

2026 Buyer Representation Guide

Buyer Agency Explained

How buyer representation works in 2026, what changed after the NAR settlement, and why having the right agent in your corner is more important than ever.

Western Washington | Updated for 2026 Compensation Transparency Rules

Jeremy Williams Group · Western Washington

What Changed in 2024 — And Why It Matters Now

In August 2024, a landmark settlement with the National Association of Realtors fundamentally changed how buyer agent compensation works across the country — including Washington State transactions.

Here's what changed:

- Sellers are no longer required to offer compensation to buyer's agents on the MLS.
- Buyers must sign a written Buyer Broker Services Agreement BEFORE touring any property with an agent.
- Buyer agent compensation must be clearly disclosed and agreed upon in writing upfront.
- Buyers can negotiate to have seller pay buyer's agent compensation — or structure it into the transaction in other ways.

Here's what did NOT change:

- You still have the right to be fully represented by a skilled buyer's agent.
- Agents still owe you loyalty, confidentiality, and fiduciary duties.
- Sellers can still offer to pay buyer's agent compensation — it just can't be listed on MLS.
- A good buyer's agent still saves you more money than they cost.

"The 2024 settlement created more transparency, not less access. You now have greater visibility into — and control over — how your agent is paid."

What a Buyer's Agent Actually Does For You

Under Washington's agency law (RCW 18.86.040), a buyer's agent owes you a set of legally enforceable duties that go far beyond showing you houses:

Loyalty

Your agent must always put YOUR interests first — even when that means recommending against a purchase or walking away from a deal.

Confidentiality

Information you share with your agent about your budget, motivation, or timeline stays private. Your agent cannot share this with the seller or their agent without your consent.

Full Disclosure

Your agent must tell you everything they know that could affect your decision — even if it hurts the deal.

Reasonable Care & Diligence

Your agent must do their homework — researching properties, identifying risks, and guiding you to make informed decisions.

Accounting

All funds you deposit (earnest money, etc.) are handled with strict fiduciary accountability.

How Buyer Agent Compensation Works in 2026

Before touring any home, you will sign a Buyer Broker Services Agreement (BBSA) with your agent. This document spells out exactly what compensation your agent will receive and how it will be paid. There are several common structures:

Structure	How It Works	Best For
Seller-Paid Compensation	You negotiate for seller to pay your agent's fee as part of the offer.	Most transactions — common in western WA market
Buyer-Paid Compensation	You pay your agent directly; not rolled into loan (typically).	Competitive offers, FSBO purchases, investor transactions
Lender-Financed (via seller credit)	Seller provides closing cost credit; used to cover buyer agent fee.	Lower down payment buyers who need cash flow management
Hybrid	Combination of seller offer + buyer payment if gap exists.	High-demand properties where full compensation isn't offered

PRO TIP: You can negotiate to have the seller cover your buyer agent fee as part of your offer — even when it's not listed. This is standard practice in western Washington transactions.

The Buyer Broker Services Agreement (BBSA)

The BBSA is a written contract between you and your agent's brokerage. It's required by law before any property tours. Here's what to look for:

Term / Duration

How long the agreement lasts. Standard is 90 days for active buyers; negotiable.

Compensation Amount

The exact percentage or flat fee your agent will receive. This should be clearly stated — not a range.

Property Types Covered

The agreement should specify the type of property (residential, land, etc.) and geographic area covered.

Cancellation Terms

Understand how and when you can end the agreement if the relationship isn't working.

Exclusivity

Most agreements are exclusive, meaning you work with one agent for the term. Negotiate non-exclusive terms if you are not yet committed to one agent.

"The BBSA protects both you and your agent. Read it carefully, ask questions, and never feel pressured to sign without understanding every term."

Questions to Ask Before Signing with a Buyer's Agent

- How long have you been representing buyers in western Washington, and how many transactions did you close last year?
- What is your average list-price-to-sale-price ratio for buyer clients?
- How do you handle multiple offer situations, and what's your track record?
- Are you available nights and weekends? What's your response time policy?
- Do you have a team or will you personally handle all aspects of my transaction?
- What happens if I find a property through Zillow or an open house on my own?
- How are you paid, and can you walk me through the BBSA before I sign?
- Do you have relationships with lenders, inspectors, and title companies you recommend?

"The right buyer's agent will welcome every one of these questions. Hesitation is a red flag."