

2/17/2025

Code of Virginia

Title 54.1. Professions and Occupations

Chapter 21. Real Estate Brokers, Sales Persons and Rental Location Agents

§ 54.1-2133. Licensees engaged by landlords to lease property.

A. A licensee engaged by a landlord shall:

1. Perform in accordance with the terms of the brokerage agreement;
2. Promote the interests of the landlord by:
 - a. Carrying out marketing efforts on behalf of the landlord in accordance with the brokerage agreement. In doing so, the licensee shall work to secure a tenant at the rent and terms specified in the brokerage agreement or at terms acceptable to the landlord. However, the licensee is not required to seek additional lease offers while the property is under an existing lease or a letter of intent to lease where the tenant has not yet taken possession, unless otherwise stated in the brokerage agreement or permitted by the lease or letter of intent;
 - b. Aiding the landlord in preparing and negotiating leases and letters of intent to lease, as well as promptly presenting all written leasing offers or counteroffers between the landlord and tenant in accordance with § 54.1-2101.1, even if the property is already under a lease or a letter of intent to lease; and
 - c. Providing reasonable assistance to the landlord to finalize the lease agreement;
3. Protect the confidentiality of all personal and financial information obtained from the client during the brokerage relationship, as well as any other details the client requests to remain confidential, unless disclosure is required by law or the landlord provides written consent for its release;
4. Exercise ordinary care;
5. Promptly account for all funds and property received by the licensee that belong to or may be of interest to the landlord;
6. Inform the landlord of any significant facts regarding the property or transaction that the licensee is aware of; and
7. Adhere to all provisions of this article, fair housing laws and regulations applicable to residential real estate transactions, and any other relevant statutes and regulations that do not conflict with this article.

B. B. Licensees must deal honestly with all prospective tenants and shall not knowingly provide false information. A licensee representing a landlord must disclose to potential tenants any significant adverse facts about the property's physical condition that the licensee is aware of. If the licensee has actual knowledge of any pipes, plumbing, or fittings that may pose an issue, they must disclose this information,

If a licensee has actual knowledge that any pipes, plumbing fixtures, solder, or flux in a residential property do not meet the federal Safe Drinking Water Act's definition of "lead free" under 42 U.S.C. § 300g-6, they must disclose this information to prospective tenants.

For the purposes of this section, "physical condition of the property" refers to the state of the land and any structures on it. It does not include: (i) conditions beyond the property's boundaries or related to nearby properties, (ii) matters relating to governmental land use regulations, and (iii) This disclosure must be provided in writing. Licensees are not liable for disclosing information as required by this article or applicable laws. Additionally, nothing in this subsection restricts a prospective tenant's right to inspect the property's physical condition.

C. A licensee representing a landlord in a real estate transaction may assist a tenant or prospective tenant by performing ministerial acts, unless prohibited by law or the brokerage agreement. Providing such assistance, as long as it does not conflict with subsection A, does not violate the licensee's brokerage relationship with the landlord unless explicitly restricted by the brokerage agreement. Additionally, performing these ministerial acts does not establish a brokerage relationship with the tenant or prospective tenant.

D. A licensee representing a landlord does not violate any duty or obligation to the landlord by showing other properties to prospective tenants, whether they are clients or customers, or by representing additional landlords with properties available for lease.

E. Licensees involved in residential real estate transactions must disclose their brokerage relationships in accordance with the provisions of this article.

1995, cc. [741](#), [813](#); 2006, c. [627](#); 2008, c. [741](#); 2011, cc. [34](#), [46](#), [461](#); 2012, c. [750](#); 2016, c. [334](#); 2020, c. [520](#).