

Measures on the Administration of Real Estate Brokerage of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Promulgated by the Ministry of Housing and Urban-Rural Development, the National Development and Reform Commission, and the Ministry of Human Resources and Social Security on December 1, 2010
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Article 1 — These Measures are formulated in accordance with the Urban Real Estate Administration Law of the People's Republic of China and other relevant laws and regulations for the purposes of regulating real estate brokerage activities, protecting the lawful rights and interests of the parties involved in real estate transactions and real estate brokerage activities, and promoting the healthy development of the real estate market.

Article 2 — Real estate brokerage activities within the territory of the People's Republic of China shall comply with these Measures. The term "real estate brokerage" as used in these Measures means real estate brokerage services and real estate agency services. Real estate brokerage services mean providing real estate information and facilitating the conclusion of real estate transaction contracts between the parties to a real estate transaction; real estate agency services mean acting on behalf of a principal in handling real estate transactions.

Article 3 — Real estate brokerage institutions shall engage in real estate brokerage activities in accordance with the law, and shall adhere to the principles of voluntariness, fairness, honesty, and credibility.

Article 4 — The competent administrative departments of housing and urban-rural development (real estate administration) under the people's governments at or above the county level shall be responsible for the supervision and administration of real estate brokerage activities within their respective administrative areas.

Article 5 — The State shall implement a qualification management system for real estate brokerage personnel. Personnel engaged in real estate brokerage activities shall participate in real estate brokerage personnel qualification examinations and obtain corresponding qualification certificates in accordance with the law.

Article 6 — The establishment of a real estate brokerage institution shall meet the following conditions: have its own name and organizational structure; have a fixed place of business; have the necessary assets and funds; have a sufficient number of real estate brokerage personnel; and meet other conditions prescribed by laws and administrative regulations.

Article 7 — The establishment of a real estate brokerage institution shall apply for registration with the competent administration for industry and commerce. After obtaining a business license, the real estate brokerage institution shall, within 30 days, go through the filing formalities with the competent administrative department of housing and urban-rural development (real estate administration) at the place where it is located.

Article 8 — A real estate brokerage institution establishing a branch shall go through the registration formalities with the competent administration for industry and commerce at the place where the branch is located and shall, within 30 days, go through the filing formalities with the competent administrative

department of housing and urban-rural development (real estate administration).

Article 9 — The real estate brokerage service contract shall specify the following matters: the basic information of the parties to the real estate brokerage service; the subject matter of the real estate brokerage service; the service content and service standards of the real estate brokerage service; the fees and payment method for the real estate brokerage service; the rights and obligations of the parties; liability for breach of contract and dispute resolution methods; and other matters agreed upon by the parties.

Article 10 — A real estate brokerage institution that provides real estate brokerage services shall sign a written real estate brokerage service contract with the principal. Real estate brokerage institutions and their personnel shall not sign real estate transaction contracts on behalf of the parties to the transaction.

Article 11 — Real estate brokerage institutions and their personnel shall provide truthful information in the course of real estate brokerage activities, and shall not engage in the following acts: concealing or providing false information on real estate transactions; soliciting business at prices below cost or by other improper means; inducing or abetting the parties to a transaction to breach a contract; keeping the brokerage commission for themselves without authorization; and other acts prohibited by laws and regulations.

Article 12 — Real estate brokerage institutions shall establish business record systems, truthfully recording their business activities. The business records shall include the basic information on the real estate brokerage service contract, the basic information on the parties to the transaction, the basic information on the subject matter of the transaction, and the particulars of the brokerage commission and other fees.

Article 13 — Real estate brokerage service fees shall be determined through negotiation between the principal and the real estate brokerage institution. The fee rates shall be implemented in accordance with the provisions of the price administrative department under the State Council.

Article 14 — Real estate brokerage institutions and their personnel shall keep confidential the information provided by the principal and the information obtained in the course of the real estate brokerage activities, and shall not disclose, sell, or illegally use the personal information of others.

Article 15 — The competent administrative departments of housing and urban-rural development (real estate administration) shall establish credit files for real estate brokerage institutions and their personnel, and shall disclose the information on violations of laws and regulations by real estate brokerage institutions and their personnel to the public.

Article 16 — Where a real estate brokerage institution violates the provisions of these Measures, the competent administrative department of housing and urban-rural development (real estate administration) shall order it to make corrections and may impose a fine. Where the circumstances are serious, the registration administration authority shall be advised to revoke the business license.

Article 17 — These Measures shall take effect as of April 1, 2011.

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