



TRAINING TIP OF THE WEEK

The Lowdown on LOCKBOX Access

Question: A buyer's agent scheduled an inspection of an occupied home and the lockbox recorded entry to the home with the agent's code. It was later learned that the agent was not in attendance with the buyer and inspector during the inspection. Is it a violation of the Code of Ethics for an agent to allow an inspector and a buyer into the house by themselves?

Answer: *Unauthorized access is a violation of the Code of Ethics*, but what constitutes unauthorized access depends on the listing agent's agreement with the property owner. Standard of Practice 1-16 applies to listing brokers and agents. "REALTORS® shall not access or use, or permit or enable others to access or use, listed or managed property on terms or conditions other than those authorized by the owner or seller." Unauthorized access by cooperating brokers is covered by Standard of Practice 3-9. "REALTORS® shall not provide access to listed property on terms other than those established by the owner or the listing broker."

So what is "unauthorized access?" Most listing agreements provide that the owner authorizes the use of the lockbox system under that system's rules. If the inspector is a member of the lockbox system, then the inspector is authorized to enter the property for the purposes allowed under the lockbox rules*.

However, if inspectors are not permitted to access lockboxes, then the buyer's agent has violated both the lockbox rules and the Code of Ethics by permitting access by the inspector and buyer without the buyer's agent's presence. If the lockbox was a combination variety and the listing agent gave the buyer's agent the combination for the buyer's agent's needs in showing and inspections, the buyer's agent would not have authorization to give the combination to the inspector and buyer and would be in violation of the Code under Article 3 and Standard of Practice 3-9.

*Lockbox Rules (for the CVAR)

Remember this: Permission is ALWAYS required to access a lockbox. That permission may be granted on the MLS with a "Vacant, on lockbox. No appointment necessary." Unless no appointment required is indicated, permission to view must be obtained, vacant or occupied. Failure to comply with this rule may result in suspension of Supra Key access.

Inspectors are issued a Key access through our Association. However, it is for the purpose of the inspection only, and permission to enter is still required. If the buyer wishes to attend the inspection, they must be accompanied by their agent.

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