

Benefits of North Dakota Association of Realtor's Forms

The NDAR is creating these forms as a benefit for our Members, but first and foremost, the focus has always been on **consumer protection**. One set of forms, focused on protecting both buyers and sellers, used consistently by REALTORS® across the state, creates a common language and understanding when a consumer is buying and selling in North Dakota. One set of forms creates common best practices and a common understanding between REALTORS®. Those common best practices and common understandings are for the benefit of the consumer. As **professionals**, we strive to create consistency and elevate comprehension for our clients and customers. The ND Association of REALTORS®, like the NAR and the local associations/boards, is uniquely focused on its Members' customers and clients because we know that when the consumer wins, our Members win.

The work on the NDAR's statewide forms started several years ago. In 2021, a third-party consultant, the WAV Group, was hired to combine all the local association/boards' forms into a product that was fair to both buyers and sellers. Each local association/board appointed a knowledgeable representative to collaboratively work on a statewide forms taskforce. The taskforce met weekly, sometimes twice weekly, for over a year. NDAR legal counsel, Casey Chapman, reviewed and suggested changes to the forms, including language to address common issues from NDAR Broker Hotline calls he has received over the years. The taskforce discussed concepts and verbiage from every angle, through the lens of how each market functions a little differently. The NDAR statewide forms are the product of many lengthy discussions, questions, considerations, and legal counsel suggestions. The unifying mission of the taskforce was to create a set of forms that protects the consumer and NDAR is pleased to roll out a product that does just that.

Besides **consumer protection**, the NDAR's statewide forms are also a huge benefit to its Members.

REALTOR® Association Benefits

- **Accessibility:** All NDAR Members will have access to the forms through Lone Wolf's Transaction Desk on the NDAR's website. The NDAR will work with local Associations, MLSs, and REALTORS® to provide the forms on platforms/vendors of the MLSs and REALTORS'® choice such as Ziplogic, DocuSign, Dotloop, Skyslope, etc.
- **Consistency:** Forms are updated as needed to assure ND REALTORS® the forms comply with state and federal law/regulations. All REALTORS® can expect updates to be rolled out on the same date every year (July 1) accompanied with applicable training.
- **Expertise:** Local REALTOR® Association Executives and staff do not have to be an expert on forms and shall have more time for other Association work and membership functions.
- **Liability:** Uniformity of forms and practices reduce disputes and ambiguity. Local REALTOR® Associations no longer have the liability of creating and maintaining the forms.
- **Resources:** Local REALTOR® Associations do not have to expend resources (time and money) on legal counsel when creating and maintaining forms.
- **Time:** Local REALTOR® Associations' staff and Members save time otherwise spent in Forms Committees and consulting with legal counsel.

- Value: Forms as a NDAR REALTOR® benefit increase the value of being represented by a REALTOR®. They are an added source of consistency and client and REALTOR® protection. As the industry grows, changes, and becomes more litigious, it will be advantageous for non-members to join the REALTOR® Association(s) to obtain access to forms and the associated training opportunities.
- Voice: Local REALTOR® Associations will continue to have a fair voice in the creation and updating of the forms at the NDAR Association level.

REALTOR® Broker Benefits

- Consistency: REALTOR® Brokers do not need to review boilerplate language of each individual Board's form(s) or risk misunderstanding different forms.
- Expertise: REALTOR® Brokers will become experts at one set of forms and find consistency in best practices throughout the entire marketplace.
- Liability: Uniformity of forms and practices reduce disputes and ambiguity between REALTORS®.
- Resources: The NDAR legal counsel Casey Chapman, who has assisted member Brokers for many years through the NDAR "Broker Hotline," has reviewed all the forms. Chapman has recommended appropriate language to address common issues and disputes. This adds protections for both buyers, sellers, and REALTORS® in our marketplaces. It also allows NDAR legal counsel, through the Broker Hotline, a consistent understanding of practices and forms when one common set is being utilized.
- Time: REALTOR® Brokers have the same understanding of the forms and this saves time. The contracts could also be used as examples in the pre-licensing courses for ND so new REALTORS® will have familiarity with the forms prior to being trained by each REALTOR® Broker/Manager.
- Training: Forms training by legal counsel or other qualified trainers will be consistent across the state so there is a common understanding of real estate practices across ND.
- Value: Having access to and knowledge of a comprehensive set of forms increases the value of being represented by a REALTOR®.

REALTOR® Salesperson Benefits

- Consistency: REALTOR® Salespersons do not need to review boilerplate language of individual Association's form(s) or risk misunderstanding different forms. The NDAR's forms will be a common "language" for all Members.
- Expertise: REALTOR® Salespersons will become experts at one set of forms and widen their understanding of best practices throughout the entire marketplace.
- Liability: Uniformity of forms and practices reduce disputes and ambiguity between REALTORS®.
- Time: REALTOR® Salespersons have the same understanding of the forms and this saves time.
- Training: Forms training by legal counsel or other qualified trainers will be consistent across the state so there is a common understanding of real estate practices across ND.
- Value: Having access to and knowledge of a comprehensive set of forms increases the value of being represented by a REALTOR®.