

Article - Business Occupations and Professions

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§17-530.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, a licensee who participates in a residential real estate transaction as a seller's agent, buyer's agent, or a subagent shall disclose in writing that the licensee represents the seller or lessor or the buyer or lessee as provided in this section.

(2) The disclosure required under this section does not apply to a seller, lessor, buyer, or lessee with whom a broker has entered into a written brokerage agreement.

(3) In addition to the written disclosure required under subsection (b) of this section:

(i) if the first contact between a seller's agent and a prospective buyer or lessee is not a face-to-face contact, the seller's agent shall disclose, through the medium in which the contact occurs, that the seller's agent represents the seller or lessor; and

(ii) if the first contact between a buyer's agent and a prospective seller or lessor is not a face-to-face contact, the buyer's agent shall disclose, through the medium in which the contact occurs, that the buyer's agent represents the buyer or lessee.

(b) (1) Except as provided in paragraph (2) of this subsection, the disclosure shall occur not later than the first scheduled face-to-face contact with the seller or lessor or the buyer or lessee.

(2) (i) If a licensee is holding a property open to the public, the licensee complies with the disclosure requirements of this section if the licensee displays, in a conspicuous manner, a notice to prospective buyers or lessees that the licensee present on the property represents the seller or lessor.

(ii) The Commission shall prepare and provide the notice required under this paragraph.

(c) In any residential real estate transaction involving a subagent, the subagent shall disclose in writing to the buyer or lessee as required under this section that the subagent represents the seller or lessor.

(d) In any residential real estate transaction that does not involve a subagent or buyer's agent, the seller's agent shall make the written disclosure to the buyer or lessee required under this section that the seller's agent represents the seller or lessor.

(e) In any residential real estate transaction that does not involve a seller's agent, the buyer's agent shall make the written disclosure to the seller or lessor required under this section that the buyer's agent represents the buyer or lessee.

(f) The written disclosure shall explain:

(1) the differences between a seller's agent, buyer's agent, subagent, dual agent, and intra-company agent;

(2) the duties of a licensee to exercise reasonable care and diligence and maintain confidentiality;

(3) that regardless of whom a licensee represents in a real estate transaction, the licensee has a duty to treat each party fairly and honestly, promptly present each written offer and counteroffer, respond truthfully to each question, disclose all material facts that are known or should be known relating to a property, and offer each property without discrimination;

(4) that a licensee is qualified to advise only on real estate matters and that legal or tax advice should be obtained from a licensed attorney or accountant;

(5) the need for an agreement with a seller's agent, buyer's agent, or dual agent to be in writing and to include the duties and obligations of the agent, how and by whom the agent will be compensated, and any fee-sharing arrangements with other agents;

(6) the duty of a buyer's agent to assist in the:

(i) evaluation of a property, including the provision of a market analysis of the property; and

(ii) preparation of an offer on a property and to negotiate in the best interests of the buyer;

(7) the possibility that a dual agency may arise in a real estate transaction and the options that would become available to the buyer and seller or lessee and lessor; and

(8) that any complaints concerning a licensee may be filed with the Commission.

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