

RE41R05

REAL ESTATE ADVERTISING COMPLIANCE AND THE LAW



Kate Lanagan
MacGregor
KATE.REALTOR
Agent Rising

www.agentrising.com

508-728-3648





SO MUCH
FUN!

METHODS USED TO ADVERTISE PROPERTIES

Daily newspapers



METHODS USED TO ADVERTISE PROPERTIES

Local Newspapers



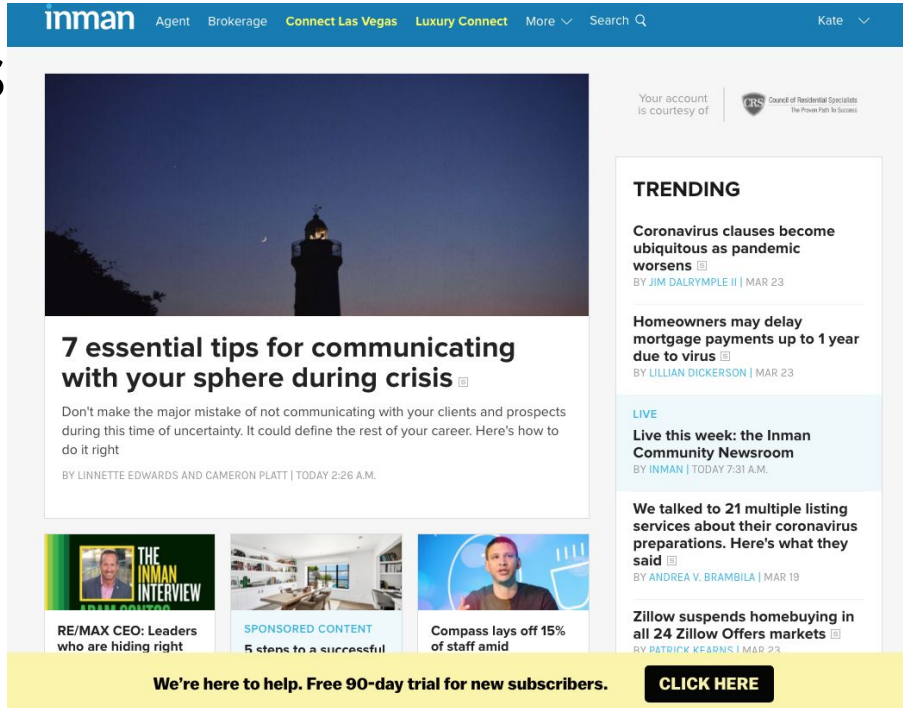
METHODS USED TO ADVERTISE PROPERTIES

Real Estate related newspapers




METHODS USED TO ADVERTISE PROPERTIES

Online Publications





The screenshot displays the Inman Real Estate News website. The header includes the Inman logo and navigation links for Agent, Brokerage, Connect Las Vegas, Luxury Connect, and More, along with a search bar and a user profile for Kate. The main content area features a large article titled "7 essential tips for communicating with your sphere during crisis" with a sub-headline "Don't make the major mistake of not communicating with your clients and prospects during this time of uncertainty. It could define the rest of your career. Here's how to do it right" and a byline "BY LINNETTE EDWARDS AND CAMERON PLATT | TODAY 2:26 A.M.". To the right, a "TRENDING" section lists "Coronavirus clauses become ubiquitous as pandemic worsens" by Jim Dalrymple II and "Homeowners may delay mortgage payments up to 1 year due to virus" by Lillian Dickerson. Below the main article, there are three smaller featured items: "RE/MAX CEO: Leaders who are hiding right", "SPONSORED CONTENT: 5 steps to a successful", and "Compass lays off 15% of staff amid". A "LIVE" section at the bottom right promotes a "Live this week: the Inman Community Newsroom" by Inman. A yellow banner at the bottom of the page states "We're here to help. Free 90-day trial for new subscribers." with a "CLICK HERE" button.

inman Agent Brokerage **Connect Las Vegas** Luxury Connect More Search Q Kate


Your account is courtesy of  Council of Residential Specialists The Power Path to Success


TRENDING


Coronavirus clauses become ubiquitous as pandemic worsens 
BY JIM DALRYMPLE II | MAR 23

Homeowners may delay mortgage payments up to 1 year due to virus 
BY LILLIAN DICKERSON | MAR 23

LIVE
Live this week: the Inman Community Newsroom
BY INMAN | TODAY 7:31 A.M.

We talked to 21 multiple listing services about their coronavirus preparations. Here's what they said 
BY ANDREA V. BRAMBILA | MAR 19

Zillow suspends homebuying in all 24 Zillow Offers markets 
BY PATRICK KEARNS | MAR 23

7 essential tips for communicating with your sphere during crisis 
Don't make the major mistake of not communicating with your clients and prospects during this time of uncertainty. It could define the rest of your career. Here's how to do it right
BY LINNETTE EDWARDS AND CAMERON PLATT | TODAY 2:26 A.M.

RE/MAX CEO: Leaders who are hiding right

SPONSORED CONTENT
5 steps to a successful

Compass lays off 15% of staff amid

We're here to help. Free 90-day trial for new subscribers. **CLICK HERE**

METHODS USED TO ADVERTISE PROPERTIES

MLS

boston.com



METHODS USED TO ADVERTISE PROPERTIES

Company Website /Agent Website



The screenshot shows the landing page for .realtor and .realestate domains. At the top, the logo ".realtor .realestate" is displayed. Below it, navigation links for "Products", "More", "Support", "LOG IN", and a yellow "GET STARTED" button are visible. The main content area has a yellow background. On the left, the text "OWN YOUR BRAND ONLINE" is followed by a paragraph: "A personalized web or email address can help you show off your style, your properties, and your expertise. Tell your clients exactly who you are and what you do with professional domains like .realtor™ and .realestate." Below this text are the ".realtor™" and ".realestate" logos, and a search bar with the placeholder "Find your domain". On the right, there is a graphic featuring a woman with glasses resting her chin on her hand, a modern chair, and a palm tree. A white pill-shaped button below the woman contains the text "midmodjoanne.re". At the bottom left, small text reads "BROUGHT TO YOU BY THE NATIONAL ASSOCIATION OF REALTORS®".

.REALTOR™ DOMAINS

OWN A PIECE OF ONLINE REAL ESTATE - FIRST YEAR FREE!

Position yourself as a leader in your market/community today with a .realtor™ domain and a Free Professional Website. Capture the winning combination of your expertise, your market knowledge, and your cut-above client service!

With a .realtor™ domain and Free Professional Website you can continue to strategically build your brand and boost business through a powerful site that is yours and yours alone!

Find your .realtor domain

SEARCH



INSTANT RECOGNITION

Align yourself with the invaluable REALTOR® brand and automatically increase the value of your brand and business.



BUILD YOUR BRAND

Take ownership of your personal brand and bring it with you wherever you work when you set yourself up with a .realtor™ web address and website.



GENERATE MORE LEADS

Bump up your online ranking and bring down your bounce rates with a relevant and specific web address ending in .realtor™. Land more leads, attract more customers and build more business.

Feedback

METHODS USED TO ADVERTISE PROPERTIES

Social Media



METHODS USED TO ADVERTISE PROPERTIES

Handout material



METHODS USED TO ADVERTISE PROPERTIES

Direct Mail

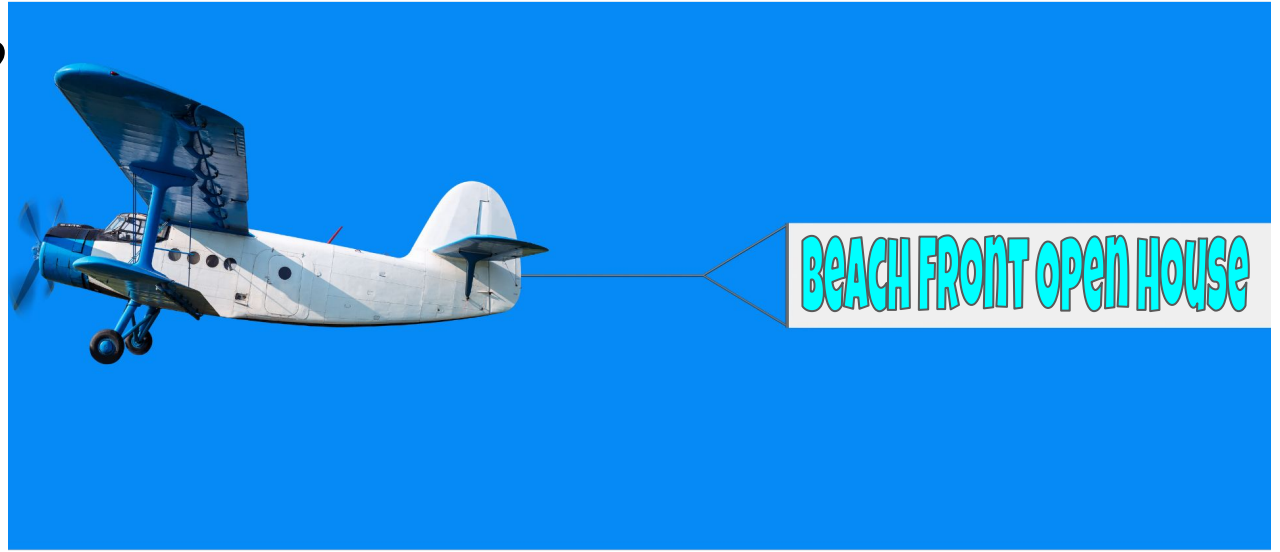
- Properties for Sale
- Properties that have Sold
- And more



Holidays

METHODS USED TO ADVERTISE PROPERTIES

Any Others?





QUESTION

WHAT HAVE YOU USED SUCCESSFULLY?

WHAT IS THE PURPOSE OF AN ADVERTISEMENT?



Describe the property being sold, not the people who should buy the property.



FACES IN YOUR ADS!



CLIPART INSTEAD?!



WHAT IS THE PURPOSE OF AN ADVERTISEMENT?

Target marketing



PURPOSE OF ADVERTISING

How would the reader interpret the ad?



PURPOSE OF ADVERTISING

Loyalty to the seller in the advertisement.



THINK ABOUT IT...

Wording such as: make an offer;
reduced; motivated; price reduced;
owner anxious; seller relocating
may hurt the seller.

WHO IS THE RESPONSIBLE PARTY FOR THE ADVERTISEMENT?

The advertisement belongs to the **Broker.**

- ❑ It does not matter who pays for it.





WHO IS THE RESPONSIBLE PARTY FOR THE ADVERTISEMENT?

- ❏ *It does not matter if no one pays for it!*



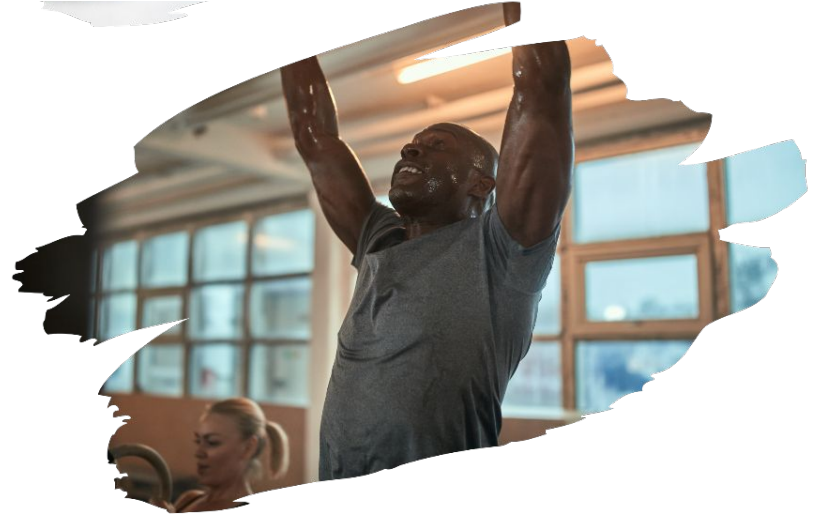
BROKER'S RESPONSIBILITY

The broker shall not
advertise
in any way that is false or
misleading



QUESTION

Is Puffing Allowed?



FAIR HOUSING



Cannot use Discriminatory advertising



Cannot write ads that
cause illegal steering



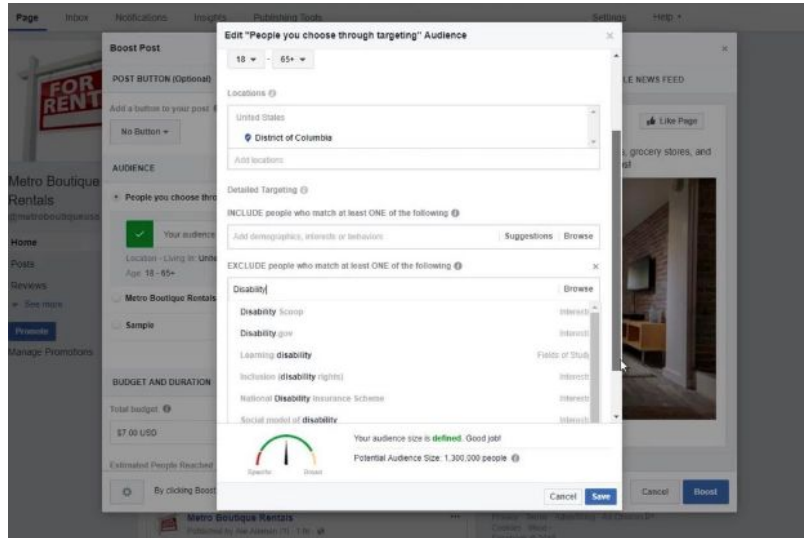
Be careful of websites -
stick to describing the
property-
not neighborhood or 'ideal
candidates'.



WHAT DOES THIS MEAN TO YOU?



SOCIAL MEDIA- EDIT- PEOPLE YOU CHOOSE THROUGH TARGETING




SOCIAL MEDIA- EDIT- PEOPLE YOU CHOOSE THROUGH TARGETING



SOCIAL MEDIA- BOOST A POST

our system explore more opportunities to show your ads. [Learn more](#)

**Audience**

Create Audience

Who should see your ad?

☒ People you choose through targeting

Edit

Location - Living In: United States: Mattapoisett
Massachusetts

Age: 28 - 39

☐ People who like your Page

☐ People who like your Page and their friends



☐ People in your local area

☐ Custom Audiences

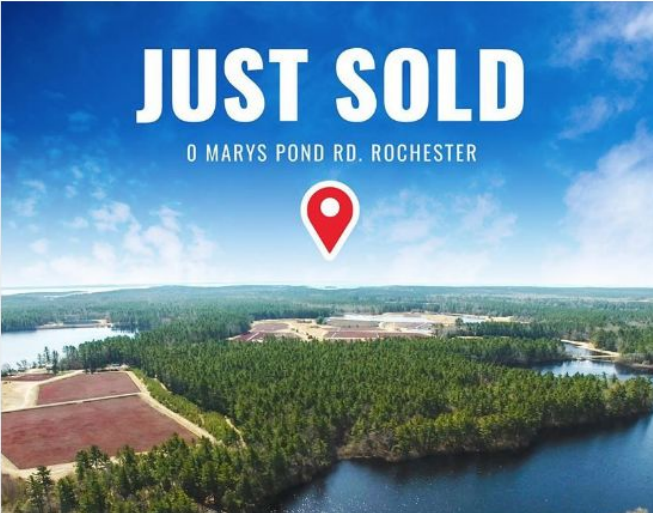
See All (16)

Instagram

☒ Run ad on Instagram

**BOLD Moves Real Estate**
Sponsored · 


Thank you Carrs, Clarks and Araujos! Enjoy Leonard's Pond!



JUST SOLD


0 MARYS POND RD. ROCHESTER

SOCIAL MEDIA- EDIT- PEOPLE YOU CHOOSE THROUGH TARGETING

Create Audience 

Select the location, age, gender and interests of people you want to reach with your ad.


Name



Gender 


All

Men


Women

Age 


28  - 39 

Locations 

United States

Mattapoisett, Massachusetts 

Add locations

Detailed Targeting 

TARGETING

Create Audience

Marys Pond

Gender

AllMenWomen

Age

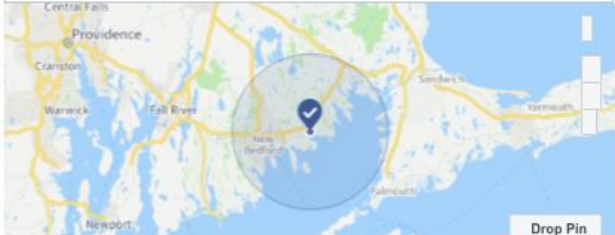
28 - 39

Locations

United States

Mattapoisett, Massachusetts + 10mi

Add locations



Drop Pin

SpecificBroad

Your audience selection is **too specific** for your ads to be shown. Try making it broader.

SOCIAL MEDIA- EDIT- PEOPLE YOU CHOOSE THROUGH TARGETING

4. Prohibited Content

1. Community Standards

Ads must not violate our Community Standards. Ads on Instagram must not violate the Instagram Community Guidelines.

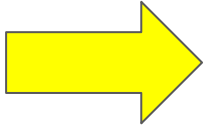
2. Illegal Products or Services

Ads must not constitute, facilitate, or promote illegal products, services or activities. Ads targeted to minors must not promote products, services, or content that are inappropriate, illegal, or unsafe, or that exploit, mislead, or exert undue pressure on the age groups targeted.

3. Discriminatory Practices

Ads must not discriminate or encourage discrimination against people based on personal attributes such as race, ethnicity, color, national origin, religion, age, sex, sexual orientation, gender identity, family status, disability, medical or genetic condition.

[Learn more](#)



***WELCOME TO
BOLDTOWN!***



LIKE MY PAGE!

***FOLLOW ME!
LIKE MY PAGE!
SHARE MY PAGE!
I WILL FOLLOW
YOU BACK!***



QUESTION

Is Niche Marketing Allowed?

Review HUD List of words not acceptable

SAMPLE ADVERTISEMENTS

able-bodied

active

adult building

adult community

adult living

adults only

African

African American

agile

American

Asian American

AFDC approved

bachelor apartment/pad

bachelor couple

black

blind

SAMPLE ADVERTISEMENTS

board/membership
required
Catholic
Caucasian
Chicano
child
children OK
Chinese

Christian
churches
colored
couples
couples only
cripples
contemporary

SAMPLE ADVERTISEMENTS

lifestyles

country club

deaf

desirable

neighborhood/area

elderly

employed, must be

empty-nesters

English speaking

ethnic neighborhood

exclusive

executive neighborhood

family neighborhood

fat

SAMPLE ADVERTISEMENTS

first-time home buyers	heterosexual
foreigners	his and hers
gays	homosexual
gentleman's farm	immigrants
golden agers	independent living
Handicapped	Indian
healthy only	integrated
Hispanic	interracial
handyman's special	



SAMPLE ADVERTISEMENTS

Irish

Ideal for retiree

Ideal for anyone...

Jewish

Job references required

landlord description

Latino

living alone

lesbian

luxurious neighborhood

mature people

mature individual

mature person(s)

Married

membership approval

membership required

mentally handicapped



SAMPLE ADVERTISEMENTS

mentally ill

Mexican

Mexican-American

middle aged

mixed community

Mormon

Mosque

mother-in-law apartment

mother-daughter suite

neighborhood,

descriptions

newlyweds

No Blacks

No Children

No Crippled

No Deaf

No Drinkers

No impaired

SAMPLE ADVERTISEMENTS

No Soc. Sec.

No White

not for handicapped

number of people

preferred

older person

one child

one person

oriental

parish, close to

parish, name of

physically fit

play area, no

Polish

professional home

professional neighborhood

SAMPLE ADVERTISEMENTS

quality area	Saint (name of church)
quiet streets	seasonal workers
quiet neighborhood	no section 8,
rent calculated per person	secure
retarded	segregated
retired persons	senior discount
retirees	senior housing
restrictions	seniors welcome
retirement community	shrine

SAMPLE ADVERTISEMENTS

single person

single(s) only

sleeps

special rate

secluded neighborhood

SSI

starter home

straights

synagogues, close to

tenant description

traditional neighborhood

two-family/three family

US citizen

unemployed

vacation rental sleeps #

Walk to



QUESTION

Instead of....

Try...

SAMPLE ADVERTISEMENTS

white only
working, must be
welfare
young
Youthful
Protestant
Puerto Rican

perfect for...
prefer
private community
professional
prestigious
privileged
public assistance

Review guidelines for advertising
properties using people



CODE BLUE!

SURVIVAL TACTICS FOR
REAL ESTATE EMERGENCIES!

A family consisting of a man, a woman, and two children are standing in front of a house. The man is wearing a blue button-down shirt and jeans, the woman is wearing a pink shirt, and the children are wearing blue shirts. They are all looking towards the house. A large red 'FOR SALE' sign is in the foreground on the right. The house has a white picket fence and a black door.

**FOR
SALE**

CODE OF ETHICS

OUR PROMISE OF PROFESSIONALISM TO YOU

CODE BLUE!

Survival Tactics In Real Estate Emergencies.



ARTICLE 12

REALTORS® shall be honest and truthful
in their real estate communications and
shall present a true picture in their
advertising, marketing, and other
representations.



KATE LANAGAN MACGREGOR
508.728.3648 | Kate@AgentRising.com



LINDA KODY
978.686.1954 | LKody@Comcast.net

CODE BLUE!

Survival Tactics In Real Estate Emergencies.



ARTICLE 12,CONT

REALTORS® shall ensure that their status as real estate professionals is readily apparent in their advertising, marketing, and other representations, and that the recipients of all real estate communications are, or have been, notified that those communications are from a real estate professional. *(Amended 1/08)*



KATE LANAGAN MACGREGOR
508.728.3648 | Kate@AgentRising.com



LINDA KODY
978.686.1954 | LKody@Comcast.net

CODE BLUE!

SURVIVAL TACTICES IN REAL ESTATE EMERGENCIES

- ❑ Standard of Practice 12-5
 - ❑ Realtors® shall not advertise nor permit any person employed by or affiliated with them to advertise real estate services or listed property in any medium (e.g., electronically, print, radio, television, etc.) without disclosing the name of that Realtor®'s firm in a reasonable and readily apparent manner either in the advertisement or in electronic advertising via a link to a display with all required disclosures. (*Adopted 11/86, Amended 1/16*)



KATE LANAGAN MACGREGOR
508.728.3648 | Kate@AgentRising.com



LINDA KODY
978.686.1954 | LKody@KodyCo.com

CODE BLUE!

SURVIVAL TACTICES IN REAL ESTATE EMERGENCIES

- ❑ Standard of Practice 12-9
 - ❑ REALTOR® firm websites shall disclose the firm's name and state(s) of licensure in a reasonable and readily apparent manner.
 - ❑ Websites of REALTORS® and non-member licensees affiliated with a REALTOR® firm shall disclose the firm's name and that REALTOR®'s or non-member licensee's state(s) of licensure in a reasonable and readily apparent manner. *(Adopted 1/07)*



KATE LANAGAN MACGREGOR
508.728.3648 | Kate@AgentRising.com



LINDA KODY
978.686.1954 | LKody@KodyCo.com

ILLEGAL BLIND ADVERTISING

MAKE IT A BOLD DAY!

***"BOLD" KATE
KATE LANAGAN
MACGREGOR
@BOLDKATE***



AGENTS WHO PLACE ADS:

Must:

Identify the Broker's full name, or
in the case of a licensed company,
the company's full name in all of
the advertisements

Websites and links
must identify
Broker's or
Company's full
name on all web
pages and links.

LINK^{*}IN
= BIO =

KATE LANAGAN MACGREGOR

***WELCOME TO
BOLDTOWN!***



WHAT ABOUT EMAILS? MLSPIN?NEW SYSTEM!

“Just so you know
Not one time ...
during multiple emails, Phone calls, and viewings.
(never a mention not even once that she was an
agent anywhere anytime) ...It's something we feel
isn't right and we have discussed and feel it is only
right for our agent to receive some sort of
compensation for his time also...
RESULT: Reduced commission and 'paid' their agent

EXAMPLES THAT MAKE YOU CRAZY!

Code of Ethics

**SIGNS AND BANNERS MUST
INDICATE COMPANY NAME,
(*ADDRESS AND COMPANY
TELEPHONE NUMBER?*)**

APARTMENT RENTALS

- ❑ No Blind Advertising-ads must fully identify the broker.
- ❑ No Bait and Switch-properties advertised must exist.

TRUTH IN LENDING

REGULATION Z

- ❑ Strict guidelines when it comes to advertising real estate.
- ❑ APR-If specifics trigger terms are used then all requirements must be disclosed.

THERE ARE PENALTIES FOR NONCOMPLIANCE!

- 1) Down-payment
- 2) monthly payment
- 3) term of the loan
- 4) dollar figure of finance charge

THE BIG OFFENDER!

Advertising

OPEN HOUSE DISCLOSURE

Requirement to disclose
relationship at the open house

OPEN HOUSE DISCLOSURE



OPEN HOUSE AND GUEST SIGN IN

We are here to help! Please let us know if you are working with a Buyer's Agent. The Realtor, Tracey Lee, currently works as a Designated Seller's Agent. If you were to proceed with working with Tracey to purchase this home, she will be acting as a Dual Agent. Please let Tracey inform you of her responsibilities and how this affects you moving forward.

*She will provide you with the proper paperwork to explain it all! **Make it a BOLD day!***

NAME	EMAIL	ADDRESS	PHONE	HOW DID YOU HEAR?	Who is Buyers Agent?



PROMOTION OF OUT OF STATE PROPERTIES

No broker shall offer for sale in the Commonwealth an interest in real property which is located in a land development of another state unless the owner or the developer registers such property with the board.

PROMOTION OF OUT OF STATE PROPERTIES

Once the board registers an out of state property development the owner or developer of such development must note the fact of such registration in all its subsequent advertisements in the Commonwealth.

INDUCEMENTS

When advertising inducements the agent must indicate the full identity of the broker and appropriate contact information

PENALTIES FOR PRACTICING WITHOUT A LICENSE

Whoever, without being licensed acts a broker or salesperson or advertises that he or she is a broker or salesperson shall be punished by a fine of not more than \$500

Q: I have a team, and I'd like to make my team, rather than my brokerage, the focus of my advertising and marketing. Is that okay?

A: You can make your team the focus, but you must also make the name of the brokerage you're



JEOPARDY QUESTION.. WHAT ARE...

Teams

FAQ'S FROM BOARD OF REGISTRATION

Who is on our Board from REALTORS®

- ☐ Kevin Sears
- ☐ Peter Ruffini
- ☐ Kimberly Allard



ADVERTISING QUESTION!

Questions often arise related to the applicability of regulations to online social media advertising. 254 CMR 3.09 requires that “All advertisements shall include the name of the real estate broker.”



Online social media advertisement is a common form of advertisement not contemplated at the time when these regulations were adopted. On certain social media platforms it may be impossible to comply with the regulatory requirement due to a lack of space.



Can this regulation be satisfied by including in all such advertisements a link to a display with the required disclosure? 254 CMR 3.09 makes is clear that “all advertisements shall include the name of the real estate broker.”



ANSWER!

254 CMR 3.09 makes is clear that
“all advertisements shall include the
name of the real estate broker.”

If there is a corporate entity then that entity, or its properly and municipally filed d/b/a must be included somewhere **conspicuously** in that advertisement.

If it is sole proprietorship then the actual Broker's name (or d/b/a) must be also be **conspicuously** placed in the advertisement. Only using the broker of record name for a licensed entity runs afoul of this rule.



DEFINITION: CONSPICUOUS

To see or notice easily

In Practice:

- ❑ As big or bigger font than the agent
- ❑ **Same or darker color lettering**

ADVERTISING QUESTION!

254 CMR 3.09 provides that, “All advertisements shall include the name of the real estate broker.” In this context, can the regulation be satisfied by including the name of the real estate brokerage or the broker of record for that brokerage.



ANSWER!

254 CMR 3.09 makes is clear that “all advertisements shall include the name of the real estate broker.” If there is a corporate entity then that entity, or its properly and municipally filed d/b/a must be included somewhere **conspicuously** in that advertisement.



WELCOME TO BOLDTOWN!
MAKE IT A BOLD DAY!
KLM BOLDTOWN TEAM!



BOLD Real Estate



If it is sole proprietorship then the actual Broker's name (or d/b/a) must be also be conspicuously placed in the advertisement. Only using the broker of record's name for a licensed entity runs afoul of this rule.



254 CMR 3

(6) Salespersons Cannot Be Self-Employed.

A licensed salesperson must be engaged by a licensed broker and a licensed salesperson shall not conduct his own real estate business.

TEAM QUESTION!

Clarify Real Estate Teams
Advertising -

ANSWER!

Currently there are no rules or regulations specifically pertaining to “Teams” and advertising requirements. Many states have begun introducing laws and regulations specific to teams as it is becoming a more prevalent practice. Many of our members have inquired as to what rules they need to keep in mind when working as a team.



**KLM BOLDTOWN TEAM!
WE ARE BOLDTOWN EXPERTS!**



ADVERTISING QUESTION!

As a licensed salesperson affiliated with a broker may I advertise my services?

ANSWER!

No, you may not do so. The Board's regulations specifically state that salespeople cannot advertise, which includes web pages. It is the broker who can advertise and may list his affiliated brokers and salespeople, provided that the advertisement clearly notes the name of the broker running the advertisement.

The Board has seen a number of situations where advertisements, including web pages, only list a salesperson without noting the name of the broker with whom the salesperson is affiliated, which is in direct violation of 254 CMR 3.09(a) and (b).

FACT SHEET: ADVERTISING

A broker shall not advertise in any way that is false or misleading.

(a) Broker Identification.

No broker may advertise real property to purchase, sell, rent, mortgage or exchange through classified advertisement or otherwise unless he/she affirmatively discloses that he/she is a real estate broker.



No broker shall insert advertisements in any advertising publication or other means where only a post office box number, telephone, facsimile, electronic mail number or street address appears.

All advertisements shall include the name of the real estate broker.



(b) Salespersons Prohibited From Advertising.

Salespeople are prohibited from advertising the purchase, sale, rental or exchange of any real property under their own name.

**RAGIN V. HARRY MACKLOWE
REAL ESTATE CO., INC.:
SECOND CIRCUIT AWARDS
COMPENSATORY DAMAGES AND
INJUNCTIVE RELIEF AGAINST
MANAGEMENT COMPANY FOR
RACIALLY DISCRIMINATORY
ADVERTISING**



DISCRIMANATORY ADVERTISEMENTS

The Second Circuit addressed alleged violations of the Fair Housing Act based on racially discriminatory advertising. The court affirmed that: (1) the plaintiffs had standing; (2) the defendants were liable; (3) the district court correctly granted limited compensatory, and no punitive, damages; and (4) the injunction was proper in scope.

SAMPLE ADVERTISEMENTS

From 1985 to 1988, defendant ran nearly thirty-five ads in The New York Times, none of which depicted black models. The plaintiffs, a fair-housing agency and four African Americans, saw the ads between August 1985 and late 1988

SUGGESTED RESOURCES

87PP "Real Estate Broker"

definition

87CCC Penalty (penalty for hold
themselves out as a broker)

advertising

254 CMR 3.00 Professional Standards of Practice

(9) Advertising

a) Broker Identification

b) Salesperson Prohibited from Advertising

c) Discriminatory Advertising Prohibited

Out of State Promotional Land Sales

254 C.M.R 6.00

87AAA section K



FAIR HOUSING WEBSITES

[http://portal.hud.gov/hudportal/HUD?src=/
program_offices/fair_housing_equal_opp](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp)
[www.hud.gov/offices/fheoliblibrary/part109.p
df](http://www.hud.gov/offices/fheoliblibrary/part109.pdf)
[www.hud.gov/offices/fheoliblibrary/part109.
pdf](http://www.hud.gov/offices/fheoliblibrary/part109.pdf)

www.hud.e:ov/offices/ftheo/library/oartl09.odf

www.hud.gov/offices/theo/disabilities/sect804achtenberg.pdf

www.hud.e:ov/offices/theo/disabilities/sect804achtenbere:.odfv

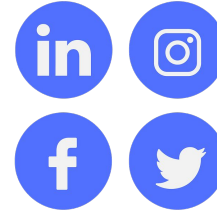
* Advertising and inappropriate or potentially inappropriate language (next page)

BE A PRO!

VOTE MAGGIE TOMKIEWICZ
FOR
NAR DIRECTOR AT LARGE



Thank you!
Rise with Us!



Kate Lanagan MacGregor
Find Me! Friend Me! Share!

508-728-3648

kate@katelanaganmacgregor.com