

## **RE39R20: Commonly Used Forms (Residential): Mandatory/Optional**

*Updated July 2020*

1. Description of Commonly Used Forms
2. Mandatory Forms
  - a. Massachusetts Mandatory Licensee - Consumer Relationship Disclosure Form
  - b. Relationships
    - i. Seller Agent
    - ii. Buyer Agent
    - iii. Dual Agent
    - iv. Facilitator (non-Agent)
    - v. Designated Buyer or Seller Agent
  - c. When to provide
    - i. First Personal meeting to discuss a specific property
    - ii. Prior to the relationship changing
  - d. Informed Consent
    - i. Designated Agency Consent Form
    - ii. Dual Agency Consent Form
    - iii. Obtaining Informed Consent
      1. explaining the relationship
      2. confirming the consumer's understanding
      3. Obtaining consent by signature
  - e. Providing notice for Dual and or Designated Agent
  - f. Home Inspectors-Facts for Consumers
    - i. How and when to provide
    - ii. Recommending an Inspector -
      1. Seller's agent or Facilitators cannot recommend an inspector
      2. Permitted only by the buyer's agent
  - g. Lead Paint Disclosure Forms
  - h. Property Transfer Notification Certification
    - i. Childhood Lead Poisoning Prevention Program (CLPPP)
    - ii. Property Transfer Lead Paint Notification
      1. How and when to provide
      2. Obtaining the consumer's certification
        - a. Tenant lead paint notification
        - b. Short term and vacation rental notification
      3. Inspection required
      4. Common Mistakes on the form
        - a. Checks, Initials, Signatures
        - b. Do Not have buyer sign a Blank Disclosure
  - i. Tenant Fee Disclosure
    - i. What the disclosure must include
    - ii. When to provide
  - j. Local Forms As Required

3. Other commonly used Forms not required by law
  - a. Seller's Statement of Property Condition
  - b. Mold Disclosure & Waiver
  - c. Exclusive Right To Sell
  - d. Exclusive Buyer Agency Agreement
  - e. Offer to Purchase
  - f. Purchase and Sales Agreement
  - g. Rental Forms
  - h. Apartment Condition Form
  - i. Security Deposit Form
  - j. Any other addenda as the market dictates
  
4. Forms Usage
  - a. Licensed Agents and Brokers should not attempt to edit standard forms, this could constitute the practice of law.
  - b. Forms that are available via an online subscription should NOT be downloaded to a computer or other drive for later use. It is best practice to always download a form directly from the platform/forms subscription that you subscribe to, at the time it is needed.
  - c. Many of the forms are copyright protected and it is a violation of the EULA to share the forms with another for their use; except the following that are Government provided forms; Property Transfer Notification Certification, MASSACHUSETTS MANDATORY REAL ESTATE LICENSEE-CONSUMER RELATIONSHIP DISCLOSURE, Home Inspection Facts for the Consumer.

**Suggested References:**

Commonly used forms may be obtained from a legal stationery retailer or private professional groups and organizations, such as the Greater Boston Real Estate Board or the Massachusetts Association of REALTORS®: MassForms.

**Suggested Handouts:**

- Commercial Best Practice (Thomann Case)
- MLS Forms
- Follow your MLS for other mandatory forms as required by your MLS membership.
- Specific forms covered in class