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PARTNERS IN EDUCATION

Advertising, Social Media: The Rules #66983

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Partners in Education Program**

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STUDENT NOTICE

The Georgia Association of REALTORS[®], Inc. is approved by the Georgia Real Estate Commission (GREC) to offer continuing education, sales postlicense, and broker prelicense courses. The GREC school code number is 271 with a renewal date of December 31, 2019.

The Georgia Real Estate Commission has approved this course for three (3) hours of continuing education credit. GAR school policy defines an instructional hour as 50 minutes.

To receive continuing education (CE) credit for this in-classroom course, the student must:

- ✓ be on time
- ✓ sign in with the course facilitator before the course begins
- ✓ be present in the course during all instruction periods
- ✓ return a completed evaluation to facilitator at the end of course
- ✓ not have taken this course for continuing education credit within the past 366 days.

There is no make-up session for this course.

Cell phones and other electronic devices can be distracting. Use of communication methods such as text messaging, E-mailing, web surfing, etc. is prohibited while class is in session if it poses a distraction to other attendees and shall be grounds for dismissal. Taking pictures of PowerPoint slides requires the permission of the instructor.

Entrance qualifications and standards of completion will not be based on race, color, sex, religion, national origin, familial status, handicap, sexual orientation, or gender identity.

No recruiting for employment opportunities for any real estate brokerage firm is allowed during this course or on the premises while this course is in session. Any effort to recruit by anyone should be promptly reported to the Director of Professional Development; Georgia Association of REALTORS[®]; 770-451-1831; 6065 Barfield Road; Sandy Springs, GA 30328; or to the Georgia Real Estate Commission; 404-656-3916; International Tower; 229 Peachtree Street, NW; Suite 1000; Atlanta, GA 30303-1605.

“Advertising, Social Media, The Rules”



Instructor: Sharon D. Miller | Material: Advertising 520-1-09, Fair Housing Laws 109

OBJECTIVE

2

- Students will learn how to construct a proper ad
- Student will be able to recognize an ad written improperly
- Student will know how to explain and employ advertising for social media
- Student will be able to identify fair housing advertising words & triggers

Advertising: 520-1-09

5/17/2016

ETHICS

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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
- 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

Advertising: 520-1-09

5/17/2016

ETHICS

12-4

Standard of Practice 12-4

- REALTORS® shall not offer for sale/lease or **advertise property without authority**

Advertising: 520-1-09 5/17/2016

ETHICS

12-5

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**

Advertising: 520-1-09 5/17/2016

ETHICS

12-8

Standard of Practice 12-8

- The obligation to present a true picture in representations to the public includes information presented, provided, or displayed on REALTORS® websites.
- REALTORS® shall use reasonable efforts to ensure that information on their websites is current
- When it becomes apparent that information on a REALTOR®'s website is no longer current or accurate, REALTORS® shall promptly take corrective action

Advertising: 520-1-09 5/17/2016

ETHICS

(12-9)

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) or licensure in a reasonable and readily apparent manner

Advertising: 520-1-09 5/17/2016

ETHICS

(12-10)

Standard of Practice 12-10

- REALTORS®' obligation to present a true picture in their advertising and representations to the public includes Internet content posted, and the URLs and domain names they use, and prohibits REALTORS® from:

Advertising: 520-1-09 5/17/2016

ETHICS

Standard of Practice 12-10 cont.

(12-10)

1. Engaging in deceptive or unauthorized framing of real estate brokerage websites;
2. Manipulating (e.g., presenting content developed by others) listing and other content in any way that produces a deceptive or misleading result;
3. Deceptively using metatags, keywords or other devices/methods to direct, drive, or divert Internet traffic; or
4. Presenting content developed by others without either attribution or without permission, or
5. Otherwise mislead consumers

Advertising: 520-1-09 5/17/2016

ETHICS

(12-13)

Standard of Practice 12-13

- The obligation to present a true picture in advertising, marketing, and representations allows REALTORS® to use and display only professional designations, certifications, and other credentials to which they are legitimately entitled.

Advertising: 520-1-.09 5/17/2016

1.a Advertising or Advertisement

(1.a)

- For the purposes of this Rule, the term “advertising” or “advertisement” means:
 - Any *manner*, method, or *activity* by which a licensee through the use of **any media** makes known to the general public real estate for sale, rent, lease, or exchange.

Advertising: 520-1-.09 5/17/2016

1.b Media

(1.b)

- For the purpose of this Rule, the term “media” includes, but is not limited to:
 - Print, photographs, broadcast, and the Internet including, but not limited to such examples as:
 - ✦ Newspapers, magazines, **flyers**, posters, **business cards**, **billboards**, radio, videos, television, signs (including office, directional, “for sale,” “for lease,” “sold,” or vehicle signs), newsletters, voicemail, email, facsimile transmission, Internet websites, blogs, video blogs, property listing database services, email farming, news groups, discussion lists, bulletin boards, **social networking/social media**, instant text messages, multimedia advertising, banner ads, pop-up, and similar media.

Advertising: 520-1-.09 5/17/2016

2. Misleading Advertising

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- Any advertising that is misleading or inaccurate in any material fact or in any way misrepresents any real estate is prohibited.
- Whenever a licensee becomes aware that a principal with whom the licensee's firm has a brokerage engagement is advertising to sale, buy, rent, lease, or exchange real estate in such a manner that is inconsistent with this rule, **the licensee must immediately** take steps to stop the advertising until it complies with this rule.

Advertising: 520-1-09

5/17/2016

EXAMPLES FOR CLASS PURPOSE ONLY

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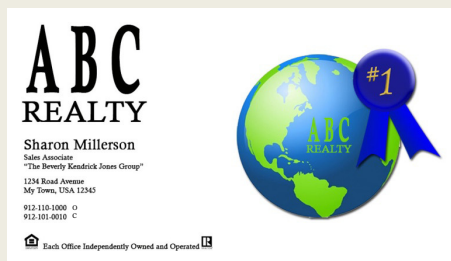


Advertising: 520-1-09

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EXAMPLES FOR CLASS PURPOSE ONLY

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Advertising: 520-1-09

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EXAMPLES FOR CLASS PURPOSE ONLY

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Advertising: 520-1-09

5/17/2016

2.1 Advertising by Affiliated Licensees`

2.1

- All advertising by associate brokers, salespersons, and community association managers must be under the direct **supervision of their broker and in the name of their firm**



Advertising: 520-1-09

5/17/2016

3. Written Permission to Advertise

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- A licensee shall **not** advertise any real estate for sale, rent, lease, or exchange unless the licensee has first secured the **written permission** of the owner, the owner's authorized agent, or the owner of a leasehold estate.
- When such permission is granted, a licensee advertising real estate that is listed with another firm shall clearly and conspicuously disclose that fact and the name of the listing firm unless the listing firm has expressly **agreed in writing** to waive those clear and conspicuous disclosures.

Advertising: 520-1-09

5/17/2016

4. Discriminatory Advertising Prohibited

4

- A licensee shall not advertise to sell, buy, exchange, rent, or lease real estate when such advertisement is directed at or referred to persons of a particular race, color, religion, sex, handicap, familial status, or national origin.
- The contents of any advertisement must be confined to information relative to the real estate itself, and any advertisement that is directed at or referred to persons of any particular race, color, religion, sex, handicap, familial status, or national origin is prohibited.

Advertising: 520-1-.09

5/17/2016

Part 109.10 FAIR HOUSING

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Purpose:

The purpose of this part is to assist all advertising media, advertising agencies and all other persons who use advertising to make, print, or publish, or cause to be made, printed, or published, advertisements with respect to the sale, rental or financing of dwellings which are in compliance with the requirements of the Fair Housing Act. These regulations also describe the matters this Department will review in evaluating compliance with the Fair Housing Act in connection with investigations of complaints alleging discriminatory housing practices involving advertising.

Advertising: 520-1-.09

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Part 109.16(a) FAIR HOUSING

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Scope:

- General.* This part describes the matters the Department will review in evaluating compliance with the Fair Housing Act in connection with investigations of complaints alleging discriminatory housing practices involving advertising. Use of these criteria will be considered by the General Counsel in making determinations as to whether there is reasonable cause, and by the Assistant Secretary in making determinations that there is no reasonable cause, to believe that a discriminatory housing practice has occurred or is about to occur.

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Part 109.16(a.1) FAIR HOUSING

25

Scope:

1. Advertising media. This part provides criteria for use by advertising media in determining whether to accept and publish advertising regarding sales or rental transactions. Use of these criteria will be considered by the General Counsel in making determinations as to whether there is reasonable cause, and by the Assistant Secretary in making determinations that there is no reasonable cause, to believe that a discriminatory housing practice has occurred or is about to occur.

Advertising: 520-1-09

5/17/2016

Part 109.16(a.2) FAIR HOUSING

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Scope:

2. *Persons placing advertisements.* A failure by persons placing advertisements to use the criteria contained in this part, when found in connection with the investigation of a complaint alleging the making a determination of reasonable cause, and by the Assistant Secretary in making determinations that there is no reasonable cause, to believe that a discriminatory housing practice has occurred or is about to occur.

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FAIR HOUSING ADVERTISING

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Let's look at our handout on the "The **Dos** And **Don'ts** of Advertising under the Fair Housing Act"

[/home/fairhous/public_html/library/printer_friendly.php](#) on line 11

Advertising: 520-1-09

5/17/2016

5. Internet Advertising

5

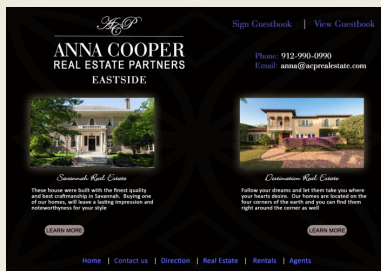
- In addition to the unfair trade practices found in O.C.G.A. § 43-40-25 (b) (1), (2), (11), (12) and (21) or any other requirements found in this Rule, any advertising on the Internet by a licensee of real estate for sale, rent, lease, or exchange shall disclose the name and telephone number of the licensee's firm on every viewable web page of a website except as herein otherwise provided.

Advertising: 520-1-09

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WEB PAGE EXAMPLE

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www.acprealestate.com/ads (on every page)

Advertising: 520-1-09

5/17/2016

5.a Internet Advertising

5.a

- When advertising in electronic messages of limited information or characters, a licensee shall provide a **direct link** to a display that is in compliance with this Rule.

Advertising: 520-1-09

5/17/2016

WEB PAGE EXAMPLE

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Anna Cooper Real Estate Partners Eastside
 123 City Street
 Anywhere, USA 12345
 Office: 912-308-5572
 Email: anna@annacooper.com
www.acprealestate.com
www.acprealestate.com/ads

Advertising: 520-1-09 5/17/2016

5.b Internet Advertising

5.b

- When advertising real estate for sale, rent, lease or exchange on an internet website **not owned or controlled** by the licensee or firm with which the licensee is affiliated and that website's terms of use limit the licensee's ability to comply with this paragraph, the advertising **shall provide a direct link to a display** that is in compliance with this Rule on every viewable webpage of the website.

Advertising: 520-1-09 5/17/2016

WEB PAGE EXAMPLE

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Anna Cooper Real Estate Partners Eastside
 123 City Street
 Anywhere, USA 12345
 Office: 912-308-5572
 Email: anna@annacooper.com
www.acprealestate.com
www.acprealestate.com/ads

Advertising: 520-1-09 5/17/2016

5.c Internet Advertising

5.c

- Information on a website maintained by a licensee that is **outdated** shall be updated or removed from the website **within thirty(30) days** of the information becoming outdated.



Advertising: 520-1-.09 5/17/2016

5.d Internet Advertising

5.d

- If a licensee's website is maintained by an authorized third party (other than its firm or its franchisor's webmaster), the licensee shall provide to the third party, **a timely written notice**, by mail, fax, or electronic means, of **any updates to outdated information or information to be removed from the website**, so that such updates or information removal may be accomplished in accordance with this Rule.
- A licensee who provides such timely notice shall not be in violation of this Rule if the third party fails to effect an information change as notified.

Advertising: 520-1-.09 5/17/2016

5.e Internet Advertising

5.e

- The requirements of this Rule apply to advertising and information on a website that is within the licensee's ownership or direct control.
- No licensee shall be responsible **for any information** taken from the licensee's website, or other advertising, if placed on a website, or in other advertising outside the licensee's ownership and/or direct control and without the licensee's consent.

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INTERNET DATA EXCHANGE

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(IDX)
Internet Data Exchange

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What is Internet Data Exchange?

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- Internet Data Exchange (“IDX”), also referred to as “Broker Reciprocity,” is the next stage in the evolution of MLS as the primary means of enhancing cooperation between REALTORS® to facilitate the purchase and sale of real property, IDX gives MLS Participants/Broker the ability to authorize **limited** electronic display of their listings by other Participants/Broker.

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What is Internet Data Exchange?

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- Under IDX, brokers/participants exchange consent to display each other’s listings on participants’/broker’s websites and using applications for mobile devices that participants/brokers control.

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How is “control” defined in the IDX policy?

40

- For purposes of the IDX policy “control” means participants/broker must have the ability to add, delete, modify and update information as required by the IDX policy.
- All displays of IDX listings must also be under the actual and apparent control of the participants/brokers, and must be presented to the public as being the participant’s/broker’s display.

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How is “control” defined in the IDX policy?

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- Actual control requires that the participant/broker has developed the display, or caused the display to be developed for the participant/broker pursuant to an agreement **giving the participant/broker authority** to determine what listings will be displayed, and how those listings will be displayed.

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How is “control” defined in the IDX policy?

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- Apparent control requires that a reasonable consumer viewing the participant’s/broker’s display will understand the display is the participant’s/broker, and that the display is controlled by the participant/broker.
- Factors evidencing control include, but are not limited to, clear identification of the **name of the brokerage firm under which the participant/broker operates in a readily visible color and typeface**, except as otherwise provided for in the IDX policy (e.g. displays of minimal information).

Advertising: 520-1-09

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Can I authorize some, but not all, Participants to display my listings?

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- If you consent to display of your listings by other Participants/Broker under the IDX program, then any other Participant/Broker in the MLS may display your listings through an IDX approved system
- If you prefer to authorize some, but not all, Participants/Brokers to display your listings, this can be accomplished – though not under the IDX program; separate consents would have to be granted to each Participant/Broker authorized to display your listings.

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Must the listing firm be identified when I display other Participants' listings?

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- The simple answer is **YES**
- Participants/Broker will want to keep the requirements of license law and the Code of Ethics (particularly Article 12 and S.O.P 12-5) in mind when engaging in such displays.



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Internet Data Exchange

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The IDX policy requires that the IDX display of the participant/broker or subscriber must clearly identify the name of the brokerage firm under which they operate in a noticeable visible **color** and **typeface**. This disclosure may not be possible in displays of minimal information such as **thumbnails**, **“text messages”**, **“tweets”**, etc.

Is compliance with these disclosure requirements mandatory?

Yes, the policy requires that access to the disclosure information will be available by simply following **the link**, and there not be any additional steps or requirements involved.


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Will buyers be able to extract the entire MLS database and do whatever they want with it?

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A local MLS can establish reasonable limits of the number of listings consumers can retrieve in a single query, but no fewer than five percent (5%) of the listings should be available for IDX display.



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No “Scraping” Allowed!!!

47

What is “scraping”?

Plagiarism of someone’s website, the removal of information or pictures **without** written permission **from the listing agent.**



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What does that mean?

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- You cannot copy & Paste!
- You have taken the property out of IDX and now it falls under NAR, GREC and Trade Mark Rules (they do not allow you to copy & paste!)

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What does that mean?

49

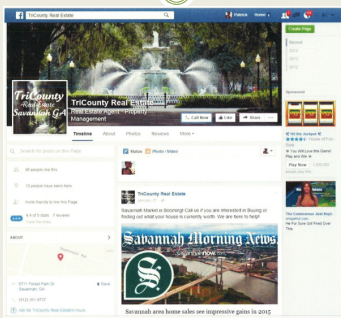
- If you take a property from a website and put it on your social media site, you cannot give the impression that it is your listing!
- You must always have your office name and office phone number the same size as your information or larger
- **You must credit the company & agent that has the property listed**
- If you have no room for your office name and phone number, there must be a link at the bottom of each page showing the office name and phone number to the brokers

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5/17/2016

Good Facebook Page

1.b



Advertising: 520-1-.09

6. Trade Names and Franchise Names

6.

- For purposes of this rule the term trade name shall include trade mark and service mark;
- And the term advertising shall include, but is not limited to, advertising done by others on behalf of the licensee

Advertising: 520-1-.09

5/17/2016

EXAMPLES FOR CLASS PURPOSE ONLY

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**STATE OF GEORGIA
REAL ESTATE COMMISSION**

ANNA COOPER REAL ESTATE PARTNERS
BR20K9

IS AUTHORIZED TO TRANSACT BUSINESS IN GEORGIA AS A LICENSED

CORPORATION

THE PRIVILEGE AND RESPONSIBILITIES OF THIS LICENSE SHALL CONTINUE IN EFFECT AS LONG AS THE LICENSEE PAYS REQUIRED LICENSE FEES AND COMPLETES ALL OTHER REQUIREMENTS OF THE OFFICIAL CODE OF GEORGIA AND RULES CHAPTER 400. THE LICENSEE IS SOLELY RESPONSIBLE FOR PAYMENT OF ALL FEES ON A TIMELY BASIS.

<small>MICHAEL BACK Chairperson</small>	<small>PEGGY W. BOE</small>	<small>ANNE MARIE FORD</small>
<small>JAMES P. FRONT Vice Chairperson</small>	<small>PETER PUMPKINATER</small>	<small>TOM THOMR</small>

EXAMPLE FOR CLASSROOM PURPOSES ONLY

Advertising: 520-1-09 5/17/2016

6.b Trade Names and Franchise Names

6.b

- Any firm using a trade name or any franchisee shall clearly include the **firm's name as registered with the Commission** on any contracts or other documents relating to a real estate transaction

Advertising: 520-1-09 5/17/2016

EXAMPLES FOR CLASS PURPOSE ONLY

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**STATE OF GEORGIA
REAL ESTATE COMMISSION**

ABC REALTY, INC.
CF48J2

IS AUTHORIZED TO TRANSACT BUSINESS IN GEORGIA AS A LICENSED

CORPORATION

THE PRIVILEGE AND RESPONSIBILITIES OF THIS LICENSE SHALL CONTINUE IN EFFECT AS LONG AS THE LICENSEE PAYS REQUIRED LICENSE FEES AND COMPLETES ALL OTHER REQUIREMENTS OF THE OFFICIAL CODE OF GEORGIA AND RULES CHAPTER 400. THE LICENSEE IS SOLELY RESPONSIBLE FOR PAYMENT OF ALL FEES ON A TIMELY BASIS.

<small>MICHAEL BACK Chairperson</small>	<small>PEGGY W. BOE</small>	<small>ANNE MARIE FORD</small>
<small>JAMES P. FRONT Vice Chairperson</small>	<small>PETER PUMPKINATER</small>	<small>TOM THOMR</small>

EXAMPLE FOR CLASSROOM PURPOSES ONLY

Advertising: 520-1-09 5/17/2016

EXAMPLES FOR CLASS PURPOSE ONLY

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STATE OF GEORGIA
REAL ESTATE COMMISSION

XYZ SOUTHEAST COASTAL REAL ESTATE, LLC
A220277

IS AUTHORIZED TO TRANSACT BUSINESS IN GEORGIA AS A LICENSED

CORPORATION

THE PRIVILEGE AND RESPONSIBILITIES OF THIS LICENSE ARE SUBJECT TO INSPECTION AS LONG AS THE LICENSEE HAS REQUIRED
LICENSE FEES AND COMPLETES INITIAL LIVES REQUIREMENTS OF THE OFFICIAL CODE OF GEORGIA AND RULES CHAPTER 480.
THE LICENSEE IS SOLELY RESPONSIBLE FOR PAYMENT OF ALL FEES ON A TIMELY BASIS.

MICHAEL BACK
Chairperson



PEGGY W. DOE

ANNE MARIE FORD

JAMES P. FRONT
Vice Chairperson

PETER PUMPKINSEATER

TOM THOMB

EXAMPLE FOR CLASSROOM PURPOSES ONLY

Advertising: 520-1-09

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6.c Trade Names and Franchise Names

6.c

- Any firm using a trade name or any franchisee shall clearly include the firm's name as registered with the Commission on office signs.



Advertising: 520-1-09

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7. Firm Names and Telephone Numbers

7.

- In advertising specific real estate for sale, rent, or exchange in any media, the following are **guidelines**:

Advertising: 520-1-09

5/17/2016

7.a Firm Names and Telephone Numbers

7.a

- Firms **must include in the advertisement** name of the firm as registered with the Commission and the telephone number for the firm, **except when complying with lawful restrictions** (such as covenants or local governmental ordinances) that forbid the use of the firm's name on a particular type of sign.

Advertising: 520-1-.09

5/17/2016

7.b Firm Names and Telephone Numbers

7.b

- The name of the firm advertising the real estate for sale, rent, or exchange shall appear in equal or greater size, prominence, and frequency than the name or names of any **affiliated licensees or groups/Teams of licensees**.

Advertising: 520-1-.09

5/17/2016

7.c Firm Names and Telephone Numbers

7.c

- The firm's telephone number shall appear in equal or greater size, prominence, and frequency than the telephone number of any affiliated licensee or groups of licensees, and **it must be a number at which the public can reach a broker or a manager of the firm without going through the affiliated licensee(s) listed in the advertisement.**

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EXAMPLES FOR CLASS PURPOSE ONLY

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8. Licensees Advertising as Principals

8.

- A Licensee shall not advertise to sell, buy, exchange, rent, or lease real estate in a manner indicating that the offer to sell, buy, exchange, rent, or **lease such real estate is being made by a private party not licensed by the Commission.**
- Every associate broker, salesperson, and community association manager is **prohibited** from advertising under **the licensee's individual name** to buy any estate or offer for sale, rent, or lease any real estate.

Advertising: 520-1-09 5/17/2016

8. Licensees Advertising as Principals

8.

- All advertising by associate brokers, salespersons, and community association manager must be **under the direct supervision** of their broker and in the **name of their firm**

Advertising: 520-1-09 5/17/2016

8.1 Licensees Advertising as Principals

8.1

- However, when a licensee wishes to advertise real estate owned by the licensee and which is not under a brokerage engagement, the licensee **may do so provided:**
 1. If the **licensee's license is affiliated with a firm**, the broker holding the licensee's license **has been notified in writing** of the specific real estate to be advertised

Advertising: 520-1-09

5/17/2016

8.2 Licensees Advertising as Principals

8.2

2. If the licensee's license is affiliated with a firm, the **broker gives written consent** to advertising the specific real estate and **approves the advertisement** itself.



Advertising: 520-1-09

5/17/2016

8.3 Licensees Advertising as Principals

8.3

- **Regardless** of whether the licensee's license is affiliated with a firm or on **inactive status**, **any advertisement must include either:**
 - a. The legend "seller, buyer landlord, tenant (select the appropriate name) holds a real estate license"
 - b. The legend "Georgia Real Estate License # (insert licensee's six digit number; for example, 000001)." "Georgia Real Estate License" may be abbreviated to "GA R. E. Lic.."

Advertising: 520-1-09

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9. Licensees Advertising Approved Schools

9.

- A licensee shall not advertise that such licensee offers, sponsors, or conducts Commission approved courses or that such licensee offers, sponsors, or conducts Commission approved courses in conjunction with an approved school or other approved organization unless the **licensee is approved by the Commission to offer such courses.**

Advertising: 520-1-.09

5/17/2016

10. Licensees Advertising Approved Schools

10.

- Notwithstanding any other provision of Rule, a licensee shall make every reasonable attempt in advertising to assure the **public knows that they are being contacted by a licensee.**

Advertising: 520-1-.09

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520-1-.11

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Licensees Acting as Principals



Advertising: 520-1-.09

5/17/2016

1. Written Notification to Broker

1.

- **No licensee** shall be permitted to list, sell, buy, exchange, rent, lease or option or offer to list, sell buy, exchange, rent, lease, or option real estate, either in individual or multiple parcels, in the **licensee's own name or in the name of any other firm or entity in which the licensee is an officer**, employee, beneficiary, or member of such firm or other entity acting as principal **without first advising, in writing, the broker for whom the real estate licensee is acting.**

Advertising: 520-1-.09

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2. Offers to Buy Associated with a Brokerage Relationship

2.

- Whenever a **licensee offers to purchase a property** as a condition to obtaining a brokerage engagement to sell, lease, or exchange or on which the licensee **is extending the expiration date of an existing brokerage engagement**, the licensee must enter into a **written contract to purchase which expresses all the terms and conditions of the licensee's purchase prior to or at the time of entering** into the proposed brokerage engagement or into the extension of the existing brokerage engagement.
- Whenever a licensee offers to purchase a property in order to enable a party to purchase, sell, lease, or exchange another property, the licensee must enter into a written contract to purchase which expresses all the terms and conditions of the licensee's purchase prior to or at the time of the other party's entering into a contract to purchase, sell, lease, or exchange the new property.

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5/17/2016

3. Licensees Advertising as Principal

3.

- Licensees advertising to buy, sell or exchange real property for their own accounts must comply with the advertising requirements of Rule:

520-1-.09

Advertising: 520-1-.09

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Contact Information

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Sharon D Miller - Instructor
Licensed Georgia Real Estate Instructor #313539
912-308-5572 (Cell)
sharonmillerteam@gmail.com
PowerPoint designed by: Beverly Deas

Advertising: 920-1-09 5/17/2016

Strict Standards: Only variables should be assigned by reference in
/home/fairhous/public_html/library/printer_friendly.php on line 11

The Dos And Don'ts of Advertising under the Fair Housing Act

Fair housing advertising issues and violations are more common than you may think

In case you're asking yourself why you should read this particular article, the fact is that if you work in the housing industry, you need to know your responsibilities under the Fair Housing Act, because regardless of your position, you are probably "advertising" every day.

Advertising under the Fair Housing Act doesn't just mean ads in newspapers. The law says you can't "make, print, or publish. . . any notice, statement, or advertisement . . . that indicates any preference, limitation, or discrimination based on a person's race, color, religion, sex, handicap, familial status, or national origin." That includes such things as applications, flyers, brochures, deeds, signs, banners, posters, billboards, and even pictures in your office.

It also means that the things you say about your property in writing, over the phone or in person are covered. Expressing an illegal preference or limitation to one of your fellow agents, brokers, employees, prospective sellers, renters, or to any other person in connection with the sale or rental of your property is illegal. Here are two examples of illegal advertising that you may not have realized were violations of the Fair Housing Act.

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A maintenance man in Michigan recently told a passer-by that "only real Americans" lived in the apartment complex where he worked.

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A rental office is decorated with many large pictures of the residents participating in the community's facilities and amenities such as exercising in the weight room, swimming, and playing volley ball and tennis. However, all of the pictures are of white, young, "yuppies;" none of the pictures shows children, or persons of differing races or nationalities.

Condominiums, apartment complexes and mobile home parks that have written rules and regulations have always been fertile breeding grounds for Fair Housing Act violations. (How many condominium documents still prohibit anyone under 16 years of age from living there, although that kind of "statement" has been illegal for the past s {11} years?)

The law says you can't use "words, phrases, photographs, illustrations, symbols or forms of any kind" which tend to give the impression that your property is available (or not available) only to certain

types of people. Believe it or not, it is still fairly common to see a "no children, no pets" ad. "No pets" is okay; "no children" is not. It is also illegal to advertise for a "Christian roommate," or to indicate any other type of religious preference.

There are some crazy rumors going around concerning what HUD will and will not permit. While advertisements cannot state a preference or limitation based on race or color, statements such as "master bedroom" and "desirable neighborhood" are not illegal. And while religious discrimination is illegal, using words like "kosher meals served on the premises," or including phrases such as "Merry Christmas" or "Happy Easter" in an ad is not discriminatory either.

Some of the more extreme rumors have concerned persons with disabilities. Obviously statements such as "no wheelchairs" are illegal. However, using phrases such as "great view," "walk-in closets" or "walk to bus stop" is acceptable. There are certain "buzz" words you should still avoid, however. These are words or phrases that have been associated with discriminatory practices in the past. They include such words as "restricted," "exclusive," "limited," and so forth.

The "good news" is that HUD will consider your use of certain kinds of advertising words and slogans to be evidence of your compliance with the Fair Housing Act. For example, using HUD's "Equal Housing Opportunity" or fair housing logo in your ads will be viewed with approval. Displaying a fair housing poster in your office is another way to advertise in a positive manner. Incidentally, to put one more rumor to rest - use of the logo is not required.

Another way to produce positive advertisements is to vary the use of human models in your ads so that both majority and minority groups in your community, both sexes, persons with disabilities and, when appropriate, children of all ages are represented.

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FAIR HOUSING ADVERTISING WORD AND PHRASE LIST

Describe the Property – Not the People

§ 109.20 Use of words, phrases, symbols, and visual aids

The following words, phrases, symbols, and forms typify those most often used in residential real estate advertising to convey either overt or tacit discriminatory preferences or limitations. In considering a complaint under the Fair Housing Act, the Department will normally consider the use of these and comparable words, phrases, symbols, and forms to indicate a possible violation of the act and to establish a need for further proceedings on the complaint, if it is apparent from the context of the usage that discrimination within the meaning of the act is likely to result.

Note: This list is NOT all-inclusive. Each word must be considered in context.

AVOID • AVOID • AVOID

<p>able-bodied adult community* adult living* adults only* adult park* African agile AIDS alcoholics, no American Indian Appalachian Asian black(s) blind, no board approval required Catholic Caucasian Chicano children, no</p>	<p>child(ren), (number of) Chinese Christian colored crippled, no church deaf, no disabled, not suitable for drinker(s), no employed, must be empty nesters* English only (ethnic references) golden agers* group homes, no handicapped, not suitable for healthy only Hindu</p>	<p>Hispanic HIV Hungarian impaired, no Indian Irish Italian integrated Jewish landlord, (description) Latino married mature couple* mature individual* mature person(s)* membership approval required mentally disabled, no mentally ill, no</p>	<p>Mexican-American migrant workers, no Mosque Muslim (nationality) Negro non-drinkers non-smokers older person(s)* one child Oriental parish park rules, must comply with Philippine physically fit only Polish preferred community</p>	<p>Protestant Puerto Rican quiet tenant(s) (religious references) responsible retarded, no seasonal workers, no senior discount* smoker(s), no Social Security Insurance (SSI), no Spanish speaking stable Synagogue Temple tenant(s), description of two people unemployed, no white, white only</p>
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CAUTION • CAUTION

<p>55 and older community* 62 and older* active bachelor bachelor pad close to country club, near couple couples only curfew exclusive executive female(s) only female roommate</p>	<p>fisherman's retreat gay(s), no (gender) gentleman's farm grandma's house golden agers only* handicap handyman's dream heterosexual homosexual ideal for... lesbian(s), no male(s) only male roommate</p>	<p>man, men only membership approval required Mormon Temple mother-in-law apt. nanny's room near newlyweds one person older person* perfect for... person(s), (number of) play area, no prestigious</p>	<p>quality neighborhood restricted retired retiree(s)* retirement home* safe neighborhood Section 8, no secure seeking same senior(s)* senior citizen(s)* senior housing* (sex or gender) shrine</p>	<p>singles only single person single woman, man sophisticated straight only student(s) students, no temple traditional two people walking distance to... woman, women only</p>
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ACCEPTABLE

<p>accessible alcohol, no assistance animals only bedrooms, (number of) bus, near convalescent home convenient to credit check required den desirable neighborhood domestic quarters drugs, no drug use, no</p>	<p>Equal Housing Opportunity family, great for family room fi xer-upper golf course, near great view guest house handicap accessible hobby farm kids welcome luxury townhouse master bedroom membership available</p>	<p>(neighborhood name) nice nursery nursing home places of worship, near play area privacy private driveway private entrance private property private setting public transportation, near</p>	<p>quality construction quiet quiet neighborhood references required responsible (school district) (school name) seasonal rates secluded security provided senior discount* single family home</p>	<p>sleeping area(s), number of smoking, no (square feet) townhouse traditional style tranquil setting verifi able income view of view, with wheelchair accessible winter rental rates</p>
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*Senior housing may be exempt if:

- 1) HUD has determined the housing is specifically designed for and occupied by elderly persons under a federal, state or local government program, or;
- 2) It is occupied solely by persons who are 62 or older, or;
- 3) It houses at least one person who is 55 or older in at least 80% of the occupied units, and adheres to a policy that demonstrates an intent to house persons who are 55 or older.

Georgia Association REALTORS® - Partners in Education

Student Course / Instructor Evaluation

Course Name _____

Instructor _____

Date _____

PLEASE FILL IN THE BUBBLES COMPLETELY SO ANSWERS ARE SCANABLE.

Please do NOT use check marks, x's or any other type of mark.

The instructor encouraged my participation through questions and answers or exercises.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

The instructor presented ideas clearly and made the subject matter interesting.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

The use of the outline / handouts for study and / or reference was helpful.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

The topic is relevant / helpful to my real estate activities.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

I would want this instructor back.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

Additional Comments:

Thank you for your input. (Revised 5-2017)