

July 2024 Forms Release

Quick Summary

This chart is a quick summary of the new and revised standard forms scheduled for release **the week of July 22nd, 2024**. For further information, please refer to the C.A.R. web page at: <https://www.car.org/transactions/standard-forms/new-forms-and-revisions>. Please note that this list is subject to change.

| Form Code | Form Name | Replaces | Brief description of form or how the form was revised |
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| ABSPA | Already-Built Subdivision Purchase Agreement and Joint Escrow Instruction | 12/22 version | Cooperating broker compensation language removed from Real Estate Broker Section, Escrow Instruction paragraph and request for seller to pay buyer broker compensation paragraphs. |
| BCA | Broker Compensation Advisory | New | This one-page form explains how brokers can get paid in a transaction. Listing Agreements: Paragraph 1 discusses the seller-side of the transaction and how payments to listing brokers do not get shared with buyer's brokers. Buyer representation agreements: Paragraph 2 discusses the obligation to have a written compensation agreement with a buyer. Paragraph 3 addresses the ways a buyer's broker may be paid. The two primary options are: (i) The buyer pays directly; and (ii) The seller pays pursuant to term in purchase agreement or single party agreement, if the seller is unrepresented. |
| BFPI | Buyer Financial and Personal Information | NEW | This form helps a buyer agent assess the buyer's qualifications for the property the buyer wants to purchase. Factors include amount and source of downpayment, maximum loan amount, type of financing, whether buyer currently rents or owns, whether buyer has experience with property, or if buyer is a real estate licensee. Information on the form is confidential. Form to be provided with a BRBC or within 5 days after signed. |
| BIPP | Buyer Identification of Preferences and Priorities | NEW | The BIPP helps the buyer's agent know what is important to a buyer such as price range, number of bedrooms and baths, single story v. multi-level property, school district, "green" features and accessibility features. Information in the form is confidential and may change over time. |

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| BMI-SP | Buyer Material Issues for a Specific Property | NEW | Once a specific property has been identified, this form is used for a buyer to identify issues related to that property that require attention or further information. |
| BRBC | Buyer Representation and Broker Compensation Agreement | 12/22 version | <p>This form satisfies the obligation to have a written agreement with a buyer. The property to be acquired defaults to single family home, condo or mobile with options for multi-family and other types (2B (1)). A general location for the property, either city or county needs to be specified (2B (2)). Buyer preferences can be specified in paragraph 2C by attaching Buyer Identification of Preferences and Priorities (BIPP). The buyer's broker's compensation is specified in paragraph 2E(1). The broker may receive payments from a seller that are credited against the buyer's obligation. Broker not allowed to receive any overage.</p> <p>Financial/Personal Info.: Can identify if buyer lacks funds to pay or is not allowed to pay broker (2G(2)) and explanation in referenced paragraph 9B of consequences.</p> <p>Buyer advised of risk of signing representation agreements with different brokers (2D and 7).</p> <p>Confirmation of Compensation: Reassert compensation obligation on same page as buyer signature so only last page of BRBC is needed to provide to seller as proof in case buyer asks seller to pay buyer's broker in purchase agreement (15).</p> |
| CCSPA | Condominium Conversion Subdivision Purchase Agreement and Joint Escrow Instructions | | Cooperating broker compensation language removed from Real Estate Broker Section, Escrow Instruction paragraph and request for seller to pay buyer broker compensation paragraphs. |
| CLA | Commercial and Residential Income Listing Agreement | | <p>Compensation: Compensation for seller's broker and buyer's broker unbundled. Optional paragraph for compensation to seller's broker if buyer unrepresented. All MLS issues, including addressing concessions, are on a MLS addendum. Bundled with new form, Broker Compensation Advisory (C.A.R. Form BCA).</p> |

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| COBR | Cancellation of Buyer Representation | 12/22 version | An optional box was added to paragraph 2 to recognize that both buyer and broker may mutually agree to cancel. |
| CPA | Commercial Purchase Agreement and Joint Escrow Instructions | | Cooperating broker compensation language removed from Real Estate Broker Section, Escrow Instruction paragraph and request for seller to pay buyer broker compensation paragraphs. |
| DM-BR | Disclosure and Modification to Buyer Representation Agreement | NEW | This form is used to modify a buyer representation agreement in effect before July 24, 2024. It informs the buyer that the broker can no longer accept compensation that exceeds the amount specified in the BRBC once a NAR proposed settlement is implemented, on August 17, 2024 or sooner if restriction earlier adopted by MLS. Brokers who entered a BRBC with the expectation of collecting any overage from the listing broker will have to either modify the compensation term using an MT-BR plus an addendum, get a new BRBC form signed, or work for less than previously anticipated. |
| DM-LA | Disclosure and Modification to Listing Agreement | NEW | This form is used to modify a listing agreement in effect before July 24, 2024. It informs the seller that offering compensation through the MLS will be prohibited once a NAR proposed settlement is implemented on August 17, 2024 or earlier if MLS adopts required changes before. The form should be used prior to the expected July 2024 implementation date. |
| LL | Lease Listing Agreement | | Language regarding cooperating broker compensation removed from all parts of the form. Only addresses compensation from a property owner to the lease listing broker. |
| MLSA | Multiple Listing Service Addendum | NEW | This addendum incorporates language previously in listing agreement about advantages of MLS, and risks of opting out of MLS. Paragraph 5 addresses seller concessions with an explanation and a default that seller does not authorize broker to advertise in MLS that seller will consider concessions. |
| MT-BR | Modification of Terms – Buyer Representation Agreement | NEW | This form should be used to document a change in the buyer representation agreement. Preprinted language allows for changes to expiration date and compensation. This form could be used in addition to the DM-BR if the broker |

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| | | | believes that a previous BRBC was entered into at too low of a compensation rate. |
| MT-LA | Modification of Terms - Listing Agreement | NEW | This form should be used to document a change in the listing agreement. Preprinted language already allowed for changes to price and expiration date, and new preprinted language allows for compensation to be changed. |
| NBIP | Notice to Broker Involved Properties | | This form establishes that a buyer's broker has been involved in a property that a buyer purchases, thereby triggering a right to be compensated, whether property purchased during or after representation period or after cancellations. |
| NCPA | New Construction Purchase Agreement and Joint Escrow Instructions | | Cooperating broker compensation language removed from Real Estate Broker Section, Escrow Instruction paragraph and request for seller to pay buyer broker compensation paragraphs. |
| NODPA | Notice of Default Purchase Agreement | | Cooperating broker compensation language removed from Real Estate Broker Section, Escrow Instruction paragraph and request for seller to pay buyer broker compensation paragraphs |
| OHNA-SI | Open House Visitor Non-Agency Disclosure and Sign-In | NEW | One of the terms of the NAR proposed settlement is that agents "working with" a buyer need to have a buyer representation agreement prior to showing a property. The OHNA informs visitors that they are not in an agency relationship with the listing brokerage, and therefore not "working with" the brokerage. If the visitor already has another broker working on their behalf, then the listing agent would want to be informed of who the other agent is to avoid conflicts and to allow the listing agent to follow up without violating the Code of Ethics. The form doubles as a sign-form for visitors to an open house. |
| PSRA | Property Showing and Representation Agreement | NEW | This form creates a written representation agreement with a buyer. It is valid for only 3 properties, it creates a non-exclusive relationship, and has a representation period not exceeding 30 days. |
| RIPA | Residential Income Purchase Agreement and Joint Escrow Instructions | | Cooperating broker compensation language removed from Real Estate Broker Section, Escrow Instruction paragraph and request for seller to pay buyer broker compensation paragraphs. |

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| RLA | Residential Listing Agreement - Exclusive | 12/23 version | Compensation for seller's broker and buyer's broker unbundled (2C (1)). Optional paragraph for compensation to seller's broker if buyer unrepresented (2C (2)). All MLS issues, including addressing concessions, are on a MLS addendum. Bundled with new form, Broker Compensation Advisory (C.A.R. Form BCA) (3A). |
| RLAN | Residential Listing Agreement – "Open" | | Compensation for seller's broker and buyer's broker unbundled (2C (1)). Optional paragraph for compensation to seller's broker if buyer unrepresented (2C (2)). All MLS issues, including addressing concessions, are on a MLS addendum. Bundled with new form, Broker Compensation Advisory (C.A.R. Form BCA) (3A). |
| RLASR | Residential Listing Agreement Seller Reserved | | Compensation for seller's broker and buyer's broker unbundled (2C (1)). Optional paragraph for compensation to seller's broker if buyer unrepresented (2C (2)). All MLS issues, including addressing concessions, are on a MLS addendum. Bundled with new form, Broker Compensation Advisory (C.A.R. Form BCA) (3A). |
| RPA | California Residential Purchase Agreement and Joint Escrow Instructions | 1 | Cooperating broker compensation language removed from Real Estate Broker Section, Escrow Instruction paragraph and request for seller to pay buyer broker compensation paragraphs |
| SPBB | Seller Payment to Buyer's Broker | 6/23 version | The revised form is simplified. Paragraph 1A identifies the amount buyer is asking seller to pay. 1B limits the amount that specified in the buyer representation agreement. 1B also makes explicit that if there is no buyer representation agreement, seller has no payment obligation. Paragraph 3 allows buyer's broker, not just escrow, to reveal compensation to seller. The last page of the revised BRBC can be used to satisfy the obligation. Paragraph 4 makes buyer's broker a third-party beneficiary of the seller's agreement to pay buyer's broker which should give broker a right to pursue the seller if payment is not made. |

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| TRBC | Tenant Representation and Broker Compensation Agreement | NEW | Establishes a contractual agreement for a tenant to pay a broker for finding a property for the tenant to lease or rent. |
| VLL | Vacant Land Listing Agreement | 6/23 version | <p>I Compensation for seller's broker and buyer's broker unbundled (2C (1)). Optional paragraph for compensation to seller's broker if buyer unrepresented (2C (2)). All MLS issues, including addressing concessions, are on a MLS addendum. Bundled with new form, Broker Compensation Advisory (C.A.R. Form BCA) (3A).</p> <p>n addition to conforming to other listing agreements, a paragraph was added under broker and owner duties to give broker the right to cancel listing if seller cannot provide proof of identity to assure ownership. Language added in attempt to minimize fraudulent transactions.</p> |
| VLPA | Vacant Land Purchase Agreement and Joint Escrow Instructions | | Cooperating broker compensation language removed from Real Estate Broker Section, Escrow Instruction paragraph and request for seller to pay buyer broker compensation paragraphs |
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C.A.R. no longer monitors the legal validity of any prior form version and the C.A.R. User Protection Agreement only applies to the most current version of a form.

See <https://www.car.org/zipform/standard-forms/user-protection-agreement> for full text of the User Protection Agreement.