



Staging

Legal Tools August 2022



C.A.R.
LEGAL
TOOLS

What is Staging?

- Preparing the home to look its best for photographs, videos and showings
- Can be done by physically moving/changing furniture in the property or “virtually”
- Generally for marketing purposes to help a buyer envision what the property could look like



Staging Considerations in RPA

- Certain items are automatically included with the sale of the property (Paragraph 9B(2) of the RPA)
 - Window coverings (including curtains/drapery)
 - Ceiling fans
 - Water features/fountains
 - Air conditioners
 - Awnings
 - Pool nets and pool covers and
 - Fireplace inserts, gas logs and grates.



Staging Issues to Consider

- Buyer may not know whether items that exist at time of showing are owned by seller or placed by others as part of staging the home
- Buyer could contractually expect them to be part of the sale.
- Paragraph 9B(2) reminds Sellers (and their agents) of the importance of excluding any items referenced in the contract that are not actually owned by seller:

Note: If Seller does not intend to include any item specified as being included above because it is not owned by Seller, whether placed on the Property by Agent, stager or other third party, the item should be listed as being excluded in paragraph 3P or excluded by Seller in a counter offer.

Virtual Staging Advantages

- Can be beneficial
 - Items don't have to be moved in or out of property
 - Buyer's can't ask for them to be included with the sale



Virtual Staging Cautions

- WATCH for false and misleading advertising
- The property itself should never be altered in a way that could mislead the buyer.
 - If there is an alteration, a clear and explicit warning must be included
 - Ex: "Here is what the yard could look like with all brush and debris removed."
- Remember, Article 12 of the NAR Code of Ethics states "REALTORS® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing, and other representations."

Charging Clients for Staging Services



- Some brokers include as part of their listing package and others may charge extra for it as an optional, add-on service.
- Services to be rendered and the amount to be paid (if any) should be agreed upon in writing. Any special considerations – such as what happens if the listing expires or is canceled without the property ever being sold – should be addressed in the agreement as well.

Additional Resources

Quick Guide – [Staging Properties](#)