



LEGAL HOTLINE Q&A

FROM GET THE FACTS, February 20, 2024

Question:

What happens if a buyer refuses to sign the Buyer Agency Agreement even after lengthy explanation of the law requirement and benefits to the buyer? Is the Broker barred from working with the buyer? Would a signed disclosure from the buyer stating that they were presented with the Buyer Agency Agreement but are refusing to sign it suffice?

Answer:

A broker is prohibited from providing residential RE Brokerage Services to a consumer without a brokerage services agreement signed by the consumer. A disclosure signed by buyer does not satisfy Washington law. If residential buyer refuses to sign an agreement, broker may not provide services to the buyer. The agreement may be exclusive or non-exclusive, it can be for a short duration and it can cover only the properties shown by broker to buyer. But, if the residential buyer refuses to sign an agency agreement even if it is narrowly tailored, then broker cannot show properties to buyer ... and it is not clear why broker would want to do so. If broker narrowly tailors an agency agreement and residential buyer still refuses to sign, that may mean that buyer has no intention of creating a situation where broker will be compensated in exchange for broker's provision of RE Brokerage Services.

The Legal Hotline Lawyer does not represent Washington REALTORS® or its members. The advice contained herein does not constitute legal counsel. To browse through our database of past Q & A's, visit warealtor.org/legal-hotline. Attorney Annie Fitzsimmons writes the Legal Hotline Question and Answer of the Week. This is a WR members-only benefit so you will be prompted to log in with your MI number and password. Your Designated Broker is cc'd on Legal Hotline inquiries.



facebook.com/warealtors
twitter.com/washrealtors
instagram.com/washrealtors
youtube.com/washrealtors



warealtor.org • 1-800-562-6024 • 360-357-6627 Fax • 504 14th Ave SE, Olympia, WA 98501 • P.O. Box 719 Olympia, WA 98507 (Mailing)