

# What's Changing?

## A Guide to the New Real Estate Board Regulations

Effective April 1, 2026

Most of the updates were either **reorganizing existing rules** to make them easier to find, or **removing sections** already referenced in the Code. The actual number of new rules is smaller than it might look. Here's what you need to know.

### 1. Advertising *18VAC135-20-190*

**The biggest change: advertising is advertising.** The previous distinction between print and electronic advertising is gone. All advertising, regardless of format or platform, is now subject to the same disclosure requirements.

Every ad must contain a clear, legible, and conspicuous disclosure that includes **(i) the firm's name** and **(ii) the office contact information**. Contact information means either a telephone number, email address, or web address of the firm or branch office. A digital link to that information may be used. The specific contact information required will be defined by your principal or supervising broker in the firm's written policies.

- **Property Status Updates:** Your ads must accurately reflect the property's current condition and status at all times. If something changes (such as a property going Under Contract) you need to update the ad. If a third party controls the ad and you cannot edit it yourself, you must put your update request in writing. As long as you made the written request, you're covered if they don't make the change.
- **Agent-Owner Disclosure:** No longer required in ads. However, Virginia law still requires you to disclose your agent/owner status in writing to the other party when you have substantive discussions about a specific property.

### 2. Escrow *18VAC135-20-181*

**The mandatory reporting requirement is gone.** If an agent on your team fails to turn in an earnest money deposit (EMD) on time, you are no longer required to report them to the Board.

**Keep in mind:** the *violation itself* is still punishable by VREB. If the Board discovers the violation, the agent could face discipline. And if there is a pattern of escrow violations at your brokerage, you as the broker could also face discipline. The removal of the reporting requirement doesn't mean escrow violations are a free pass.

### 3. Supervising Broker Duties *18VAC135-20-165*

The regulations have always outlined specific duties for supervising brokers, but **two new ones have been added:**

- **Timely Supervision:** Supervising brokers must provide supervision of brokerage services in a timely manner. Your agents shouldn't be left waiting when they need guidance on a transaction.
- **Responding to Cooperating Brokers:** Supervising brokers must act with reasonable diligence and promptness when responding to inquiries from cooperating brokers (i.e., the broker on the other side of a deal).

#### 4. Licensed Activity *18VAC135-20-335*

**Nothing disappeared. It just moved.** The list of what counts as “licensed activity” has been pulled out of the Supervising Broker duties section and placed in its own standalone section. It's the same list; it's just easier to find now.

**Selling your own property** (*18VAC135-20-260*): You may now be able to conduct a personal real estate transaction outside of your brokerage, as long as you have an ownership interest in the property. Check your broker's internal policies first, as many brokerages still require all transactions to go through the firm.

#### 5. Compensation *18VAC135-20-280*

- **Paying Unlicensed Assistants:** You can now pay unlicensed staff on a per-transaction basis (e.g., a flat amount per closed deal or signed lease). Previously, only hourly or salaried pay was allowed. Paying per transaction does not make their work “licensed activity.” They still cannot perform tasks that require a license.
- **Accepting Outside Compensation:** You can accept payment directly from a third party, but your broker must give prior written consent before you accept it. You must also comply with your brokerage agreement.

#### 6. Verifying Client Identity *18VAC135-20-280*

**This is a brand new rule.** Before signing a brokerage agreement, you are now required to take **reasonable steps to verify the identity** of the person you're working with. Failing to do so could be considered improper dealing. The goal is to **protect you** from being unwittingly involved in fraud.

What counts as “reasonable steps”? There's no official checklist, but good practices include:

- Try to meet in person. If a potential seller resists without a good reason, that's a red flag.
- Ask for more than one form of ID (driver's license, passport, etc.).
- Pull the tax records yourself and confirm they match what the seller is telling you.
- If something feels off, you always have the right to decline the listing.