

TITLE 22 EXAMINING BOARDS

PART 23 TEXAS REAL ESTATE COMMISSION

CHAPTER 531 CANONS OF PROFESSIONAL ETHICS AND CONDUCT

§531.1 Fidelity

A real estate broker or salesperson, while acting as an agent for another, is a fiduciary. Special obligations are imposed when such fiduciary relationships are created. They demand:

(1) that the primary duty of the real estate agent is to represent the interests of the agent's client, and the agent's position, in this respect, should be clear to all parties concerned in a real estate transaction; that, however, the agent, in performing duties to the client, shall treat other parties to a transaction fairly;

(2) that the real estate agent be faithful and observant to trust placed in the agent, and be scrupulous and meticulous in performing the agent's functions; and

(3) that the real estate agent place no personal interest above that of the agent's client.

§531.2 Integrity

A real estate broker or salesperson has a special obligation to exercise integrity in the discharge of the license holder's responsibilities, including employment of prudence and caution so as to avoid misrepresentation, in any wise, by acts of commission or omission.

§531.3 Competency

It is the obligation of a real estate agent to be knowledgeable as a real estate brokerage practitioner. The agent should:

(1) be informed on market conditions affecting the real estate business and pledged to continuing education in the intricacies involved in marketing real estate for others;

(2) be informed on national, state, and local issues and developments in the real estate industry; and

(3) exercise judgment and skill in the performance of the work.

§531.18 Consumer Information

(a) The Commission adopts by reference Consumer Protection Notice TREC No. CN 1-2. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.texas.gov.

(b) Each active real estate broker shall provide the notice adopted under subsection (a) by:

(1) displaying it in a readily noticeable location in each place of business the broker maintains; and

(2) providing a link to it labeled "Texas Real Estate Commission Consumer Protection Notice", in at least a 10 point font, in a readily noticeable place on the homepage of the business website of the broker and sponsored sales agents.

§531.19 Discriminatory Practices

(a) No real estate license holder shall inquire about, respond to or facilitate inquiries about, or make a disclosure of an owner, previous or current occupant, potential purchaser, lessor, or potential lessee of real property which indicates or is intended to indicate any preference, limitation, or discrimination based on the following:

(1) race;

(2) color;

(3) religion;

(4) sex;

(5) national origin;

(6) ancestry;

(7) familial status; or

(8) disability.

(b) For the purpose of this section, disability includes AIDS, HIV-related illnesses, or HIV infection as defined by the Centers for Disease Control of the United States Public Health Service.

§531.20 Information About Brokerage Services

(a) The Commission adopts by reference Information About Brokerage Services Form, TREC No. IABS 1-0 (IABS Form). The IABS Form is published by and

available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.texas.gov.

(b) Each active real estate broker and sales agent shall provide:

(1) a link to the IABS Form labeled "Texas Real Estate Commission Information About Brokerage Services", in at least a 10 point font, in a readily noticeable place on the homepage of the business website of the broker and sales agent; and

(2) the IABS Form as required under §1101.558, Texas Occupations Code.

(c) For purposes of §1101.558, Texas Occupations Code, the IABS Form can be provided:

(1) by personal delivery by the broker or sales agent;

(2) by first class mail or overnight common carrier delivery service;

(3) in the body of an email; or

(4) as an attachment to an email, or a link within the body of an email, with a specific reference to the IABS Form in the body of the email.

(d) Providing a link to the IABS Form in a footnote or signature block in an email does not satisfy the requirements of subsection (c).

(e) License holders may reproduce the IABS Form published by the Commission, provided that the text of the IABS Form is copied verbatim and the spacing, borders and placement of text on the page must appear to be identical to that in the published version of the IABS Form, except that the Broker Contact Information section may be prefilled.

Information about the new TREC IABS and Consumer Protection Notice

The new IABS and Consumer Protection Notice are statutorily required forms for consumer information to help ensure that consumers of Real Estate Services better understand how a broker or agent can represent them and where to find help if they need it.



Information about Brokerage Services (IABS) Facts:

- The form should be filled out completely when it is linked to your website as well as when it is provided during the first substantive communication.
- The only change that can be made to the appearance of the mandatory form is that the contact information may be prefilled. Do not change text, font size, style or add your business logo.
- Business website means a website used to attract or conduct real estate brokerage activity, that includes a business Facebook page. For example: a website listed on a business card, yard sign or advertisements is a business website. If you have more than one business website then a link to the notice must be provided on the homepage of each business website.
- The link to the IABS must read, "Texas Real Estate Commission Information About Brokerage Services" and be in at least 10 point font in a readily noticeable place on your homepage.
- The IABS form linked to a broker's business homepage only needs to contain information about the broker, including designated broker if an entity. If it is on the sales agent's or associate's homepage then the form should be filled out with the agent's or associate's information as well. If some contact information blanks do not apply, simply fill in "N/A."
- If you are a "broker associate", your name goes on the "Sales agent/Associate" line and the contact information for the brokerage you are associated with goes on the broker line.
- If you are providing the IABS through a link in an email, the link and a specific reference to the IABS must be in the body of the email and look like the rest of the text in the body of the email (not smaller or a lighter color).

Consumer Protection Notice Facts:

- The Consumer Protection Notice is required to be posted at your place of business AND on your website. This includes a business Facebook page.
- The Consumer Protection Notice cannot be altered in any way. Do not change the font or add your logo to the notice.
- The link to the Consumer Notice must read, "Texas Real Estate Commission Consumer Protection Notice", and be in at least 10 point font in a readily noticeable place on your homepage.