BUYER PLAYBOOK · REPRESENTATION

Who's on your side of the table?

In new construction, someone is always on the builder's side. This guide helps you decide who's on yours — and whether you need anyone at all.

START HERE · THE STAKES

Five moments money quietly leaves the table.

Representation matters because new construction has specific, avoidable ways to lose money. Here are the five most common — before we get to who protects you from them.

1 **You walk into the model home alone.**

THE COST: many builders require your agent to register on your first visit. Arrive without one and you can lose the option to have representation the builder helps pay for.

2 **You take the contract as written.**

THE COST: new-home contracts are drafted to protect the builder. The terms most likely to hurt you — delays, price escalation, contingencies, deposits — are the easiest to skim past.

3 **You don't compare the financing.**

THE COST: the advertised rate and closing-cost help are usually tied to the in-house lender. Without one outside quote, you can't tell a real deal from a bundled one.

4 **You sign before you understand the taxes.**

THE COST: two similar homes can carry very different total payments once property taxes and any MUD or PID assessment are counted. (See the Texas Tax Reality Guide.)

5 **You overpay at the design center.**

THE COST: upgrades priced at retail add up fast. Some builders may offer upgrade credits, package pricing, or limited flexibility, but policies vary. Confirm what is negotiable before signing.

WHO REPRESENTS WHOM

The sales office is the builder's team.

The builder isn't your opponent — they're the seller, and every business has a seller's side. It's worth knowing, calmly, who each helpful person in the model home actually answers to.

The Builder's Side

ACCOUNTABLE TO THE BUILDER

- **Sales counselor** — quotes pricing and writes the contract. Often licensed as the seller's agent; sometimes a salaried employee of the builder.
- **Preferred lender** — may be affiliated with the builder or selected as a preferred partner. Its loan officer represents the lender, not your real estate interests.
- **Preferred title or escrow provider** — may be builder-affiliated or simply designated by the builder, depending on the transaction.
- **Construction & warranty team** — builds the home and decides what counts as a covered defect.

THEIR DUTY RUNS TO THE BUILDER

Your Side

ACCOUNTABLE TO YOU

- **You** — reading the contract, tracking the build, and negotiating, on your own time.
- An independent buyer's representative — *only if you bring one.*
- An independent inspector — *only if you hire one.*
- An outside lender or attorney — *only if you engage them.*

THIS SIDE IS EMPTY UNTIL YOU FILL IT

STATED FAIRLY

Most builder sales counselors are ethical, knowledgeable professionals. The issue isn't their honesty — it's who they legally represent. A builder's on-site salesperson is either a licensed agent for the seller or the builder's employee; either way, they work for the builder. Representation doesn't make the builder the enemy. It just puts someone with a duty to **your** interests in the room too.

WHAT "ON YOUR SIDE" MEANS

"On your side" is a legal duty, not a friendly feeling.

Like hiring an attorney or accountant, representation changes whose interests the professional works for. The exact duties depend on your written agreement and Texas law.

Typical duties when an agent represents the buyer, compared with a builder's sales counselor. Exact duties depend on your written agreement and Texas law.

TYPICAL DUTY — AND WHO IT SERVES	BUILDER'S SALES COUNSELOR	BROKER REPRESENTING THE BUYER
Loyalty Put your interests ahead of their own	○ to you	● to you
Confidentiality Keep your budget & urgency private	○	●
Full disclosure Tell you what affects your decision	Limited	●
Advice on price & terms Whether this deal is good *for you*	○	●
Negotiate on your behalf Push for your outcome, not the sale	○	●
Honesty & fair dealing Don't misrepresent facts	●	●

● = owed to you · ○ = owed to the builder, not you. The sales counselor must still be honest with you — but their loyalty, confidentiality, and advice run to the builder.

> **THE BOTTOM LINE**
>
> When someone represents you, those duties point at *you* — not the other side of the deal. That single fact is the entire difference this guide is about.

WHERE IT EARNS ITS KEEP

Value isn't spread evenly.

Representation is worth most where decisions are large, irreversible, or written into a contract — and worth least at the model-home door.

Search & comparison	Builders, lots, true costs	MODERATE
Negotiation & contract	What's negotiable; terms that bite	HIGHEST
Construction & inspection	Independent eyes; punch list	HIGH
Closing	Final walk-through; loan & title costs	HIGH
Warranty period	Using coverage before it closes	MODERATE

AT THE PEAK

What's actually on the table

- **Beyond sticker price:** possible upgrade credits or package pricing, closing-cost help, rate buydowns, appliances or fencing, and warranty or repair commitments — where the builder offers them.
- **In the contract:** financing & appraisal contingencies (your exits if the loan or value falls short), delay and completion terms, refundable-deposit rules, and any price-escalation clause (a term that can raise your price). A representative can flag questions and help coordinate an attorney's review; legal interpretation should come from an attorney.
- **On the build:** an **independent inspection** at framing and before closing — one of the most valuable independent checks available during construction.

BE REALISTIC

Representation can't force a hot-market builder to cut price, can't rewrite a contract you already signed, and won't replace the in-house service large national builders already provide. The value is concentrated — know where it is.

TWO BUYERS, ONE FLOOR PLAN

Same home. Different decisions.

Same builder, same lot, same base price. The difference isn't a guaranteed discount — it's the process each buyer followed.

BUYER A **Toured alone**	– Visited without representation, so bringing one in later wasn't an option. – Took the advertised rate and closing-cost offer without comparing another lender. – Signed the standard contract as written. – Relied on the municipal inspection; skipped an independent one.
BUYER B **Registered a rep first**	+ Sorted out representation before the first visit and registered on arrival. + Compared the builder's financing against two outside quotes before deciding. + Had the contract reviewed; asked for two terms to be adjusted in writing. + Ordered independent inspections at framing and pre-closing; items were fixed before signing.

A CONCRETE EXAMPLE

At a framing walk, an independent inspector notices missing structural connectors that drywall would soon hide. Because the buyer arranged an inspection before the work was covered, the issue was documented and raised with the builder while correction was still relatively straightforward. The builder's contractual obligations and response will vary — but the problem was caught in time to raise it.

DECIDE ON PURPOSE

Do you actually need representation?

There's no single right answer. Experienced, prepared buyers often represent themselves well; others want an advocate in their corner. Choose the path that fits your situation — on purpose, before your first visit.

Three ways to buy a new home

Builder representation

WHAT IT MEANS

- You work with the builder's knowledgeable sales team.
- They represent the builder's interests, not yours.
- Simplest path — just understand the trade-off.

Independent representation

WHAT IT MEANS

- You bring your own agent, who represents you.
- A buyer-side advocate for the contract, loan, and build.
- Compensation varies and is set in writing — not free.

Self representation

WHAT IT MEANS

- You handle it yourself, prepared and informed.
- Read the contract, compare financing, hire an inspector.
- Works well for experienced, hands-on buyers.

NO DEFAULT ANSWER — DECIDE ON PURPOSE, BEFORE YOUR FIRST VISIT

TIMING — BEFORE YOU TOUR

As of January 1, 2026, a Texas real estate agent generally must have a written agreement with you before showing you homes. That agreement may set up representation — or, in some cases, state that the agent is not representing you. Read it before you sign, and be clear which one it is.

COST — NEVER ASSUME IT'S FREE

Buyer-agent compensation varies by builder, community, brokerage agreement, and offer. Choosing not to use representation does not automatically produce a price reduction. Compensation is negotiable and not set by law. Confirm the builder's current policy before registering or signing.

ONE RULE TO REMEMBER

Before you sign anything, ask one question: Who's on my side of the table?

You don't have to hire anyone. You do have to decide — on purpose, and before your first visit — who sits on your side, even if the answer is a well-prepared version of yourself.

KEEP READING

The rest of the Buyer Playbook

Independent, no-cost guides to contracts, financing, taxes, and inspections at newhomedispatch.com. If you decide you want hands-on help, buyer representation is one option — through Seider Realty Team powered by The Ascend Group at LPT Realty.

OPEN THE PLAYBOOK →

SOURCES & VERIFICATION

- Texas SB 1968 / Occupations Code §1101.563 — written agreement required before showing residential property (effective Jan 1, 2026)
- National Association of REALTORS® — 2024 settlement FAQs (compensation negotiable, not set by law)
- Common-law fiduciary duties — loyalty, disclosure, confidentiality, accounting, obedience, reasonable care
- Texas Real Estate Commission (TREC) — builder sales-rep licensing
- Texas REALTORS® — buyer/tenant representation guidance
- New Home Dispatch — Texas New-Home Tax Reality Guide

Not legal or financial advice. Rules, forms, and builder policies change and vary by transaction — verify current requirements with TREC, Texas REALTORS®, an attorney, and your own contract. New Home Dispatch is an independent education and research platform. Buyer representation is available through Seider Realty Team powered by The Ascend Group at LPT Realty for buyers who want hands-on help.

Sources verified as of publication; laws and policies change. Found an error? Report a correction at newhomedispatch.com.