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## RE/MAX settlement ends NAR membership requirement

The proposed agreement in the buyer broker commission suits was shared with affiliates on Friday

October 6, 2023, 1:38 pm By Brooklee Han

Like [Anywhere Real Estate](#) Friday morning, the terms of [RE/MAX's \\$55 million settlement](#) with [plaintiffs](#) in two bombshell buyer commission [lawsuits](#) have been made public. Similar to Anywhere's deal, the RE/MAX agreement stipulates that the firm make significant changes to what it requires of its agents and franchisees.

Final court approval of the settlement is expected in early 2024.

In an [open letter](#) to RE/MAX affiliates, RE/MAX president Nick Bailey wrote that the settlement, which still requires court approval, would release "RE/MAX, LLC, the U.S. independent regions, and U.S. RE/MAX brokerages and affiliates from any claims related to these lawsuits. It would also settle, on a nationwide basis, any similar claims that could be brought."

In an emailed statement, a RE/MAX spokesperson wrote that the firm continues to deny the allegations in the [Moehrl](#) and [Sitzer/Burnett](#) suits.

"We also continue to believe in buyer agency, cooperative compensation and the idea that consumers are best served when they are working with real estate professionals," the spokesperson wrote. "We assert that protecting the U.S. RE/MAX network of Broker/Owners and agents from costly litigation and the risk of further damages makes this settlement the right course of action."

Like Anywhere, RE/MAX will no longer require agents to be "members of the [National Association of Realtors](#) or follow NAR's Code of Ethics or the MLS Handbook."

Bailey also noted that as part of the agreement, RE/MAX will not require its affiliate to "make offers of compensation or accept offers of compensation from cooperating brokers," and the RE/MAX will continue to encourage agents to be clear that commissions are negotiable. Bailey also wrote that RE/MAX agents will "continue to have the freedom to set and/or negotiate commissions as they see fit," and that the firm will develop educational materials to reflect these business practices.

Other points in the settlement include that RE/MAX will "expect RE/MAX buyer-side brokers and agents to be transparent in accurately disclosing their compensation structure," that it will continue to display offers of cooperative compensation made by listing brokers and agents, and will encourage affiliates to do the same, and that RE/MAX "will not provide any software that filters or restricts MLS listings based on the level of compensation being offered."

Additionally, Bailey said RE/MAX reminds agents of their "professional obligation to show and market properties regardless of what the offer of cooperative compensation might be."

The spokesperson added: "As industry leaders, we understand the value of transparency, clarity, and fully informed buyers and sellers. RE/MAX, LLC will amplify these principles and their importance as part of our role as franchisor."

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The Sitzer/Burnett suit heads to trial later this month, while the Moehrl suit is expected to go to court in the first half of 2024.

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