

ADVERTISING UNDER THE NEW DOS REGULATIONS

What is an advertisement?

Promotion and solicitation related to licensed real estate activity, including but not limited to advertising via:

- mail
- telephone
- websites
- e-mail
- electronic bulletin boards
- business cards
- Signs/billboards
- Flyers
- Video

What is not an advertisement?

Commentary made by a duly licensed real estate salesperson, real estate associate broker or real estate broker that is not related to promoting licensed real estate activity. 175.25(a)(1)

*******NOTE: ALL ADVERTISEMENTS MUST BE APPROVED BY PRINCIPAL BROKER**

Advertising – generally

- Only a real estate broker is permitted to place, or cause to be placed, advertisements.
- Advertisements must provide the name of the real estate brokerage (or broker if individual broker) and either the brokerages:
 - (i) full address or
 - (ii) telephone
- No regulation on size
- Real Estate Brokerage must be included in advertisement
- Licensee's name must appear as it is on license – nicknames can be included as long as licensed name is conspicuous

License Type

- License Type: Associate Real Estate Broker or Real Estate Salesperson
- The use of "Licensed" is no longer mandatory. However, if you list your designations after your name "Licensed" must be used
- Not necessary on for sale signs or classified ads unless you are including a designation

Telephone Numbers

- Phone numbers must identify the type of number, i.e. cell, home, office
- Brokerage phone number **or** address must appear on every advertisement

Classified Ads

- Must include name of brokerage
- Does not need license type
- Must have either brokerage phone **or** address
- Phone other than brokerage must be clearly identified

Business Cards

- Must have brokerage address
- Must have brokerage name
- Must contain license type
- Office telephone number
- Must have a variation of "Each Office Is Independently Owned and Operated" (Franchise Requirement)

For Sale Signs

- Must include name of brokerage. *"Generally, advertisements need to contain the name of the brokerage and the brokerage address or office telephone number. For sale signs are one of the exceptions to the general rule"
- All phone numbers must be identified

Open House Signs

- Not required to comply with requirements unless there is information of the licensee or brokerage. If licensee name appears on the sign so must the full licensed name of the brokerage. If licensee name is on the sign it must be the full licensed name.

Email

- Initial email must include all information required by these regulations
 - Brokerage name
 - Brokerage address or phone
 - Licensee Type
 - All phone numbers identified

Logos

- Individual logos may be used provided the name or logo of the brokerage is provided

Web based advertising

- Each page of website must include the brokerage information: Brokerage name and address **or** phone #
- Link to brokerage website must be on home page
- Link to the Department of State's Fair Housing Notice must be installed on homepage and be displayed "prominently" not hidden or buried on the homepage

Social Media

- Home or profile page must have:
 - Name of brokerage
 - Brokerage address or phone #
 - License Type
 - Phone numbers identified

Teams

- 2 or more persons, one of whom must be an Associate RE Broker or Real Estate Salesperson Associated with the same brokerage
- Team Names:
 - Full licensed name of the real estate brokers, associate brokers or RE salespersons **or**
 - If the names are not included, team name must be immediately followed by "at/of [full name of brokerage]. This includes logos.
 - Must use the term team (cannot use associate, realty, group etc)
 - Cannot use the name of a non-licensed individual

Fair Housing

- Fair Housing notice must be displayed at all Open Houses
- Fair Housing Disclosure must be available to all attendees and presented at "First Substantive Contact"