of*

FLOOR PLANS

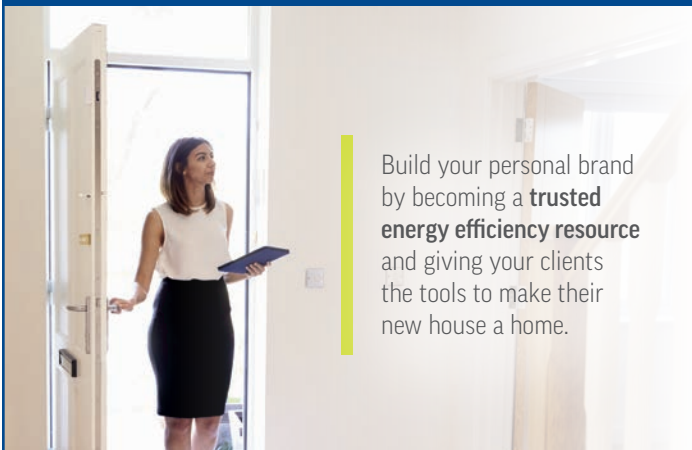
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Capitol Report

2024 Michigan RPAC Major Investors

President's Report

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## Features

COVER STORY

04 **The Floorplan Fight: What Realtors®  
Need to Know About Floorplans  
and Copyright Infringement**

Floorplans can work if done right  
by Rebecca Berke, Esq.

06 **2024 Michigan RPAC Major Investors**

**MICHIGANREALTOR®**

## Departments

02 **President's Report**

Off to a strong start in 25  
by Christopher M. Germain

12 **Capitol Report**

Ups, downs and maybes so far in 2025  
by Brad Ward, Esq.

03.25

{ MARCH | TWO THOUSAND & TWENTY FIVE | VOLUME TWENTY FOUR | NUMBER TWO }



## A Look at Achieve 2025 and Our RPAC Successes

As we gathered in Detroit for the Achieve Conference at the MotorCity Casino Hotel, I had the honor of welcoming over 300 Realtors® and affiliates to an event that celebrated our profession, our leadership and our collective vision for the future. The energy, engagement and passion displayed by our members made it clear that our Michigan Realtors® membership is stronger than ever.

Achieve was packed with top-tier educational sessions, providing invaluable insights and tools to help Realtors® thrive in a rapidly evolving industry. We learned from industry experts, shared best practices and strengthened our professional networks.

A true highlight of the event was the President's Reception at Ford Field, home of the Detroit Lions. Attendees enjoyed fantastic food, exclusive behind-the-scenes tours of the stadium and an unforgettable swearing-in ceremony for our 2025 Michigan Realtors® board members and officers, officiated by Michigan Supreme Court Justice Kyra Harris Bolden.

We were honored to host other esteemed guests at our event, including:

- *Drew Coleman, NAR RPAC Fundraising Chair*
- *Colin Mullane, Candidate for NAR First Vice President*
- *Matt Davis, Region 6 Vice President for NAR*

Their presence underscored the importance of our work at the state and national levels, reinforcing the strong connections that make Michigan Realtors® a leader in the industry.

### Reflecting on Last Year's RPAC Accomplishments

While Achieve was about looking ahead, it was also an opportunity to celebrate the tremendous RPAC (Realtors® Political Action Committee) victories we achieved last year. Thanks to the advocacy and dedication of our staff and members, we:

- *Defeated the Michigan Transfer Tax Increase – A proposed increase that would have made selling real estate less affordable was successfully stopped, protecting the bottom line for sellers.*
- *Ended Predatory Right-to-List Schemes – We fought back against deceptive practices that trapped homeowners in unfair long term right to list agreements, ensuring a more ethical marketplace.*

- *Securing \$2 Million in Grants – Through advocacy and collaboration, we helped obtain funding for local governments to update zoning and master plans, paving the way for more housing opportunities.*
- *Top 10 in National RPAC Fundraising – Michigan Realtors® proudly ranked #10 in the nation for RPAC fundraising, a testament to our dedication to shaping the future of real estate policy.*

### Celebrating "Great Lakes, Great Times, Great Realtors®"

Speaking of RPAC, this year, I had the privilege of launching my "Great Lakes, Great Times, Great Realtors®" lapel pin. This pin is a tribute to my love for boating on the Great Lakes and the retro 1997 Michigan travel slogan. They were available for a simple \$20 RPAC investment, and I was thrilled to see the first round sell out at our event! Thank you to everyone who supported this initiative and proudly wears this symbol of our great state and profession. There will be more available at upcoming events so be on the watch out for those and other awesome RPAC products.

### Looking Ahead

As we move into the next chapter, I am filled with optimism for what lies ahead. Our commitment to advocacy, education, and leadership has positioned Michigan Realtors® for continued success. Thank you to each and every one of you who play a role in making our organization remarkable.

Our future is bright, and together, we will make Great Lakes, Great Times, Great Realtors® more than just a slogan—it will be our legacy. Keep focusing forward and I will see you at Broker Summit on April 8-9 in Lansing! ●



**Broker Summit x  
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Broker Summit x Fair Housing Summit  
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# FLOOR PLAN

Fight

## What Realtors® Need to Know About Floorplans and Copyright Infringement

Last year, the real estate industry faced its share of legal hurdles. That is to say, we didn't encounter a ton of good news on the litigation front. January, however, brought a welcome shift, marking a significant legal victory that Realtors® can feel good about.

On January 15, 2025, the Eight Circuit US Court of Appeals upheld a ruling that protects the right of real estate brokerages to include floorplans in their listings. In *Designworks Homes, Inc. v. Columbia House of Brokers Realty, Inc., et al.* and *Designworks Homes, Inc. v. Susan Horak, et al.*, home designer (the plaintiff) alleged that real estate agents infringed on his copyrights when they included renderings of his floorplans in their listings. The agents here did not publish actual copies of the architectural drawings. Instead, they replicated the floorplans based on the interior layout of the home and included their own renderings in the published listing information. The

plaintiff claimed that those replications of his designs were copyright infringements.

As a refresher, remember that a "copyright" is the right of an author, artist, composer or other creator to control the use of their original work. This includes the right to reproduce, distribute, display etc. An infringement on copyrighted material occurs when an original work is used without the copyright owner's permission.

In *Designworks Homes*, the defendant brokerage and agents argued that including renderings of the floorplans in their listings was not a copyright infringement because it constituted "fair use" of the copyrighted material. The Fair Use Doctrine is an

affirmative defense under US Copyright law that can be used in copyright infringement claims. In a nutshell, "fair use" allows copyrighted material to be used in certain situations without the copyright owner's permission. Section 107 of the US Copyright Act states that "fair use" is permitted for purposes such as "criticism, comment, education, news reporting and scholarly reports." This "fair use" carve-out exists to prevent copyright law from being too restrictive. It allows creative works to be used by others in a way that does not preclude copyright owners from benefiting from their original works.

The Court of Appeals in *Designworks Homes* agreed

An *infringement* on copyrighted material occurs when an *original work* is used *without* the copyright owner's *permission*.

with the defendants that their use of the plaintiff's designs qualified as Fair Use. The Court ruled that the act of including the floorplans in listings did not constitute a copyright infringement. In its opinion, the Court stated that:

*"Putting floorplans in listings for existing Designworks homes makes it less costly for potential buyers to discover the homes' layouts and dimensions, [which] tends to increase the number of potential buyers willing to consider buying the homes. The result is that the homes should, on average, resell more quickly or for a higher price than they would absent the use of floorplans."*

This ruling is a significant win for the real estate industry, as it upholds the value of floorplans as a marketing tool for brokerages to showcase properties in ways that consumers find useful. The ruling strikes a balance between the importance of protecting a creator's right to control their own work with the need of ensuring that certain works remain available as fair use. The Court correctly concluded that the unrestricted use of floorplans in resale listings did not cause a legally recognized harm to

Designworks or otherwise interfere with the benefits of owning the copyright.

It should be noted that this decision came from the 8<sup>th</sup> Circuit Court of Appeals and would not be binding in Michigan (as Michigan sits in the 6<sup>th</sup> Circuit). However, the 8<sup>th</sup> Circuit ruling still serves as a strong deterrent against future frivolous copyright infringement claims brought against real estate brokerages that include renderings of floorplans in their listings.

The National Association of Realtors® (NAR) Legal Action Program played a key role in funding the defense of this case as it moved through appeals process since 2018. NAR filed three amicus briefs on behalf of the defendants to ensure the Court understood the broader impact of the ruling on the real estate industry. These briefs outlined the value that interior layouts play in helping consumers make informed decisions in their search for housing, emphasizing transparency and consumer choice in the housing market. The Court's ruling marks an encouraging start to 2025 and can be chalked up as a major legal win for both industry professionals and consumers. ●



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2019



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2008

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- Level II indicates a lifetime investment of at least \$50,000.
- Level III indicates a lifetime investment of at least \$75,000.
- Level IV indicates a lifetime investment of at least \$100,000.

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## A New Legislative Session Begins

The new legislature began work in Lansing shortly after the first of the year. Last session the Democrats controlled both the House and the Senate. This session, the House is controlled by the Republican party and the Senate by the Democratic party. I anticipate that legislation will move a little slower given divided government in the legislature, and hopefully result in more compromise. But we're off to a rocky start between the two chambers.

As you will recall, last legislative session ended abruptly when the House failed to reach a quorum their final two days of session. This quick ending caused an interesting wrinkle this session prompting the Michigan Senate to file a lawsuit against the House of Representatives for the failure to transmit bills to the Governor's office that passed in the previous session.

When the House adjourned at the end of 2024, just over a dozen bills that passed the legislature were not presented to the Governor. Whether by intention or mistake of previous House leadership is still unknown. However, the new House Republican majority is holding the bills pending a full legal review of their obligations. The situation is unprecedented in Michigan's history. It remains to be seen how the current tension between the two chambers will play out on larger issues requiring compromise, like balancing the state budget and making changes to Michigan's Earned Sick Time Act (ESTA). As of this writing the case between the Senate and the House is still pending in the Courts.

The end of last session also requires that all bills not passed by the legislature to be reintroduced this session. That is a negative when you are talking about a couple of our priorities unable to get a final vote on the House floor. On the positive side, it also ended chances of several bills opposed by our Public Policy Committee.

For Michigan Realtors®, our reintroduced priorities this session include, increasing the number of splits allowed under the Land Division Act (now Senate Bill 23), and a package of bills to define post-closing occupancy agreements. Both issues worked their way through much of the legislative process last session but failed to receive the required a House vote before heading to the Governor for her signature.

This year has also seen the reintroduction of legislation that Michigan Realtors® opposed last session. A bill to eliminate the current prohibition on local government rent control laws has been reintroduced

along with legislation that would effectively eliminate independent contractor status in Michigan. Michigan Realtors® successfully defeated both issues last session when the legislative environment was more favorable to their passage. While still threats to housing affordability and the industry this session, divided government in this legislature makes their passage even less likely.

The Michigan Realtors® Public Policy Committee met for the first time in 2025 on February 10th. At the meeting, the committee laid out a handful of other legislative priorities. This year we will be looking at refinements to buyer's agency agreements and disclosure, increasing housing supply, and short-term rentals. In addition, the committee reaffirmed its opposition to rent control, elimination of independent contractor status, tenant unions and tenant right to repair.

The Michigan Realtors® Public Policy Committee is made up of 30 volunteer members from across the state from all walks of the business. The committee's job is to review each piece of legislation that touches upon the real estate industry. The committee also looks at emerging issues within the industry to determine our priorities. As with every year, they will be busy. Please make sure you follow along with their adventures in this Capitol Report and our social media offerings, Policy Matters and Michigan Realtors® Government Affairs Videocast. ●

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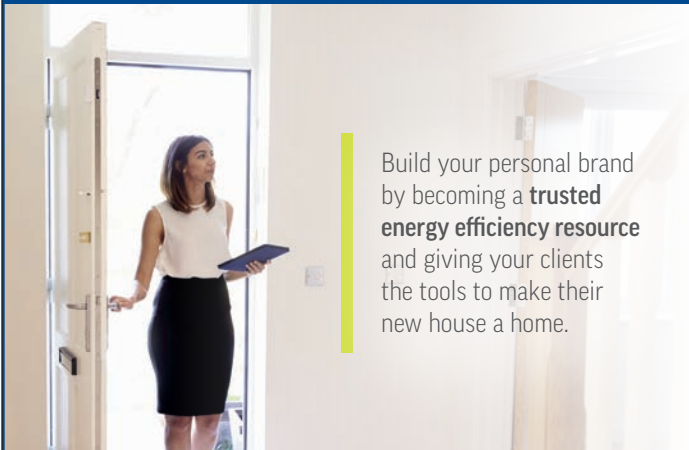


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