



Welcome to the Missouri REALTORS® Broker Connection newsletter! As designated REALTORS® and brokers, we are delighted to have you in our community of real estate professionals dedicated to excellence and staying informed.

This monthly newsletter is designed to serve as a vital resource hub, providing you with important updates on legal matters, advocacy efforts, and industry happenings. In today's ever-changing real estate landscape, staying ahead of legal changes and advocating for our profession is crucial for success.

Through the Broker Connection, it is our goal to provide you with the knowledge and insights needed to navigate these complexities effectively.

Sincerely,

Breanna Vanstrom
CEO, Missouri REALTORS®

LEGAL UPDATE

Forms Instruction Manual Update

Missouri REALTORS® Risk Management team recently re-introduced the Missouri REALTORS® Forms Instruction Manual as a resource to assist members. Each part of the instruction manual covers a form (or forms) with line-by-line instructions on how to complete it. The manual is [provided in an electronic format](#) and can be downloaded and used electronically or printed.

There are currently five sections within the manual covering eight different forms. Updates to the manual will continue to be added as they are completed.

Legal Line FAQ of the Month

Question: In what ways can a brokerage assist the seller and buyer in a real estate transaction "in-house?" Does the answer change if the designated REALTOR® (DR) is personally representing one of the parties?

Answer: There are generally THREE options that may be available (depending on the office policy in place) in the event the same office is assisting both parties to a real estate transaction:

1. The office can offer designated agency, whereby one agent (or group of agents) is designated by the DR to represent the seller and another agent (or group of agents) is designated by the DR to represent the buyer, to the exclusion of all other licensees in the office;
2. The office (or agent/agents) can act as a dual agent, whereby the office (or agent/agents) simply represents both parties; or
3. The office can act as a transaction broker, in which case the agent/agents involved really do not represent either party and instead “assist” the parties in facilitating the deal.

This answer does change if the DR is personally representing one of the parties involved. Since the DR is responsible for designating the agent(s) under a designated agency, and maintains the duty to supervise these agents, the DR would not be able to be a “designated agent” in the scenario where (s)he is personally representing one of the parties. Instead, the DR may only be able to utilize options 1 or 2 above (depending on office policy). However, if the DR wishes to use a designated agency instead of dual agency/transaction brokerage, the DR may also be able to “step back” from personally representing one of the parties and instead follow the designated agent procedures.

For questions, contact LEGAL LINE at (573) 447-5278.

*LEGAL LINE provides legal information, not legal representation. LEGAL LINE is **NOT** a substitute for or designed to provide any legal or other professional advice, strategy or advocacy specific to any individual situation. You must consult your private attorney or other professional for such matters and should encourage your clients to seek legal counsel as appropriate. Further, to the extent any information set forth herein relates to the National Association of REALTORS® (“NAR”) Code of Ethics, its interpretation or enforcement, such information reflects the understanding and opinions of LEGAL LINE and does not represent an official expression of policy by NAR.*

Forms Vendors and Helpful Information

Missouri REALTORS® forms are accessible on eight separate platforms to provide members with options based on brokerage needs. With the exception of formsRUs, members must contact form vendors directly for subscription information and technical assistance. When using formsRUs.com, if you experience issues logging in or need to report a form issue (i.e., field formatting, incorrect form, etc.), contact Tracey Yost directly at tracey@morealtor.com.

To learn more about Missouri REALTORS® form vendors, including contact information for each, [visit our Standard Forms page](#).

Final Rule: Employee or Independent Contractor Classification Under the Fair Labor Standards Act

On March 11, 2024, the US Department of Labor's final rule revising the department's guidance on analyzing who is an employee or independent contractor under the Fair Labor Standards Act (FLSA) went into effect. This new rule rescinds the Independent Contractor Status under the Fair Labor Standards Act rule published on January 7, 2021, replacing it with an analysis for determining employee or independent contractor status more consistent with the FLSA as interpreted by longstanding judicial precedent. The final rule and resources provided by the US Department of Labor can be found [here](#).

With the enactment of this updated rule, we encourage brokerages to review and update employment agreements within their offices as needed. The National Association of REALTORS® also provides several resources relating to "[independent contractor status](#)." [LEGAL LINE](#) is also available to assist with general information and resources.

Brokerages should contact competent employment law counsel to discuss how the rule impacts their specific business models/practices.

ADVOCACY UPDATE

First-Round House Approval for Defending Landlord Rights

The Missouri House gave first-round approval on Tuesday, March 5, to legislation barring local governments from imposing certain restrictions on landlords as they consider whether to rent to a prospective tenant. [House Bill 2385](#), sponsored by [Rep. Ben Keathley](#) (R-Chesterfield), is strongly backed by Missouri REALTORS®, whose chief lobbyist, Sam Licklider, was among more than 40 witnesses testifying in support of the measure in committee.

Under HB2385, local governments could not require landlords to accept federal vouchers for housing, commonly known as "Section 8." Local governments also could not prohibit landlords from declining to rent based on common safeguards such as eviction histories, property damage histories, criminal records, and credit checks. This issue has been particularly highlighted recently in Kansas City, where Mayor Quinton Lucas has pressed for broader use of federal housing vouchers by property owners who do not currently choose to accept them.

The St. Louis Post-Dispatch quoted Rep. Keathley during the debate: "I can't think of a quicker way to drive new housing developers out of our state and out of our communities than telling them we're gonna make it even harder for them to collect rent. We're going to make it so they can't mitigate risk at all."

HB2385 now is in line for a final House vote; the passage will advance it to the Senate.

BROKERAGE MANAGEMENT

Live Webinar: How to Attract and Retain Top Performers

Join us for the March Broker Power Hour on March 27 at noon CT to discover unique strategies for attracting and retaining superstar agents to your firm.

Jason Craig, CISP, will explore the world of Real Estate IRAs; a low-cost, flexible option to help agents prepare for retirement through real estate investing. Transform your firm into a top destination for agents and boost your overall sales simultaneously.

You'll also receive exclusive insights from the NAR Advocacy team on the latest developments from Capitol Hill.

REGISTER NOW

To access the session materials and recording, **register no later than Tuesday, March 26th.**

For questions, contact NAR broker staff at brokerforum@nar.realtor.

We encourage you to [visit the Broker Community](#) on THE LANDING to connect with brokers across Missouri. And remember, our dedicated Missouri REALTORS® [staff](#) and [Leadership Team](#) are here to support you every step of the way so, don't hesitate to reach out.

We sincerely appreciate your ongoing membership and commitment to Missouri REALTORS®!

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