

1997 SESSION

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HB2873

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HOUSE BILL NO. 2873

Offered January 20, 1997

A BILL to amend and reenact § 54.1-2138 of the Code of Virginia, relating to the Real Estate Board; disclosure of brokerage relationship.

Patrons—Cantor, Abbitt, Albo, Armstrong, Cox, McClure, Moore and Plum; Senators: Hawkins, Houck, Lambert, Martin, Marye, Saslaw, Schrock, Trumbo and Woods

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2138 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2138. Disclosure of brokerage relationship.

A. Upon having a substantive discussion about a specific property or properties with an actual or prospective buyer or seller who is not the client of the licensee *and who is not represented by another licensee*, a licensee shall disclose any broker relationship the licensee has with another party to the transaction. Further, except as provided in § 54.1-2139, such disclosure shall be made in writing at the earliest practical time, but in no event later than the time when specific real estate assistance is first provided. Such disclosure may be given in combination with other disclosures or provided with other information, but if so, the disclosure must be conspicuous, printed in bold lettering, all capitals, underlined, or within a separate box. Any disclosure which complies substantially in effect with the following shall be deemed in compliance with this disclosure requirement:

DISCLOSURE OF BROKERAGE RELATIONSHIP

The undersigned do hereby acknowledge disclosure that:

The licensee

Name of Firm

represents the following party in a real estate transaction:

..... Seller(s) or Buyer(s)

..... Landlord(s) or Tenant(s)

.....

Date

Name

.....

Date

Name

B. A licensee shall disclose to an actual or prospective landlord or tenant, who is not the client of the licensee *and who is not represented by another licensee*, that the licensee has a brokerage relationship with another party or parties to the transaction. Such disclosure shall be in writing and included in all applications for lease or in the lease itself, whichever occurs first. If the terms of the lease do not provide for such disclosure, disclosure shall be made in writing no later than the signing of the lease. Such disclosure requirement shall not apply to lessors or lessees in single or multifamily residential units for lease terms of less than two months.

C. 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.

D. Copies of any disclosures relative to fully executed purchase contracts shall be kept by the licensee for a period of three years as proof of having made such disclosure, whether or not such

58 disclosure is acknowledged in writing by the party to whom such disclosure was shown or given.