

REQUIRED WRITTEN AGREEMENTS WITH RESIDENTIAL BUYERS

The change in Texas law under 1101.563 now mandates written agreements related to brokerage activities performed for prospective buyers of residential property.

The written agreement requirement does not apply to commercial purchasers or residential/commercial tenants.

A license holder working with a prospective buyer of residential real property must enter into a written agreement with the prospective buyer before:

Showing any residential real property to the prospective buyer; or
If no residential real property will be shown, presenting an offer to purchase residential real property on behalf of the prospective buyer.

The written agreements required by 1101.563 can take two forms:

Non-representation, showing-only agreements that satisfy both 1101.562 and 1101.563; or

Representation agreements that satisfy 1101.563

Representation agreements also can limit the services a broker agrees to provide to prospective buyers—such as limiting their services to showing only—but they cannot waive the minimum duties owed to clients which are provided by existing TREC rules and law.



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