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**Arizona—Duties of an Unlicensed Assistant**

[AZ Dept. of Real Estate Substantive Policy Statement 2017.01](http://www.azre.gov/LawBook/Documents/SPS_Documents/SPS_2017.01_Unlicensed_Assistants.pdf)

An unlicensed assistant may not be compensated on any basis that relies on the ultimate sale or closing of a property.

Issue Date: June 9, 2017 – Enforcement Statement

**California—Disclosure Regarding Private Transfer Fees**

[[Cal. Civil Code § 1098.5 (2017)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1098.5.)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC&sectionNum=10145.)

If property is subject to a private transfer fee created on or after 02/08/2011, the statement of the fee must include a disclosure that the Federal Housing Finance Agency and Federal Housing Administration will not deal in mortgages encumbered by private transfer fee covenants that do not provide a direct benefit to the property.

Effective Date: January 1, 2018 - Amended Statute

**California—Opinions Forming Basis of Disclosure**

[Cal. Bus. & Prof. Code § 7197 (2017)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC&sectionNum=7197.)

A report or opinion prepared by a C-39 roofing contractor may be relied upon by a listing representative when preparing a property condition disclosure. The report must have been performed by someone other than the person who performs a home inspection.

Effective Date: January 1, 2018 - Amended Statute

**California—Duties of an Unlicensed Assistant**

[Cal. Bus. & Prof. Code § 10145 (2017)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC&sectionNum=10145.)

This law authorizes unlicensed employees of real estate brokers to make withdrawals from trust fund accounts if the broker has insurance coverage for intentional acts of an employee equal to the amount withdrawn.

Effective Date: January 1, 2018 - Amended Statute

**Connecticut – Agency Disclosure**

[Ct. Gen. Stat. § 20-325d](https://www.cga.ct.gov/current/pub/chap_392.htm#sec_20-325d), as amended by [P.L. 17-169](https://search.cga.state.ct.us/r/basic/dtsearch.asp?cmd=getdoc&DocId=12597&Index=I%3a%5czindex%5c2017&HitCount=4&hits=1e+1f+314+315+&hc=4&req=17%2D169&Item=0)

This amended statute states that a real estate licensee who represents a seller, lessor, prospective purchaser or lessee in transaction must disclose, in writing, the identity of his or her client to any party to the transaction who is not represented by another real estate licensee. If the transaction concerns residential property, the disclosure must be made at the beginning of the first personal meeting concerning the prospective purchaser’s or lessee’s specific needs in the transaction, or at the beginning of the first personal meeting with the seller or lessor concerning the property. If the transaction involves commercial real estate, disclosure must be made before the prospective purchaser or lessee signs the purchase contract or lease. The disclosure must be signed by a prospective purchaser or lessee and attached to any offer or agreement to purchase or lease.

Effective Date: January 1, 2018 – Amended Statute

**Hawaii – Teams**

[Hawaii Real Estate Commission Bulletin, November 2017](https://cca.hawaii.gov/reb/files/2017/11/bull1711.pdf)

Explanation of state laws and regulations relating to real estate teams. The article notes that Hawaii law requires advertisements to include either the brokerage name or a registered trade name used by the brokerage. The team name may be included in addition to the brokerage name.

Issue Date: November, 2017 – Interpretation

**Idaho – Advertising**

[Idaho Real Estate Commission, The Real Estatement, July 2017](https://realestatecommission.idaho.gov/realestatement/re0717.pdf)

The Idaho Real Estate Commission published a newsletter article explaining the changes to the state’s advertising law. The article notes that the new law states that a broker’s name must appear “clearly and conspicuously” on all advertisements.

Issue Date: July 2017 – Interpretation

**Iowa – Property Condition Disclosures**

[Iowa Code § 558A.2 (2017)](https://www.legis.iowa.gov/docs/code/2018/558A.2.pdf)

Legislation passed in 2017 amends the definition of “transfer” in the property condition disclosure law to exclude conveyances to a person within the third-degree of consanguinity or affinity. The amendment also authorizes electronic delivery of a property condition disclosure statement.

Effective Date: June 12, 2017 – Amended Statute

**Kansas – “Coming Soon” Advertisements**

[Kansas Real Estate Commission Newsletter, October 2017](https://www.krec.ks.gov/docs/default-source/newsletters/2017_10_krec_newsletter.pdf?sfvrsn=4)

Reminder regarding requirements for “Coming Soon” advertising. Licensees are reminded that they must have “an effective agreement to market the property” before placing a sign on the property.

Issue Date: October 2017 – Interpretation

**Maryland – Definition of “Breach of Fiduciary Duty”**

[Md. Code Ann. Bus. Occ. & Prof. § 17-532 (2017)](http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gbo&section=17-532&ext=html&session=2018RS&tab=subject5)

As amended, the law states that it is not a breach of duty or obligation to discuss other properties with prospective buyers or lessees at an open house, if the licensee has the written consent of the seller or lessor to do so.

Effective Date: October 1, 2017 – Amended Statute

**Missouri – Teams**

[Missouri Real Estate Commission News Bulletin, July 2017](http://pr.mo.gov/boards/realestate/newsletters/2017-07-01.pdf)

Newsletter article explaining the rules regarding team advertising. Team names need to be registered as trade names with the Missouri Secretary of State and with the Missouri Real Estate Commission.

Issue Date: July 2017 – Interpretation

**Nebraska – Broker Liability**

[Neb. Rev. Stat. Ch. 25, art. 2](https://nebraskalegislature.gov/FloorDocs/105/PDF/Slip/LB257.pdf)

The statute of limitations for actions against real estate licensees is two years from either the completion of the transaction, the termination of the agency agreement, or the termination or expiration of an unconsummated transaction. If a cause of action could not reasonably have been discovered in two years, the action may be commenced within one year of the date of discovery.

Effective Date: August 24, 2017 – New Statute

**Nebraska – “Coming Soon” Listings**

[Nebraska Real Estate Commission Policy and Interpretation 40](http://www.nrec.ne.gov/legal/policyinterpretation.html#PI40)

Sets out Commission policies regarding “coming soon” advertising. Nebraska has no specific rules or laws on such advertising, but the Commission interprets the general advertising rules as requiring an active listing agreement and consent of the owner before property can be advertised.

Effective Date: September 28, 2017 – Interpretation

**New Jersey – Independent Contractors**

[N.J.A.C. 11:5-4.1](http://www.state.nj.us/dobi/proposed/prn16_159.pdf)

Clarifies that an independent contractor relationship between a broker and a broker salesperson, salesperson, or referral agent is permissible.

Effective Date: July 3, 2017 – Amended Regulation

**North Dakota – “Coming Soon” Listings**

[North Dakota Real Estate Commission News & Views, Fall 2017](https://www.realestatend.org/image/cache/Fall2017.pdf)

North Dakota law requires a signed listing agreement before an advertisement may be placed. The client should also agree with the advertising approach taken.

Issue Date: Fall 2017 – Interpretation

**Texas – Internet Advertising**

[22 Tex. A.D.C. § 531.18 (2017)](https://www.trec.texas.gov/agency-information/rules-and-laws/trec-rules)

The amended regulation provides two options for the mandatory internet link to the Real Estate Commission consumer protection notice. The link must appear on all internet advertising, and must be labeled either “TREC Consumer Protection Notice” in at least 12 point font, or “Texas Real Estate Commission Consumer Protection Notice” in at least 10 point font.

Effective Date: December 1, 2017 – Amended Regulation

**Utah – Contract Addenda**

[Utah Real Estate Division Newsletter, Fourth Quarter 2017](https://realestate.utah.gov/newsletters/newsletter_q4-2017.pdf)

Article discussing the legal implications of the use of addenda to documents. Addenda are used to change or add detail to standard form contracts. Changes to contracts must be done by use of an addendum, and not by altering the physical document.

Issue Date: Winter 2017 – Interpretation

**Washington – Advertising**

[Washington Department of Licensing Real Estate Advertising Guidelines](http://www.dol.wa.gov/business/realestate/docs/620400.pdf)

The Washington Department of Licensing issued comprehensive guidelines for advertising by real estate licensees. All advertising must include the firm’s licensed name in a clear and conspicuous manner. “Clear and conspicuous” means that the firm name must be “presented in a manner so as to be readily noticed and understood.” All Internet advertising must include the firm name as well as the broker’s or managing broker’s name. This information must be included on every viewable page of a licensee website. The guidance provides examples of deceptive or misleading advertisements.

Issue Date: October 2017 – Interpretation