



Year in Review 2023

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2024 Calendar

TBA

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For the year 2023, there were no changes to the Georgia Real Estate License Law, Rules, and Regulations. However, the Georgia State Legislature did pass Senate Bill (SB) 90 that identifies new unfair or deceptive practices by adding amendments affecting Title 10 Chapter 6A, the Brokerage Relationships in Real Estate Transactions Act (BRRETA). The two most significant changes for Licensees address brokerage relationships filed as a lien or with no expiration date. Amendments also address unsolicited inquiries to purchase real estate by individuals who are not real estate Licensees. (The subject of written solicitations will be addressed in next month's GREC RENEWS.)

SB 90 is in response to multiple cases in several states of listings or property marketing agreements being recorded against a property without the owner's knowledge, or actual real estate listings that are recorded against a property without any expiration date. These situations take advantage of the public and at the least cast a cloud on the title. SB 90 addresses both of these issues to protect the public from deceptive practices.

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GREC Education News

Visit Greconnect.com the weekly livestream informational session with Kim Yarrington, GREC Education Advisor.

When? Weekly on Fridays beginning at 9:00 AM.

Where? Use **this QR Code** and click on the yellow box. This will take you to the meeting. Or click here Greconnect.com



February 2024 Commission Actions Taken

Cases Sent to the Attorney General for Review and Disposition by Consent Order or by Hearing	0
Cease & Desist Orders Issued	1
Citations Issued	1
Letter of Findings Issued	1
Consent Orders Entered Into	1
Final Orders of Revocation of Licensure	1
Cases Closed for Insufficient Evidence or No Apparent Violation	7
Licensing Cases - Applicant has a Criminal Conviction - License Issued	4
Licensing Cases - Applicant has a Criminal Conviction - License Denied	0
Total	16

SUBMIT
Comments
&
Suggestions

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Effective January 1, 2024, the new [Section 10 \(b\)](#) specifically states that a brokerage engagement (such as a listing)

- Shall not create a lien.
- Shall not be a “covenant running with the land or to be binding on future owners of interests in the subject property.”
- If a lien were filed, it would be voidable.
- Shall not allow for assignment of the right to provide service without notice and agreement of the owner of the subject property.

Effective January 1, 2024, a brokerage engagement shall commence at the time that the client engages the Broker or executes an option to enter into a brokerage engagement, and shall continue until:

- Completion of performance
- Authorized termination
- Stated date of expiration
- If no expiration is provided and no authorized termination has occurred, then [it is] **one year** after initiation of the brokerage engagement or one year after the date the option to enter into a brokerage engagement was executed.

[Section 9\(a\).](#)

In essence:

1. A listing cannot be recorded against a property and if it is, it is voidable.
2. If there is no defined date of expiration in a listing, it expires in one year.

This article is a summary of salient points only. For further details, exceptions, and clarification see the exact wording of [Georgia General Assembly - SB 90 \(ga.gov\)](#)

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Focus on “Option to Enter into a Brokerage Engagement”

The new Section 3. (12.1) of BRRETA provides a new definition regarding real estate brokerage engagements. The term, **Option to Enter into a Brokerage Engagement**” is defined as follows:

“Option to enter into a brokerage engagement” means a written contract wherein a broker pays valuable consideration or agrees that a seller, buyer, landlord, or tenant may receive a valuable consideration from another in consideration of such seller, buyer, landlord, or tenant granting such broker an exclusive right to enter into a brokerage engagement with such seller, buyer, landlord, or tenant during the term of the written contract.”

[Georgia General Assembly - SB 90 \(ga.gov\)](#)