

## Senate Bill 6091

SB 6091 (2026) is part of Washington’s continued effort to refine transparency and fairness in real estate brokerage and housing discrimination laws. While much of the bill updates formatting and disclosure standards, it also codifies some meaningful shifts in how brokers operate and how property transactions are conducted. Here’s a breakdown of what it means for consumers and title insurance companies, along with its benefits and pitfalls.

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### **Key Provisions Affecting Brokerage Practice**

SB 6091 primarily:

- Updates RCW 18.86.120 to require a clearer, more accessible real estate brokerage pamphlet.
  - Reinforces written service agreements for both buyers and sellers—defining agency terms, duration, exclusivity, and compensation.
  - Requires public marketing of residential property (eliminating “pocket listings” unless for safety reasons).
  - Amends RCW 49.60.222 (Washington Law Against Discrimination) to prohibit marketing residential properties to exclusive or limited buyer groups.
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### **Benefits for Consumers**

1. **Transparency in Representation:**  
Buyers and sellers will have clearer disclosure regarding whom their broker represents and how compensation is handled. This helps prevent surprise dual-agency conflicts or hidden referral fees.
2. **Fairer Market Access:**  
Requiring public marketing of listings combats “private network” sales that have historically limited competition and disadvantaged first-time buyers, minorities, or out-of-area purchasers.
3. **Accessibility and Consumer Readability:**  
The revised pamphlet language and formatting make agency duties and broker

accountability easier for laypeople to understand, promoting informed consent in agency agreements.

4. **Reduced Discriminatory Practices:**

The expansion of RCW 49.60.222 explicitly ties discriminatory real estate conduct (including title insurance practices) into the definition of “unfair practice.” This strengthens consumer protection from bias in transactions, financing, and title services.

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### **Benefits for Title Insurance Companies**

1. **Improved Data Accuracy:**

Mandatory written agreements and standardized broker duties increase the quality and traceability of transaction documentation, benefiting underwriters assessing risk.

2. **Clearer Compliance Boundaries:**

Title insurers gain stronger statutory backing against participating in transactions tinged with discriminatory practices—protecting them from downstream liability.

3. **Market Integrity:**

The bill encourages transparency and equitable market access, which helps stabilize transaction volume and reduces reputational risk across the title industry.

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### **Pitfalls and Challenges**

For Consumers:

- **More Paperwork and Potential Delays:**  
Buyers and sellers must sign agency agreements earlier in the process, adding procedural steps that may slow fast-moving offers.
- **Confusion Over Dual Agency Options:**  
Buyers unfamiliar with “limited dual agency” may still struggle to grasp the risks of divided loyalty, even with better disclosures.

For Title Insurance Companies:

- **Increased Compliance Scrutiny:**  
Title insurers may need to strengthen internal protocols to avoid any appearance of discrimination in title or escrow services under RCW 49.60.222(1)(j).

- **Liability Exposure:**  
Because “issuance of title insurance” is explicitly listed under activities where discrimination is illegal, companies face heightened exposure to civil rights complaints if underwriting or clearance processes are inconsistent.
  - **Operational Adjustments:**  
Coordination with brokers and escrow agents could become more complex if firms alter workflows to comply with new agreement timing or advertising rules.
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### **Overall Impact**

SB 6091 represents a consumer-friendly modernization of agency and fair housing standards. It aims to make broker relationships more transparent while holding firms and title entities accountable for equitable treatment. For the title industry, it signals the need for reinforced training and compliance documentation but ultimately supports a fairer, more consistent real estate market.