

The 2018 Advertising Rules

As of January 1, 2018, all first point of contact solicitation materials must include:

- The name and number of the licensee. This is for both sales-agents and broker-associates.
- The responsible broker's "identity." This means the name under which the broker is currently licensed by DRE and conducts business in general or is a substantial division of the real estate firm. The broker's license number is optional.
- The status of the agent such as "REALTOR®" or "agent" (unless the name of the company makes clear that the advertisement is by a licensee) (Based on Article 12 of the Code of Ethics, and B&P Code 10140.6 (a) for advertisements in newspapers, magazines or by mail).

What types of advertising does this apply to? Everything.

- Business cards
- Stationery
- Advertising flyers
- Advertisements on television, in print, and electronic media (including social media)
- "For sale," "open house," lease, rent or directional signs when any licensee identification information is included
- Any other material designed to solicit the creation of a professional relationship between the licensee and a consumer

Are there any exceptions? There is a limited exception.

When no sales-agent or broker associate is referenced, the new law permits an exception for "for sale," rent, lease, "open house" and directional signs. These signs need not include the agents' or associate brokers' names or license numbers as long as either:

The responsible broker's identity appears (which includes the broker's name, but the broker's license number is optional). Under this exception there can be no reference on the sign to an associate broker or sales-agent.

OR

There is no licensee identification information at all. Neither the broker nor any agent is referenced in the sign. (Under the Code of Ethics, this generic exception is not allowed for "For Sale" signs but is permitted for open house and directional signs.)

These exceptions also apply to the general rule of disclosing a licensee's status, such as broker, agent or REALTOR®, in all advertising. But keep in mind that under the N.A.R. Code of Ethics Standard of Practice 12-5, any advertisement of real estate services or listed property in any medium must disclose the name of the firm in a reasonable way. So even though a licensee who is not a REALTOR® may post under the new law a completely generic "for sale" sign, REALTORS® should, at the very least, include the name of the firm on a "for sale" sign.