



**KEY  
ADVANTAGE**



# QUARTER 3 2024 SESSION

## ***Major topics –***

- Law comes before NAR policy
- Buyer Representation
- How are referral affected
- Remember YOUR TEAM



## QUITE THE NOISE

*Key Advantage licensees are NOT members of NAR. The changes to NAR policy do not affect you as a non member but it is still important to be in the know.*

***Everything can be boiled down to two main changes:***

- Listings in the multiple-listing services will no longer show whether a seller is offering to pay a buyer's agent, or how much.
- Buyers will be required to sign agreements specifying how much the buyers broker commission is to be. Hence, the buyer broker agreement

# NAR IS PRIVATE POLICY ... LAW IS LAW

*The following is recent correspondence with the head compliance officer with the Nevada Real Estate Division... It is important to remember that Law come first and NAR policy is NOT law.*

Jan

We are continuing to hold seminars as it pertains to NAR policy changes surrounding the decoupling of commissions from the MLS and Buyer Brokerage agreements.

Licensees often have a hard time believing that NAR doesn't create or control state / federal law or regulations.

You and I know this but I would love something back from you indicating that no aspect of Nevada Law (statute or code) has been modified as a result of these recent NAR settlements. This would help me drive the point home in my seminars.



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# NAR IS PRIVATE POLICY ... LAW IS LAW

As of today, there has been no change to Nevada statute or regulation in response to the NAR Settlement. Any changes to Nevada statute would have to go through the state legislative process which will begin in the first quarter of 2025. If necessary, the Real Estate Commission has the authority to change Nevada Administrative Code 645 in response to any changes to Nevada statute made by the state legislature.

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# NAR IS PRIVATE POLICY ... LAW IS LAW

You're welcome. What many agents don't seem to understand is that NAR, NVR, and LVR are your professional organizations. We are the Nevada state regulatory agency for the state law for real estate licensees. Two totally different organizations. They also seem to think we regulate your Code of Conduct and Standards of Practice. While some of the Realtor requirements are line with state law, we don't enforce those requirements. Your associations enforce those requirements. Thanks.

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## NEW RULES OF THE PRIVATE ASSOCIATION NAR

### **Working with buyers and why you need to know**

- Every buyer should sign a buyers broker agreement. Whether its 1 day or an extended period of time. Every buyer should sign one.
- To simplify, buyers agents will now need to disclose and clarify commissions in advance rather the unknown that tended to float around prior to this settlement and actions that followed.
- Its important to be aware of this because any NAR member (MLS agent) will be required to follow this protocol
- You will NOT need to complete buyer broker agreements regardless of your affiliation to the transaction
- If you have elected to represent the capacity of “Agent of record” rather than referring, you MUST define the total commission to be paid to the buyer brokerage within the purchase contract.
- New home builders may have their own form to complete at initial consult but this is only as it relates to their business model and not law.

# NEW RULES OF THE PRIVATE ASSOCIATION NAR

& What Key Advantage licensees need to know



Commission rates offered by the seller can no longer be disclosed in the MLS. Therefore, buyers agents should call, text or email the listing agent to discuss the concessions the seller is willing to make based on purchase price.



It is suggested that Buyers agents communicate seller concessions but writing a strong offer to purchase at a standard 3% compensation to be paid for by the seller as a credit to Buyer at closing and/or by the seller directly to Broker at closing is always safe bet



Don't shy away from discussing the buyer commission to be sought by the agent accepting your referral. It is important that you and your team (the agent accepting your referral are on the same page and this expectation of commission is defined)



## NEW RULES OF THE PRIVATE ASSOCIATION NAR

### **Seller Representation**

- We recommend referring ALL sellers to your team as its hard to represent a seller without being a member of the MLS
- FOR LISTINGS ... BE in the know
- All sellers should still be given a net sheet at the time of listing showing what concessions they should expect to pay concessions which include buyer brokerage commissions of 3% (Negotiable but industry standard is recommended to help promote a faster sale)
  - Concessions can include anything (commissions, repairs, etc... )
  - NO commissions or similar wording should be defined on the MLS or the Remarks of the MLS. The most compliant statement would be: Contact the listing agent for additional property information by phone 702 555 1212 text 702 555 1212 or email [Agent@KeyNevada.com](mailto:Agent@KeyNevada.com)
- NOTE: Advertisements outside of the MLS are not regulated by NAR
  - This means that NV and Federal law regulate these advertisements. As long as you include KEY ADVANTAGE and your license number, you can show any true commission ALL DAY LONG

## Helpful Links

See [Settlement FAQs](#)

Written Buyer Agreements [101 resource](#)

[Nevada Duties Owed](#)

[Link to referral page](#) (connect your customers / clients with the team)

[Link to the general licensee dashboard of Key Advantage](#)

[Link to the real estate cabinet](#) containing general Key Advantage forms for practice

