



# NEW HAMPSHIRE REAL ESTATE COMMISSION

25 Capitol Street, Room 434, Concord, NH 03301 Tel.: (603) 271-2701

## AGENCY AND NON-AGENCY DISCLOSURE FORM

**(This is Not a Contract)**

*This form shall be presented to the consumer at the time of first business meeting, prior to any discussion of confidential information*

### **Right Now You Are A Customer**

Do not assume that a licensee is acting on your behalf unless you sign a contract for representation. Until that time **you are a customer and not a client**. You should not expect the licensee to promote your best interest or to keep any information confidential, including your bargaining position.

**As a customer, you can expect a real estate licensee to provide the following customer-level services:**

- To disclose all material defects actually known by the licensee pertaining to the on-site physical condition of the real estate;
- To treat both the buyer/tenant and seller/landlord honestly;
- To provide reasonable care and skill;
- To account for all monies received from or on behalf of the buyer/tenant or seller/landlord relating to the transaction;
- To comply with all state and federal laws relating to real estate brokerage activity; and
- To perform ministerial acts.

### **NON-AGENCY**

If you do not wish to have a licensee act on your behalf either as a seller/landlord agent or a buyer/tenant agent, **you are a customer and shall be provided customer-level services.**

For more information about your choices in real estate relationships, you should ask the licensee for a copy of the consumer information brochure or go to the New Hampshire Real Estate Commission's website at [www.nh.gov/nhrec/consum4.html](http://www.nh.gov/nhrec/consum4.html).

### **To Become A Client**

Clients receive more services than customers. You become a client by entering into a written contract for representation as a seller/landlord or as a buyer/tenant.

**As a client, in addition to the customer-level services listed above, you can expect the following client-level services:**

- Confidentiality;
- Loyalty;
- Disclosure;
- Lawful Obedience; and
- Promotion of the client's best interest.

For seller/landlord clients this means the agent will put the seller/landlord's interests first and work on behalf of the seller/landlord.

For buyer/tenant clients this means the agent will put the buyer/tenant's interest first and work on behalf of the buyer/tenant.

Client-level services also include advice, counsel and assistance in negotiations.

**DISCLOSED DUAL AGENCY** occurs when a licensee and their firm acts as an agent for both the buyer/tenant and the seller/landlord in the same transaction. Disclosed Dual Agency requires written consent. When this happens, the licensee's ability to represent you is limited. The licensee cannot advocate on behalf of one client over the other. The licensee cannot share confidential client information concerning the price, negotiations, terms, or factors motivating the buyer/tenant client to buy or the seller/landlord client to sell without your consent.

I confirm receipt of this disclosure as required by the New Hampshire Real Estate Commission (Pursuant to Rea 701.01) and understand the options available to me as a Consumer. **I understand as a customer I should not disclose confidential information.**

Signature of Consumer \_\_\_\_\_ Date \_\_\_\_\_

Signature of Consumer \_\_\_\_\_ Date \_\_\_\_\_

Provided by: \_\_\_\_\_  
Licensee \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Name of Real Estate Brokerage Firm

\_\_\_\_ Consumer has declined to sign this form. Currently, the licensee represents \_\_\_\_\_.

*To check on the license status of a real estate firm or licensee go to [www.nh.gov/nhrec](http://www.nh.gov/nhrec). Inactive licensees may not practice real estate brokerage.*