

Buyer Representation

At the start of any real estate transaction in Ohio, one of the first documents you will sign upon selecting representation from a real estate agent is the "Disclosure of Agency Relationship." This document outlines your choices for representation -- or agency -- by a real estate licensee. The choice is yours, as a seller or buyer of real estate.

Since the passage of Ohio House Bill 354 in 1996, the options of representation given to potential homebuyers and sellers have expanded greatly. In the past few years, buyer's agency has become a popular option available to the home buying public.

"In [a buyer's agency] relationship, a buyer's agent and the brokerage owe the buyer the duties of loyalty, obedience, confidentiality, accounting, and reasonable skill and care in performing their duties and any other duties contained in an agency agreement. The agent and brokerage are required to act solely on behalf of the buyer's interests to seek the best price and terms for the buyer. Finally, a buyer's agent and brokerage also have a duty to disclose to the buyer all material information obtained from the seller or from any other source."

If the agent representing you is a buyer's agent, working for you and your best interests, then he or she would have no duty to disclose your strategy and, in fact, would offer advice on how to further negotiate in your favor.

Other ways that the buyer's agent can assist the buyer in getting the best possible value includes such suggested things as negotiating for a smaller earnest money deposit, for some or all closing costs to be paid by the seller, or for other contract terms most favorable to the buyer. Buyer's agent assistance also may include helping the buyer obtain legal assistance to review proposed contracts or structural inspectors to examine the property.

The types of services buyer's agents offer typically are not different from those provided by seller's agents -- they are just provided from a different perspective.

The growing popularity of buyer's agency can be seen clearly throughout the state and country.

The information contained in this document is for information purposes. However, no guarantee is provided. For legal counsel consult with an attorney.