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Code of Virginia
Title 54.1. Professions and Occupations
Chapter 21. Real Estate Brokers, Sales Persons and Rental Location Agents

§ 54.1-2134. Licensees engaged by tenants.

A. A licensee engaged by a tenant shall:

1. Perform in accordance with the terms of the brokerage agreement;
2. Promote the interests of the tenant by:
 - a. Searching for a lease with rental terms that meet the tenant's approval; however, the licensee is not required to look for additional properties while the tenant is under a lease or a letter of intent to lease where possession has not yet occurred, unless specified in the brokerage agreement or permitted by the lease or letter of intent;
 - b. Providing assistance in drafting and negotiating leases, letters of intent to lease, and rental applications, as well as promptly presenting all written offers or counteroffers between the tenant and landlord in accordance with § 54.1-2101.1, even if the tenant is already bound by a lease or a letter of intent to lease.; and
 - c. Providing reasonable assistance to the tenant 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 tenant 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 tenant;
6. Inform the tenant 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.

Licensees must deal honestly with all prospective landlords and shall not knowingly provide false information. If a licensee is aware of the presence of defective drywall in a residential property, they must disclose this information to the prospective tenant. For the purposes of this section, "defective drywall" refers to the definition outlined in § 36-156.1. Licensees shall not be held liable for disclosing information as required by this article or applicable law.

B. A licensee representing a tenant in a real estate transaction may assist the landlord or prospective landlord by carrying out ministerial acts. Performing such acts, as long as they do not conflict with subsection A, does not violate the licensee's brokerage relationship with the tenant unless explicitly restricted by the brokerage agreement. Additionally, providing these ministerial acts does not establish a brokerage relationship with the landlord or prospective landlord.

C. A licensee representing a tenant does not violate any duty or obligation to the tenant by showing properties of interest to other prospective tenants, whether they are clients or customers, by representing other tenants seeking the same or different properties to lease, or by representing landlords for other properties.

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

E. Regardless of any legal requirements for written brokerage agreements or regulations governing licensee responsibilities, nothing in this chapter shall be interpreted to mandate that a written agreement between a licensee and a prospective tenant be signed before the licensee shows properties to the prospective tenant.

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