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New NYS advertising regulations updated and revised - effective January 2nd

February 20, 2014 - Connecticut

The New York Department of State has updated and revised their advertising regulations for real estate licensees. The complete regulations can be found at: www.dos.ny.gov/info/regulatory_activity/final_adopted/Final_175_25.doc

Below are the highlights of the changes.

Definition of Advertising: Promotion and solicitation related to real estate activity, including but not limited to advertising activity via: business cards, flyers, signs, billboards, mail, telephone, e-mail, web sites, social media, video, electronic billboards.

Placement of Advertisements and general content: Only the real estate broker is permitted to place or cause to be placed advertisements. Advertisements must contain the name of the broker or brokerage firm and the full address or telephone number of the broker or brokerage.

The name of the agent and agent's phone number may also appear in the advertisement provided:

1. The full name of the agent (as on your license) is required; nicknames may be included provided the full name of the agent is clear. For example: Edward "Ed" Smith.
2. If multiple phone numbers appear in the ad they must specify location: office, direct line, or cell.
3. All advertisements must include the license type of the agent: they are (only) real estate broker, associate real estate broker or real estate salesperson. The word "licensed" is not required but may be used before the title; as in "licensed real estate salesperson."

The uses of other titles are prohibited. Examples of prohibited titles would include: "sales associate," "licensed salesperson," "licensed sales agent," "broker," "vice president," "managing director," or "sales director."

No property shall be advertised unless the real estate broker has obtained authorization for such advertisement from the owner of the property. Real estate brokers shall not advertise property that is subject to an exclusive listing held by another real estate broker without the permission of the listing broker.

Multi property and classified advertisements must include the name of the broker or brokerage firm. If the advertisement contains the name of an associate real estate broker or real estate salesperson the agent's type of license may be omitted.

For sale or for lease signs: Such signs only require the name of the brokerage firm, additional information may be added.

Business Cards: Must contain the name of the brokerage and the business address of the licensee, and the office telephone number, the name of the agent and their license type: (only) real estate broker, associate real estate broker or real estate salesperson. You may also add other phone numbers, provided they specify location: direct line, cell, e-mail addresses, web site addresses and earned designations.

E-Mail: An initial e-mail from a real estate broker, associate real estate broker or real estate salesperson must include the same required information as on the business card. Such information may be omitted from subsequent e-mails to the same recipient. This includes your e-mail signatures.

Teams: Teams have special regulations, check the statute for details.

Websites: All agent websites promoting or soliciting real estate activity are subject to the approval of the real estate broker. Each page in the web site must contain the name of the brokerage firm, and the full address and office telephone number. In addition a link to the brokerage web site is required on the home page of the associate real estate broker or real estate salesperson's web site.

Social Media: Facebook, LinkedIn, or any other social medial websites where the agent is offering real estate listings or services must have, on the agent's home page, the brokerage name, full address and office phone number.

Penalties: Violations of these regulations could be considered by NYS DOS as misleading advertisement and may subject the licensee to having their license revoked or suspended or be subject to a fine of up to \$1,000.

Be sure to update your promotional materials before the effective date of these new regulations.

Edward Smith, Jr. CREI, ITI, CIC, RECS, GREEN, MICP is the northeast regional director of Coldwell Banker Commercial NRT, Syosset, N.Y.

New England Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540