

Open House

Do's and Don'ts in the Wake of AB 2992 and the NAR Settlement

In the wake of the NAR settlement and Assembly Bill 2992, you may feel unsure about the proper open house protocols. This Quick Guide will help you keep track of what you are allowed and not allowed to do when hosting an open house.

QUESTION	DO	DON'T
Can I host an open house for a broker that is not my own?	- Do host an open house on a property that is listed by either: (1) your own seller client; or (2) your brokerage's seller client. - For example, if it is your listing, you can certainly host an open house. If the property is listed by a colleague in your brokerage, you can also do so.	- Best practice is not to host an open house on a property listed by a brokerage other than your own. (i.e. if you work for ABC Realty, don't host an open house on a property listed by XYZ Realty.) - Why? Legal and regulatory issues exist concerning seller informed consent, liability, and insurance coverage, among others.
Do all open house visitors need to sign a form before they preview the property?	- Do invite all visitors to sign in on the C.A.R. form Open House Visitor Non-Agency and Sign-In (OHNA-SI). Once they do so, they will confirm they're aware that you represent the seller. This will protect you. - If the visitors refuse to sign the OHNA-SI, do hand them a printout of C.A.R. form Buyer Non-Agency Agreement (BNA). Visitors are not required to sign the BNA. - Do make a note in your file that you gave BNA printouts to all visitors who refused to fill the OHNA-SI.	- Don't tell visitors they can't preview the featured property unless they first sign a buyer representation agreement. - Don't tell visitors they can't preview the featured property unless they first hire you as their agent. - Don't pressure visitors to sign a Buyer Representation Broker Compensation (BRBC) form. - Don't require buyers who are represented by agents to provide copies of their buyer representation agreements to you.
If the visitors are already represented by an agent, should I still ask them to sign in on the OHNA-SI form?	Do ask all visitors to sign in the OHNA-SI form, including visitors who are already represented by an agent. Invite them to write their agent's name on the OHNA-SI form.	Don't use open houses to target visitors as prospective clients who are already in exclusive agency relationships with other agents.
Can I give property tours to open house visitors who are not my clients?	Do give open house tours to visitors who sign in using the OHNA-SI. Once they have done so, they have acknowledged you represent the seller, and you are not their agent. Then you can give them a tour.	Don't give open house tours to visitors who refuse to fill in the OHNA-SI. Do let them tour the property on their own. Do prepare to answer their questions about matters addressed in the open house flyer or handout.
Can I market my services to open house visitors?	- Do prioritize marketing the listed property. - You can also provide general information about your services to visitors who aren't exclusively represented by another agent.	Don't prioritize targeting new prospective clients during an open house.