



DUAL AGENCY DISCLOSURE AND CONSENT
Hawaii Association of REALTORS® Standard Form
Revised 9/24 For Release 10/24



COPYRIGHT AND TRADEMARK NOTICE: THIS COPYRIGHTED HAWAII ASSOCIATION OF REALTORS® STANDARD FORM IS LICENSED FOR USE UNDER TERMS OF THE HAWAII ASSOCIATION OF REALTORS® STANDARD FORM LICENSE AGREEMENT LOCATED AT http://www.hawaiiirealtors.com/standard-form-policy.

BROKER COMMISSIONS ARE NOT SET BY LAW AND ARE FULLY NEGOTIABLE.

A-1 PURPOSE:

HAWAII ADMINISTRATIVE RULES TITLE 16 CHAPTER 99 REQUIRES THAT A WRITTEN DISCLOSURE OF CERTAIN AGENCY RELATIONSHIPS BE MADE PRIOR TO ENTERING INTO ANY WRITTEN CONTRACT. THIS DUAL AGENCY DISCLOSURE AND CONSENT SHALL BE SIGNED BY CONSUMER BEFORE SIGNING A WRITTEN CONTRACT.

A-2 CREATION OF THE CLIENT/LICENSEE RELATIONSHIP:

The client/licensee relationship may be created in several ways. The preferred method is by express written agreement prior to the licensee performing the duties associated with agency. However, it is also possible that an agency relationship, specifically a dual agency relationship may be created without the knowledge of all those concerned.

A-3 DUAL AGENCY/POTENTIAL CONFLICTS:

A dual agency relationship exists when a Brokerage Firm represents two or more principals with conflicting interests. These conflicts may or may not be known to individual licensees of the Brokerage Firm.

- 1. The Brokerage Firm represents both the buyer and seller in a transaction.
2. The Brokerage Firm represents multiple buyers who are searching for similar properties.
3. The Brokerage Firm represents sellers with similar properties.
4. The Brokerage Firm has represented the buyer or the seller as a previous client and the Brokerage Firm and all its licensees owe a fiduciary duty of confidentiality.
5. The Brokerage Firm may have agreements to represent other buyers, whether such representation arises prior to, during, or after the termination of any contract.
6. The Brokerage Firm may have agreements with other sellers to market and sell their property.

Standard dual agency practices require that the Brokerage Firm and all of its licensees must remain neutral in all negotiations and must not advance the interest of one party over the other.

A-4 DISCLOSURE:

The Brokerage Firm and all its licensees owe fiduciary duties to the clients. These duties include the duty of (1) loyalty, (2) obedience (to all lawful directives), (3) disclosure of material facts known to the licensee that may influence the client's decision in the specific matter, (4) skill, care and diligence in the performance of services, (5) accounting and (6) confidentiality of any personal information that a licensee may learn about their client.

A-5 BROKERAGE FIRM AND LICENSEE'S OBLIGATIONS:

Buyers and sellers understand that, in a dual agency relationship, where both parties are represented by the same Brokerage Firm, services which can be provided by the Brokerage Firm and its licensees, under Hawaii law, are limited. The Brokerage Firm can only act to facilitate the transaction. The licensees remain obligated by law to disclose any material facts concerning the property known to them personally.

A-6 SERVICES THAT THE BROKERAGE FIRM AND ITS LICENSEES CAN PROVIDE FOR THE PARTIES:

- 1. Treat all clients honestly.
2. Provide information to the clients about the property and the community.
3. Respond to questions from the clients about the property.
4. Disclose to the clients, pursuant to Hawaii law, all material facts about the property known to the Brokerage Firm.
5. Disclose to the seller the financial qualifications which have been provided with the permission of the buyer.
6. Explain real estate forms, terms and procedures.
7. The listing licensee at the seller's direction may continue to market the property and solicit additional offers.
8. The buyer's licensee at the buyer's direction may continue to search for and prepare offers on other properties.

BUYER'S INITIALS & DATE

©Hawaii Association of REALTORS®
Dual Agency Disclosure and Consent
RR221 Rev. 9/24

x HN
SELLER'S INITIALS & DATE



