



# Information About Brokerage Services

Texas law requires all real estate license holders to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

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## TYPES OF REAL ESTATE LICENSE HOLDERS:

- **A BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- **A SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

## A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

## A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

**AS AGENT FOR OWNER (SELLER/LANDLORD):** The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

**AS AGENT FOR BUYER/TENANT:** The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

**AS AGENT FOR BOTH - INTERMEDIARY:** To act as an intermediary between the parties the broker must first obtain the written agreement of *each party* to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
  - that the owner will accept a price less than the written asking price;
  - that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
  - any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

**AS SUBAGENT:** A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

## TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

**LICENSE HOLDER CONTACT INFORMATION:** This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

_____ Licensed Broker /Broker Firm Name or Primary Assumed Business Name	_____ License No.	_____ Email	_____ Phone
_____ Designated Broker of Firm	_____ License No.	_____ Email	_____ Phone
_____ Licensed Supervisor of Sales Agent/ Associate	_____ License No.	_____ Email	_____ Phone
_____ Sales Agent/Associate's Name	_____ License No.	_____ Email	_____ Phone

  
 \_\_\_\_\_  
 Buyer/Tenant/Seller/Landlord Initials                      Date

# Information about the new TREC IABS and Consumer Protection Notice

The new IABS and Consumer Protection Notice are statutorily required forms for consumer information to help ensure that consumers of Real Estate Services better understand how a broker or agent can represent them and where to find help if they need it.



## Information about Brokerage Services (IABS) Facts:

- The form should be filled out completely when it is linked to your website as well as when it is provided during the first substantive communication.
- The only change that can be made to the appearance of the mandatory form is that the contact information may be prefilled. Do not change text, font size, style or add your business logo.
- Business website means a website used to attract or conduct real estate brokerage activity, that includes a business Facebook page. For example: a website listed on a business card, yard sign or advertisements is a business website. If you have more than one business website then a link to the notice must be provided on the homepage of each business website.
- The link to the IABS must read, "Texas Real Estate Commission Information About Brokerage Services" and be in at least 10 point font in a readily noticeable place on your homepage.
- The IABS form linked to a broker's business homepage only needs to contain information about the broker, including designated broker if an entity. If it is on the sales agent's or associate's homepage then the form should be filled out with the agent's or associate's information as well. If some contact information blanks do not apply, simply fill in "N/A."
- If you are a "broker associate", your name goes on the "Sales agent/Associate" line and the contact information for the brokerage you are associated with goes on the broker line.
- If you are providing the IABS through a link in an email, the link and a specific reference to the IABS must be in the body of the email and look like the rest of the text in the body of the email (not smaller or a lighter color).

## Consumer Protection Notice Facts:

- The Consumer Protection Notice is required to be posted at your place of business AND on your website. This includes a business Facebook page.
- The Consumer Protection Notice cannot be altered in any way. Do not change the font or add your logo to the notice.
- The link to the Consumer Notice must read, "Texas Real Estate Commission Consumer Protection Notice", and be in at least 10 point font in a readily noticeable place on your homepage.