



Division of Licensing Services

New York State
Department of State
Division of Licensing Services
Appearance Enhancement
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Customer Service: (518) 474-4429
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CHECKLIST FOR REAL ESTATE ADVERTISING

Understanding Real Estate Advertising

The Department of State (the "Department") has prepared this checklist to help you advertise properly so that you can comply with state laws and regulations relating to your business. Following these rules may help you avoid fines or other discipline and help protect the public from misleading or inappropriate advertising. The Department recommends you evaluate your advertising periodically. Please note, this list is not exhaustive, but is intended to cover common issues with real estate advertising. For more information regarding the Department's advertising rules click [here](#).

LICENSE and NAME INFORMATION

Is the correct license title displayed (e.g., "licensed real estate salesperson", etc....)? Yes

Use of incorrect license titles such as "licensed sales agent" or simply "broker" is inappropriate.

Are corporate titles (e.g., president, vice president, etc...) used only by the brokers of record? Yes

Associate brokers and salespersons are not permitted to advertise as corporate officers.

Does the advertisement contain your full name, as it appears on your Department license? Yes

Use of nicknames are permitted, but the full licensed name must also appear. Middle names and initials may be omitted.

Does the advertisement contain the correct name of the real estate brokerage? Yes

The name of the real estate brokerage, as it appears on the license, must be displayed in the advertisement.

Does the advertisement contain an appropriate "Team Name"? Yes

"Team Names" are allowed provided: 1) the full licensed name(s) of the "team members" are included in the "Team Name"; or 2) the "Team Name" is followed by: "at/of (full name of the brokerage)". The term "Team" must also appear in the name.

BUSINESS CARDS

Does the card include the business address of the licensee, office telephone, license type, and the name of the real estate broker or real estate brokerage?..... Yes

Cards may include other information provided they are clearly identified as alternative contacts (e.g., "cell phone"), but information linking the person identified on the business card to the real estate brokerage must be included.

FOR-SALE SIGNS

Do all for-sale signs identify the broker or real estate brokerage? Yes

For-sale signs are allowed, but they must contain at least the name of the real estate brokerage that is offering the property for sale or lease. Simply identifying the individual licensee is insufficient.

Checklist for Real Estate Advertising

INTERNET and EMAILS

Do all websites created and maintained by the licensee contain a link to the real estate brokerage's website? Yes

Associate real estate brokers, real estate salespersons and teams are permitted to operate their own websites, but they must have a link to their real estate broker's website if the real estate broker of record maintains their own website.

Does each page of a website advertisement, where a property is displayed including a search results page, provide a clear and conspicuous disclosure identifying the exclusive listing broker?..... Yes

With consent of the exclusive listing broker, one licensee may provide listing information regarding property listed with another broker through their own website (e.g., MLS/IDX), or referenced on a third-party paid website (e.g., lead generation websites) provided the name of the exclusive brokerage is indicated and is preceded by one of the following phrases:

"Listing Provided by [insert name of the exclusive listing broker]"

"Listing by [insert name of exclusive listing broker]"

"Listing Broker Contact [insert name of exclusive listing broker]"

"Listing of [insert name of exclusive listing broker]"

"Listing Provided Courtesy of [insert name of exclusive listing broker]"

"Listing Courtesy of [insert name of exclusive listing broker]"

"Listing Agent Contact [insert name of exclusive listing broker]".

If you are using a website for leads that references properties listed with another real estate broker, does the page clearly and conspicuously indicate that it is an advertisement?..... Yes

Licensees are permitted to advertise using a third-party paid website, but when the website refers to listings that are subject to an exclusive listing of another real estate broker, that page must also display, at a minimum, the word "advertisement" following your name (provided that the listing broker has provided such consent).

Do initial emails contain the required disclosures provided by the Department's rules? Yes

An initial e-mail from a real estate broker, associate real estate broker, real estate salesperson or team to a client or potential client shall provide the information required by the Department's regulations. Such information may be omitted from subsequent e-mail communications to the same recipient.

Does the advertisement, if a website, link the Fair Housing Notice? Yes

Salespeople and associate brokers must have a link on their individual websites to the Fair Housing Notice.

OTHER CONCERNS

Are "pocket listings" (sometimes called "coming soon listings") allowed? Yes

A "pocket listing" is a listing which is not generally marketed to the public. These listing are not always prohibited, but a licensee must clearly disclose to the seller the consequences of taking a "pocket listing" such as, possibly less interest in the property thereby resulting in a lower sale price, and potentially longer marketing times.

Are all advertisements, regardless of the type of property being marketed, following the same rules?..... Yes

The advertising rules apply the same for all license holders. Licensees that "specialize" in commercial listings must comply with the same rules that are applicable for residential listings.

If you have questions regarding advertisements, please email them to the Department at licensing@dos.ny.gov or contact (518) 474-4429. Call Center Representatives are available from 8:30am to 4:30pm Monday through Friday except on Legal Holidays.

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