

2613 AGENCY DISCLOSURE

- 2613.1 Upon having a substantive discussion about a specific property or properties with an actual or prospective buyer or seller or an actual or prospective landlord or tenant who is not the client of the licensee, a licensee shall disclose any broker relationship the licensee has with another party to the transaction on a written notice, substantially in the form approved by the Board, which clearly discloses the relationship of the broker or salesperson with the parties to the transaction.
- 2613.2 The notice required by § 2613.1 of this section shall be made in writing at the earliest practicable time and in a form substantially in the form approved by the Board, but not later than the time when specific real estate assistance is first provided, excluding a non-substantive discussion held during an open house. In instances where the parties to the transaction are an actual or prospective landlord or tenant the disclosure shall be included in all applications for a lease or in the lease itself, whichever occurs first.
- 2613.3 A broker or salesperson shall request that the actual or prospective purchaser or seller of residential real estate, or actual or prospective landlord or tenant, who is not the client of the licensee, to sign, date, and return a copy of the required notice to the broker or salesperson. If an actual or prospective purchaser or seller, or actual or prospective landlord or tenant, declines to sign the notice, the broker or salesperson shall make a notation on the agency disclosure notice indicating the date that he or she presented the notice to the actual or prospective purchaser, or actual or prospective landlord or tenant, and that the person declined to sign the agency disclosure notice and the reason therefore, if any, given. In the event of a fully executed purchase contract, the licensee shall keep a copy of the disclosure notices relative to the contract for three (3) years.
- 2613.4 If a licensee's relationship to a client or customer changes, the licensee shall disclose that fact in writing to all clients and customers already involved in the specific contemplated transaction.
- 2613.5 The disclosure notices required by this section and the Act are set forth below. Each disclosure form developed by licensees shall be in substantially the same following format as the examples set forth in this section:
- (a) Disclosure of Brokerage Relationship.

THIS NOTICE IS REQUIRED BY LAW AND IS NOT A CONTRACT.
THIS DISCLOSURE DOES NOT CREATE A BROKERAGE RELATIONSHIP.

Disclosure of Brokerage Relationship District of Columbia

Prior to providing specific real estate assistance, District of Columbia law requires that a licensee disclose to any party who the licensee does NOT represent the identity of the party to the proposed transaction who the licensee does represent. Even though a licensee may not represent you, that licensee must still treat you honestly in the transaction.

We, the undersigned Buyer(s)/Tenant(s) or Seller(s)/Landlord(s) acknowledge receipt of this Disclosure, and understand we are **NOT** represented by the licensee identified below.

_____ and _____

(Licensee & License #)

(Brokerage Firm)

The licensee and brokerage firm named above represent the following party in the real estate transaction:

[] **Seller(s)/Landlord(s)** (The licensee has entered into a written listing agreement with the seller(s) or landlord(s) or is acting as a sub-agent of the listing broker.)

Buyer(s)/Tenant(s) (The licensee has entered into a written agency agreement with the buyer/tenant.)

Designated Agent of the **Buyer(s)/Tenant(s)** or **Seller(s)/Landlord(s)**
(Both the buyers and sellers have previously consented to "Designated Agency", and the licensee listed above is indicating the parties represented.)

Acknowledged

Date

Acknowledged

Date

(b) Consent for Dual Representation and Designated representation in the District of Columbia.

Consent for Dual Representation and Designated Representation in the District of Columbia

(To be attached to all listing agreements and buyer or tenant brokerage agreements for transactions in the District of Columbia.)

"Designated Representation" occurs when the Seller or Landlord has entered into a listing agreement with a licensee and the Buyer or Tenant has entered into a buyer brokerage agreement with a different licensee affiliated with the same firm. Each of the licensees, known as Designated Representatives, represents fully the interest of his/her individual clients. The Supervising Broker is a Dual Representative of both the Buyer and Seller, and must not disclose information obtained in confidence to other parties in the transaction.

If the Seller or Landlord does not consent to Designated Representation, the property may not be shown by any licensees affiliated with the brokerage firm who have entered into a representation agreement with a prospective Buyer or Tenant.

If the Buyer or Tenant does not consent to Designated Agency, the Buyer or Tenant may not be shown any properties listed by other licensees affiliated with the brokerage firm.

Prior to entering into a contract in which the buyer and seller are represented by Designated Representatives, the relationship of both Designated Agents must be disclosed/confirmed in writing.

"Dual Representation" occurs when Seller or Landlord has entered into a listing agreement with a licensee and the Buyer or Tenant has entered into a buyer brokerage agreement with the same licensee. When the parties agree to dual representation, the ability of the licensee and the brokerage firm to represent either party fully and exclusively is limited. The confidentiality of all clients shall be maintained.

If the Seller or Landlord does not consent to Dual Representation, the property may not be shown by the licensee to any prospective Buyers or Tenants who have entered into a buyer brokerage agreement with the licensee.

If the Buyer or Tenant does not consent to Dual Agency, the licensee may not show any properties listed by the licensee.

Prior to entering into a contract in which the buyer and seller are represented by Dual Agency, this relationship must be disclosed/confirmed in writing.

I(We) consent to Designated Representation, acknowledging the broker/firm _____, license # _____, may represent both the seller(s) and buyer(s) or landlords and tenants, and the sales associate, _____, license # _____, as the Designated Representative for the party indicated below:

Sellers(s) or Buyer(s)
 Landlord(s) Tenant(s)

I (We) do not consent to Designated Representation

I(We) consent to Dual Representation, acknowledging the broker/firm _____, and the Sales _____ associate, license # _____, may represent both the seller(s) and buyer(s) (or landlord(s) and tenant(s)), as the Dual Representatives for the both parties indicated below:

Sellers(s) and Buyer(s)
 Landlord(s) and Tenant(s)

I (We) do not consent to Dual Representation

Signed _____ Date _____

Signed _____ Date _____

(c) Washington, Washington, DC Disclosure/Confirmation of Dual Representation and/or Designated Representation.

Washington, DC Disclosure/Confirmation of Dual Representation and/or Designated Representation
(To be attached to the Regional Sales Contract or Lease Agreement whenever Dual Agency or Designated Representation occurs on a DC transaction)

With _____ respect to the _____ property located at _____ the undersigned, having previously consented to Dual Agency of the brokerage firm, do hereby acknowledge disclosure that:

(Name of brokerage firm acting as Dual Representative)

represents more than one party to the real estate transaction as indicated below:

Seller(s) and Buyer(s) or Landlord(s) and Tenant(s)

The Seller(s) or Landlord(s) and the Buyer(s) or Tenant(s) are proceeding with the transaction acknowledging:
(choose one below)
 Designated Representation:

The brokerage firm has assigned _____
(Name of Licensee & License #)
to act as the Designated Representative of the Seller(s) or Landlord(s) and,

The brokerage firm has assigned _____
(Name of Licensee & License #)
to act as the Designated Representative of the Seller(s) or Landlord(s) and,

.....OR.....

[] Dual Representation

The
Licensee: _____
(Name of Licensee & License #)

And the Brokerage Firm represents more than one party to the contract as indicated above.

Seller or Landlord Date Buyer or Tenant
Date

Seller or Landlord Date Buyer or Tenant
Date

SOURCE: Final Rulemaking published at 52 DCR 6962 (July 29, 2005).