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Writing a seller a letter can sometimes make or break a home purchase



Putting pen to paper to tell a home seller how you feel can sometimes help your case, but not always. (iStock)

Writing a courtship letter to win the favor of a love interest is considered old-fashioned in modern society, but those letters are alive and well in the quest to seal a real estate deal. Not all real estate agents, however, agree that they are helpful in wooing your heart's desire.

Real estate agents in the Washington region and across the country have varied opinions on whether a "love letter" from a buyer to a seller makes or breaks a bid to buy the house of your dreams. Some agents say that sellers are more inclined to work with buyers who write letters filled with flattery and create intimacy, while others warn that letters can be relationship killers.

Those agents with a positive outlook say that letters have helped them win deals.

"One of my clients recently got preferential treatment because of their letter," said Antonia Ketabchi, an agent with Redfin based in Rockville. Ketabchi added that, "if there are

multiple offers on the home and the offers are similar and if the sellers have a sentimental attachment to the home, writing a letter can definitely help.”

Agents located in other parts of the country agree.

“I feel like an older generation of sellers like them,” said David Carr, an agent with RTN Realty Advisors in Lancaster, Mass. “People who have spent a lifetime in a home, raised families there, and grew to love the neighbors want to know who is going to live there,” he wrote in an email.

Rob Rushing with Re/Max on the Coast, located in Gulf Breeze, Fla., believes that letters “create a personal and emotional connection between the parties.” Rushing said that he included a letter in three recent offers and his buyers got the home in each case.

Letters can also soften the blow to a seller when receiving an offer with unfavorable terms. “A seller will interpret the offer from their own perspective just like you might interpret a text or an email,” said Jeffrey Fagan, president-elect of the Orlando Regional Realtors Association. Fagan explained that a sincere letter of explanation can create understanding and alleviate tensions between the parties.

An interesting twist on the love letter — sellers can court buyers with letters as a way to entice them to submit an offer.

In a recent transaction, Dana Rice with Compass in Washington was representing a seller whose home boasted a yard full of flowering bushes and plants. “We were selling the property during a season when the garden was not blooming,” Rice said. “The owner wanted to make sure prospects knew just how beautiful the garden is.” She included photos of the garden in bloom with the letter.

Not all letters have successful outcomes, however. Some can create strife between parties. In my own recent transaction in which I was representing a buyer in Bethesda, my clients submitted a letter to the sellers. In the letter, they said how they looked forward to raising their children in the house once they relocate from Japan. The sellers were alarmed that the buyers were purchasing the home sight unseen. Fortunately, in this case, we were the only offer on the property, so my clients completed the purchase.

“It’s a crapshoot at best,” said Debbie Rice Miller, owner of Bella Real Estate in El Dorado County, Calif. “I have had some love letters that backfire,” Miller explained that buyers can provide too much detail that ends up upsetting the sellers. “One buyer went into detail about what they expected from the sellers and it p--- them off.”

Some agents refuse to have letters submitted to their seller clients. Some agents even go as far as stating in the listing that no letters will be accepted.

“I will not read them and I will not send them to my client,” said John Goetz of Real Estate One in Ann Arbor, Mich. “If you want my client’s house, then write the best offer.”

Leon Nasar, senior branch manager of the Gateway office of Long & Foster in Bethesda, advises his buyers to forgo offering a personal letter. "Submit your best offer and let the merits of the offer stand on its own," he said.

In my research, I found that most states and jurisdictions allow buyers and sellers to court each other with personal letters. However, some real estate associations, attorneys and brokerage firms warn against them. If you are not careful, they say, you could end up breaking the law.

Sellers risk violating the Fair Housing Act if they discriminate against a buyer for any reason other than financial ability to purchase and terms of the contract. Federal and state governments have mandated protected classes such as, but not limited to, race, color, religion, sex, handicap and gender. Discrimination against anyone in these protected classes is against the law. Always check federal and local laws to be sure you are adhering to the legal requirements.

This YouTube video posted by the Washington State Realtors Association Legal Hotline provides guidance on how to ensure letters do not violate Fair Housing laws. Although agents are required by law to present all documents included in the offer to the seller, an agent should explain to the seller that they must not discriminate when making a decision.

The same is required under Maryland, Virginia and District laws. Real estate agents must present in a timely manner all written offers or counteroffers to and from their client, including letters with photographs and/or personal information about prospective purchasers. However, the seller must accept or reject offers on the basis of objective criteria, such as price and contract terms, rather than subjective criteria like feelings or emotions.

So much for the "love" in the "love letter."

According to Danielle Dolch, an attorney with Shulman Rogers in Potomac, buyers should only discuss the features of the home in their letter. "Discussing the home's proximity to schools, churches, etc. should be avoided."

"We don't want an offer to be declined by a seller based on personal reasons," said Nasar of Long & Foster regarding the downside of submitting letters.

Despite the warnings about writing letters when bidding on a home, I still believe they can be useful in capturing a seller's heart. But, keep it simple. Explain to the seller how much you admire their choice in kitchen tiles and countertops. Let them know that you will cherish their home as much as they did. And end it there.