

NEW BUYER BROKER AGREEMENT FAQs

THIS RESOURCE IS INTENDED TO ASSIST LICENSEES ON BEST PRACTICES RELATING TO THE NEW BUYER-BROKER AGREEMENT.

Important notice: The State of Oklahoma is not a party to any settlement agreement. The State of Oklahoma, through the Oklahoma Real Estate Commission, is not responsible for the enforcement of practice changes resulting from settlement agreements. This form is provided by the State as a free and optional resource to assist consumers and licensees in real estate transactions.

1 **DO I NEED TO HAVE A BUYER BROKER AGREEMENT SIGNED BEFORE SHOWING A RESIDENTIAL PROPERTY?**

Multiple Listing Service (MLS) participants and REALTORS® must execute a written agreement before showing a residential property. It does not have to be a Buyer Broker Agreement specifically, but we recommend using the Buyer Broker Agreement to accomplish this.

2 **HOW LONG CAN A BUYER BROKER AGREEMENT BE EXECUTED BETWEEN A BROKERAGE AND BUYER?**

The Agreement provides a default duration of 60 days if left blank, but you can execute the Agreement for any length of time between 1 day and 12 months. Agreements providing for more than 1 year are prohibited by State Law effective 11/1/2024.

3 **CAN A BUYER CANCEL THE BUYER BROKER AGREEMENT AT ANY TIME?**

No, a Buyer cannot terminate the Buyer Broker Agreement if you are already under contract.

4 **WHO IS RESPONSIBLE FOR ENFORCING THE PRACTICE CHANGES AS A RESULT OF THE NAR SETTLEMENT?**

Practice changes as a result of the settlement are enforced by the MLS and REALTOR® boards. OREC is **NOT** responsible for enforcement. Any complaints should be directed to your local board or MLS.



5 WHAT HAPPENS IF THE AGREEMENT EXPIRES AND BUYER GOES UNDER CONTRACT ON A PROPERTY I PRESENTED AND PROVIDED BROKERAGE SERVICES ON?

Buyers obligation to compensate Broker applies to purchase agreements executed within ____ days (60 days if left blank) after expiration of the Agreement, if the property acquired was presented to Buyer through Brokerage Services of Broker

6 WHAT HAPPENS IF A BUYER TERMINATES OUR AGREEMENT AND THEN GOES UNDER CONTRACT TO PURCHASE THE SAME PROPERTY I PRESENTED AND PROVIDED SERVICES TO THEM ON?

Buyer's termination of this Agreement does not relieve Buyer of the obligation to compensate the Broker for any purchase agreements the Buyer executes within _____ days (60 days if left blank) of termination, if the Buyer acquires property that Broker presented through brokerage services.

7 IS THE OREC BUYER-BROKER FORM MANDATORY?

No, this form is provided as a free and optional resource. However, if you are an MLS participant or REALTOR®, a written agreement is required by the MLS prior to touring homes with buyers.

8 IF AN MLS PARTICIPANT HOSTS AN OPEN HOUSE OR PROVIDES ACCESS TO A PROPERTY, ON BEHALF OF THE SELLER ONLY, TO AN UNREPRESENTED BUYER, WILL THEY BE REQUIRED TO ENTER INTO A WRITTEN AGREEMENT WITH THOSE BUYERS TOURING THE HOME?

No. In this case, since the MLS Participant is only working for the seller, and not the buyer, the MLS Participant does not need to enter into a written agreement with the buyer. *(per NAR)*

9 WHAT IF I GET A LEAD ON A LISTING THAT IS NOT MINE AND THE BUYER WANTS TO VIEW THE PROPERTY?

Best practice would be to schedule a buyer consultation with the interested party prior to scheduling a viewing. If you are a REALTOR®, you must have a written agreement signed before giving the buyer a tour in accordance with the settlement agreement.



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I'M HOSTING AN OPEN HOUSE ON A LISTING. ARE ATTENDEES REQUIRED TO SIGN THE BUYER-BROKER AGREEMENT PRIOR TO TOURING THE PROPERTY?

No. In this case, since the MLS Participant is only working for the seller, and not the open house attendee, the MLS Participant does not need to enter into a written agreement with the buyer.

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WHAT IS THE DIFFERENCE BETWEEN A WRITTEN AGREEMENT AND A BUYER BROKER AGREEMENT?

A written agreement is any documented agreement between you and the buyer, whereas a buyer broker agreement is a specific type of written agreement that outlines the terms of your brokerage services, compensation, and duration of agreement.

12

HOW WILL I KNOW IF A SELLER IS OFFERING COMPENSATION TO A BUYERS AGENT?

Offers of compensation will no longer be available in the MLS. We recommend consulting with the listing agent directly on any offers of compensation and to obtain written agreement of said compensation with the purchase offer.

13

CAN I USE THE OREC BUYER BROKER AGREEMENT TO FACILITATE A ONE-TIME SHOWING?

Yes. Duration of the agreement can be 1 day or up to 12 months. You may also use the additional provisions section of the buyer broker agreement to provide the address of the specific property the buyer wishes to view. For example: *"This agreement shall only apply to 123 Main Street City, State 11111"*

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CAN I LEAVE THE COMPENSATION SECTION BLANK AND FILL IT IN AFTER THE BUYER HAS SELECTED A PROPERTY?

No. The buyer broker agreement is not enforceable if the compensation section is left blank.

15

ARE LIVE VIRTUAL TOURS CONSIDERED AS TOURING A HOME?

Yes.



16 WHAT IF I AM NOT A REALTOR® MEMBER?

In the event you are not a REALTOR® member or MLS participant, you are not subject to the practice changes outlined in the settlement agreement. OREC recommends utilizing the buyer broker agreement in your transactions.

17 IS A BUYER-BROKER AGREEMENT REQUIRED FOR COMMERCIAL OR MULTIFAMILY LISTINGS?

No. The settlement and the practice changes it requires are focused on residential transactions, not commercial transactions, or leases. A “home” means a residential property consisting of not less than one nor more than four residential dwelling units.

18 WHAT ABOUT PENDING LISTINGS OR BUYER BROKER AGREEMENTS IN EFFECT WHEN THE MANDATE STARTS?

MLS Participants working with a buyer after the effective date of the policy should take steps to ensure that the buyer has agreed to the necessary terms required by the settlement agreement.

19 WHEN CAN I BEGIN USING THE NEW BUYER BROKER AGREEMENT?

The Commissioners approved the updated buyer broker agreement on Wednesday July 10, 2024 and it is ready for immediate use.

20 WHERE CAN I FIND MORE FAQs ABOUT THE NAR SETTLEMENT AGREEMENT?

www.nar.realtor/the-facts