

2022 COMMERCIAL REAL ESTATE CHANGES FROM THE DIVISION OF REAL ESTATE Important Changes for Commercial Brokers

UPDATES TO FORMS FOR 2022

2022 Commercial Contract - Redlined version - [Click Here](#)

Land Contract - Redlined version - [Click Here](#)

CONTRACTS AND FORMS FOR 2022

To view the list of contracts and forms mandated by the Colorado Division of Real Estate, [click here](#).

UPDATES TO RULES GOVERNING REAL ESTATE BROKERS

Real Estate Broker Rulemaking Update

Division of Real Estate Winter 2022 Newsletter

On October 5, 2021, the Colorado Real Estate Commission held a permanent rulemaking hearing and adopted some changes to the Rules Governing Real Estate Brokers, to be effective on November 30, 2021.

Highlights of the adopted changes include:

Chapter 1 - Definitions, specifically Rule 1.32, by adding to the Listing Contract definition “Management Agreements.”

Chapter 6 - Practice Standards - Rule 6.10 (Advertising)

Rule 6.10.A.2 (Names), whereby a brokerage firm may include the locations of its offices, including branch offices in its advertising.

Rule 6.10.D (Electronic Media), clarifying what names need to be included in any electronic media advertising.

Rule 6.10.F (Authority to Advertise), specifying the broker’s authority to advertise properties that are available or are under contract. This set of rules sets forth the manner in which a broker may disseminate another broker’s advertising, and the manner in which a broker may disseminate an owner’s advertising who is not represented by a brokerage firm.

See Redlined revisions to rules governing real estate brokers - [Click here](#)

REMINDER: AVOIDING ANTI-TRUST ISSUES RELATED TO COMMISSION FIXING

The antitrust laws are designed and intended to protect competition and prevent monopolies. Awareness of and sensitivity to the antitrust laws is imperative for real estate brokers in today's marketplace. Real estate and housing issues are a vital concern of government at all levels. This means that the real estate brokerage business may be often under scrutiny, and any anti-competitive conduct is likely to be detected and prosecuted.

Antitrust problems most frequently arise out of agreements – conspiracies – among competitors which have the purpose or effect of eliminating or restricting competition between the parties to the agreement. A common subject of such agreements is the price or fee each competitor charges its customers for its products or services. Real estate brokerage firms are no different, and in the real estate profession, that usually means commission rates. A commission is the charge to a seller for successfully procuring a ready, willing and able buyer for the seller's property on terms set forth in a listing agreement, or other such terms as the seller is willing to accept. Another form of commission is the charge to the buyer by a buyer's agent for assisting the buyer in locating and acquiring suitable property.

The antitrust prohibition on fixing commission rates means, simply, two or more real estate firms may not agree on the commission rate that each will charge. As noted earlier, price-fixing is a per se violation of the antitrust laws. Brokers must not agree with others on commission rates, and must take care to avoid even implying that they have discussed and/or reached agreement on fees. Salespeople must exercise similar caution to avoid the implication that the firm with which they are affiliated is part of a price-fixing conspiracy.

Read more details from the National Association of REALTORS® [here](#)

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