



**Approved by the Texas Real Estate Commission for Voluntary Use**

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

## Information About Brokerage Services

**B**efore working with a real estate broker, you should know that the duties of a broker depend on whom the broker represents. If you are a prospective seller or landlord (owner) or a prospective buyer or tenant (buyer), you should know that the broker who lists the property for sale or lease is the owner's agent. A broker who acts as a subagent represents the owner in cooperation with the listing broker. A broker who acts as a buyer's agent represents the buyer. A broker may act as an intermediary between the parties if the parties consent in writing. A broker can assist you in locating a property, preparing a contract or lease, or obtaining financing without representing you. A broker is obligated by law to treat you honestly.

**IF THE BROKER REPRESENTS THE OWNER:**

The broker becomes the owner's agent by entering into an agreement with the owner, usually through a written - listing agreement, or by agreeing to act as a subagent by accepting an offer of subagency from the listing broker. A subagent may work in a different real estate office. A listing broker or subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first. The buyer should not tell the owner's agent anything the buyer would not want the owner to know because an owner's agent must disclose to the owner any material information known to the agent.

**IF THE BROKER REPRESENTS THE BUYER:**

The broker becomes the buyer's agent by entering into an agreement to represent the buyer, usually through a written buyer representation agreement. A buyer's agent can assist the owner but does not represent the owner and must place the interests of the buyer first. The owner should not tell a buyer's agent anything the owner would not want the buyer to know because a buyer's agent must disclose to the buyer any material information known to the agent.

**IF THE BROKER ACTS AS AN INTERMEDIARY:**

A broker may act as an intermediary between the parties if the broker complies with The Texas Real Estate License

Act. The broker must obtain the written consent of each party to the transaction to act as an intermediary. The written consent must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. The broker is required to treat each party honestly and fairly and to comply with The Texas Real Estate License Act. A broker who acts as an intermediary in a transaction:

- (1) shall treat all parties honestly;
- (2) may not disclose that the owner will accept a price less than the asking price unless authorized in writing to do so by the owner;
- (3) may not disclose that the buyer will pay a price greater than the price submitted in a written offer unless authorized in writing to do so by the buyer; and
- (4) may not disclose any confidential information or any information that a party specifically instructs the broker in writing not to disclose unless authorized in writing to disclose the information or required to do so by The Texas Real Estate License Act or a court order or if the information materially relates to the condition of the property.

With the parties' consent, a broker acting as an intermediary between the parties may appoint a person who is licensed under The Texas Real Estate License Act and associated with the broker to communicate with and carry out instructions of one party and another person who is licensed under that Act and associated with the broker to communicate with and carry out instructions of the other party.

**If you choose to have a broker represent you,**

you should enter into a written agreement with the broker that clearly establishes the broker's obligations and your obligations. The agreement should state how and by whom the broker will be paid. You have the right to choose the type of representation, if any, you wish to receive. Your payment of a fee to a broker does not necessarily establish that the broker represents you. If you have any questions regarding the duties and responsibilities of the broker, you should resolve those questions before proceeding.

Real estate licensee asks that you acknowledge receipt of this information about brokerage services for the licensee's records.

Buyer, Seller, Landlord or Tenant

Date

Texas Real Estate Brokers and Salespersons are licensed and regulated by the Texas Real Estate Commission (TREC). If you have a question or complaint regarding a real estate licensee, you should contact TREC at P.O. Box 12188, Austin, Texas 78711-2188 or 512-465-3960.



### **HAZARDOUS MATERIAL DISCLOSURE**

Every purchaser, seller, landlord and/or tenant of any interest in real property (“Property”) is notified that prior or current uses of the Property or adjacent properties may have resulted in hazardous or undesirable materials being located on the Property. These materials may not be visible or easily detected. Current or future laws may require removal or clean-up of areas containing these materials. In order to determine if hazardous or undesirable materials are present on the Property, expert inspections are necessary and removal or clean-up of these materials will require the services of experts. Real Estate Agents are not qualified experts.

If you are a seller or landlord, it is your responsibility to ensure that the transaction documents include disclosures and/or disclaimers that are appropriate for the transaction and the Property.

If you are a purchaser or tenant, it is your responsibility to ensure that the transaction documents include provisions to permit consultation with attorneys, environmental consultants and others to make prudent investigations, and further that such inspections are conducted.

### **ADA DISCLOSURE**

In order to ensure that all business establishments are accessible to persons with a variety of disabilities, the *Americans with Disabilities Act* was enacted under federal law and there are also state and local laws that may require alterations to a Property in order to allow access. Texas has enacted the *Architectural Barriers Removal Act* to also accommodate persons with disabilities. Real Estate Agents are not qualified to advise you if the Property complies with these laws or what changes may be necessary. You should consult with attorneys, engineers and other experts to determine if the Property is in compliance with these laws.

### **FLOODPLAIN INFORMATION DISCLOSURE**

It is the sole responsibility of every purchaser, seller, landlord and/or tenant of any interest in Property to independently review the appropriate flood plain designation maps proposed and adopted by federal, state, and local resources including, but not limited to, the Federal Emergency Management Association (“FEMA”) and the San Antonio River Authority (“SARA”), in order to determine the potential flood risk of their Property. Real Estate Agents are not qualified to assess and cannot warrant, guarantee, or make any representations about the flood risk of a particular piece of Property. All decisions made or actions taken or not taken by a purchaser, seller, landlord and/or tenant with respect to the flood risk of a particular piece of Property shall be the sole responsibility of such party.