



Colorado Real Estate Commission Rule Changes

On December 2, 2025, the Colorado Real Estate Commission (“Commission”) will consider several Rule changes, including one that could significantly harm Brokers and Consumers. As industry and community leaders, the Colorado Association of REALTORS® (CAR) would like to inform you about these proposed changes and how you can participate in the rulemaking process. The Division of Real Estate will be holding a “Stakeholder” meeting on November 19, 2025 to receive feedback from licensees and other stakeholders.

You can register for the meeting here: [MEETING REGISTRATION LINK](#)

Proposed Rule 6.27 establishes a new requirement of “Informed Consent” that must be obtained by a Designated Broker in writing from a Consumer before sharing any “Confidential Information” with any third parties, including Employing/Supervising Brokers. We believe this will severely harm an Employing/Supervising Broker’s ability to adequately supervise a Designated Broker in a transaction. Conversely, it will severely limit a Designated Broker’s ability to obtain proper supervision from a more experienced supervising broker. Supervision is vital to ensuring the appropriate handling of funds, accurate transaction practices, adherence to brokerage policies, and the public’s safety, especially for new and less experienced brokers.

Currently, consent is provided by a Consumer in the Commission-approved “Exclusive Right” agreements through Paragraph 5.3 in each respective agreement (buyer/seller/landlord/tenant). **The Commission has eliminated Paragraph 5.3 and its express consent from all “Exclusive Right” agreements effective January 1, 2026.**

Despite the elimination of these agreements granting consent, there are no plans to create a Commission-approved form to obtain “informed written consent” for use by brokers and consumers. This is troubling as the Commission’s guidance on appropriate “informed consent” compliance is minimal, even though the definition of “confidential information” is expansive in law. The Commission did adopt [Commission Position Statement 31 “Management of Confidential Client Information by an Employing Broker”](#) at

its October meeting to provide some guidance related to the new proposed Rule 6.27. Still, it simply requires a Broker to obtain the Client's "informed written consent" without an actual form or document for a broker or consumer to use.

Commission Position Statement 31 also provides three options available to an Employing Broker if a Consumer doesn't provide written consent; however, these options are largely impractical and fail to recognize the challenges in smaller communities with fewer brokers or brokerage firms, and complicate an already complex transaction process. They could also expose Employing Brokers to greater liability in transactions.

CAR has consistently expressed concerns related to the implications of Rule 6.27, the elimination of Paragraph 5.3 from all "Exclusive Right" agreements, and the dramatic reinterpretation of long-standing Colorado law related to this issue. This proposed change of "informed consent" prevents employing brokers and their designated supervisors from providing adequate oversight to their broker associates. Without effective supervision, the risk of transactional errors, fiduciary breaches, and consumer loss increases substantially, undermining the very consumer protection objectives the Commission is charged with upholding.

If you are interested in listening and/or participating in the discussion around proposed Rule 6.27 (or any of the other proposed rule modifications), please register for the November 19, 2025 Stakeholder Meeting and reference the materials included here. If you would prefer to provide written feedback, in advance of the meeting, you may do so here: [WRITTEN COMMENT LINK](#)

In summary, the fundamental concerns related to the proposed new Commission Rule 6.27 are as follows:

1. It will limit a Designated Broker's ability to share critical information without independent, written Consumer consent;
2. It will create supervision challenges for Employing/Supervising Brokers, potentially harming oversight, and support for Designated Brokers; and
3. It will cause confusion among Consumers and Broker's regarding what constitutes "confidential information" and the importance of consent, ultimately undermining Consumer protection

Please be clear that, during any public comment you may choose to make in the meeting, you will be speaking on behalf of yourself or your brokerage firm. You will not be speaking on behalf of any REALTOR® association(s) unless specifically authorized to do so