**Section 1450.780 Referral Fees and Affinity Relationships**

a) No licensee may pay a referral fee to an unlicensed person who is not a principal to the transaction. Any person receiving a referral fee must be duly licensed as a residential leasing agent, broker or managing broker in Illinois or hold an equivalent license of another state or country of domicile. If the person's country of domicile does not have a licensing statute for licensees, then in order to receive a referral fee, the person must comply with the laws, if any, of the country of domicile concerning the practice of real estate.

b) Request for Referral Fee

1) No licensee may request a referral fee unless reasonable cause for payment of the referral fee exists. Reasonable cause for payment of a referral fee means:

A) An actual introduction of a client was made to a licensee; or

B) A contractual referral fee relationship exists with the licensee.

2) No residential leasing agent licensee may request, or be paid, a referral fee, except for a referral fee from a lease or rental of residential real estate.

3) The fact that reasonable cause to demand a referral fee exists does not necessarily mean that a legal right to the referral fee exists.

4) A licensee is prohibited from interfering with the agency relationship of another licensee or attempting to induce a client to break an exclusive listing or an exclusive representation agreement with another licensee for the purpose of replacing that agreement with a new listing or representation agreement in order to obtain a referral fee. For purposes of this Section, an agency relationship shall be deemed to exist when a written, exclusive agency agreement (either a listing or buyer representation agreement) is entered into. Interfering with the agency relationship of another licensee includes, but is not limited to:

A) Demanding a referral fee from another licensee without reasonable cause;

B) Threatening to take harmful action against the client of another licensee because of their existing agency relationship and in order to obtain a referral fee; or

C) Counseling the client of another licensee on how to terminate or amend an existing agency agreement in order to obtain a referral fee.

5) Communicating corporate relocation policies or benefits to a transferring employee, as long as that communication does not involve advice or encouragement on how to terminate or amend an existing agency agreement, shall not be considered interference under subsection (b)(4).

(Source: Amended at 45 Ill. Reg. 2851, effective February 23, 2021)