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Advertising Rules for the REALTOR®

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As REALTORS®, we all have to follow quite a few rules regarding advertising. These rules and guidelines come from a variety of sources including the Texas Real Estate Commission (TREC), U.S. Department of Housing and Urban Development (HUD) and National Association of REALTORS® (NAR). Use of these guidelines insures that we can maintain a high standard of communication with our customers and prevent our membership from being associated with the sometimes deceptive, misleading or discriminatory practices of a few. The information below is not guaranteed to be all-encompassing, but is a good guide to follow.

1995 HUD Advertising Guidelines - Federal Fair Housing Act

In 1995, HUD distributed a publication to offer guidance regarding advertising under the Fair Housing Act. To get the complete guide, [click here](#).

Race, color, national origin - Using racial or ethnic terms to describe the housing, current or potential residents or neighborhoods violate the act. Terms that are "facially neutral" are acceptable, including "master bedroom" and "desirable neighborhood."

Religion - Ads containing an explicit religious preference, limitation or discrimination, such as "Christian home" violate the act. In addition, legal names of entities that include a religious reference ("Roselawn Catholic Home") or that contain a religious symbol may indicate preference for a certain religion. However, if the ad carries a disclaimer "This home does not discriminate on the basis of race, color, religion, national origin, sex, handicap or familial status" it will not violate the act.

In addition, ads describing properties ("apartment complex with chapel") or specific services ("Kosher meals available") do not violate the act because on the surface, they do not indicate a preference for people likely to use the facilities or services.

Sex - Ads for single-family dwellings or separate units in a multi-family dwelling should contain no explicit preference, limitation or discrimination based on sex. The terms "master bedroom," "mother-in-law suite" and "bachelor pad" do not violate the act because they are commonly used descriptions.

Handicap - Ads should not contain explicit exclusions, limitations or other indications of discrimination based on handicap. Descriptions of properties ("great view," "walk-in closets"), services or facilities ("jogging trails") or neighborhoods ("walk to bus") are lawful, as are descriptions of accessibility features of buildings ("wheelchair ramp") and descriptions of accessibility features ("wheelchair ramp").

Familial status - Ads may not state an explicit preference, limitation or discrimination based upon familial status.

including number or ages of children, or state a preference for adults, couples or singles. Again, description of ("two bedroom," "cozy family room") services and facilities ("no bicycles allowed") or neighborhoods ("quiet street not violate the act because they are not facially discriminatory).



Texas Real Estate Commission, Texas Real Estate License Act and NAR Code of Ethics

According to the Texas Real Estate License Act, a real estate broker or salesperson cannot publish ads which are misleading. Article 12 of the NAR Code of Ethics is consistent with the requirements of the Real Estate License rules of TREC. The following is a checklist which can help you prepare ads that meet advertising guidelines of the Act.*

1. My ad is not misleading nor does it tend to create a misleading impression in any manner.
2. My ad contains the name of my real estate firm.
3. My ad identifies the professional or license status of everyone, including the firm and all individuals named in the ad.
4. As a real estate salesman, my name is not the only name that appears in the ad.
5. I have proper authority to publish or submit the ad.
6. The price quoted is the price agreed upon by the owner.
7. Any service being offered as "free of charge" in my ad is not tied to any service for which I am to be compensated.
8. My ad fully describes the conditions of inducement offers.
9. Any ownership interest I have in the property is disclosed.

*Reprinted from Texas REALTOR® magazine.



Texas Real Estate Commission Internet Advertising Guidelines

All real estate advertising over the Internet, including Web pages, e-mail, bulletin boards and other electronic publications, must display the same type of information as required in print or broadcast advertisements. For the complete text of these rules, [click here](#).

Definition of Advertising

A general definition of the term "advertisement" was added to TREC rules to clarify that an "advertisement" is an oral statement which induces or attempts to induce a member of the public to use the services of the licensee. Communication from a licensee to a member of the public that takes place after an agreement has been reached between the licensee and the member of the public to provide services is not considered advertising.

Web Sites

Primarily, licensees must disclose their status as brokers or agents on each page of a Web site that contains an advertisement. To ensure compliance, REALTORS® may want to place a footer at the bottom of each Web page that contains a disclosure statement. For example, "Texas Realty is a licensed real estate broker providing brokerage services since 1975." One could also provide a link back to the TREC Web site, www.trec.state.tx.us, to show that the industry is regulated by TREC.

E-mail Messages

Real estate licensees who place other types of advertisements electronically, including e-mail (whether through discussion groups or in attachments to e-mail messages), must also include the disclosure of license status and the name of the sponsoring broker, if applicable, within the electronic advertisement and in any attachment that is also an advertisement. E-mail messages that are not considered to be advertisements, such as personal correspondence with established clients, are not subject to these rules.

are not subject to the rules. Members who respond to consumer questions on ABoR's Web site under the "Inte section should disclose their license status and sponsoring broker as this communication would be considered

Current TREC Advertising Rules

The Texas Real Estate License Act authorizes TREC to take disciplinary action against a licensee who is respon: advertisement that is likely to deceive the public, tends to create a misleading impression or fails to identify th advertiser as a licensed real estate broker or agent. Current TREC advertising rules (Section 535.154 of the Te Administrative Code) require license status disclosure and identification of advertisers as a real estate broker c salesperson. Listing of only a salesperson's name without the sponsoring broker's name in an ad is prohibited; advertising that implies a salesperson is a broker or is responsible for the operation of a real estate brokerage permissible.

TREC rules also require brokers to file an assumed name certificate with TREC if they transact business under other than their legal name. Any advertising under an assumed name that does not readily identify the broker estate licensee must specify that the advertiser is a real estate agent or broker.

NAR Advertising Guidelines

Article 12 of the NAR Code of Ethics requires REALTORS® to present a true picture in their advertising and representations to the public, as well as clearly identify their license status in all advertising. The Code also re disclosure of all terms when offering an inducement to do business.



Use of the REALTOR® marks

Your use of the marks indicates to the public that you are a member of the National Association of REALTORS® protect the exclusiveness and integrity of these marks, you have an obligation under the Trademark Protector to notify the public of the marks' special meaning by your proper use of them. The marks are valuable assets, remain valuable only as long as they continue to distinguish members of NAR from non-members. The followir guidelines on use of the REALTOR® marks from NAR's brochure titled "It's Your Association".

Form - Use all uppercase letters. Initial caps are acceptable only when the "®" symbol is used. The uppercase help distinguish the mark from words of ordinary meaning in the eyes of the reader. The federal registration s' should be adjacent to all marks in all advertisements, signs, business cards, letterheads, etc. The proper use: REALTOR®, REALTORS®, REALTOR®'S, REALTORS®'.

Content - Use the marks only when referring to a member of NAR. Do not use the marks interchangeably witi estate broker" or "real estate agent." The term REALTOR® does not denote vocation. Proper use: Local lawyer estate brokers, insurance agents and bankers attended the meeting. Rotarians, Masons, REALTORS® and men Home Builders Association attended the meeting.

Usage - Use the marks in conjunction with, but not as a part of an assumed business name or logo. Always se marks from your name or firm name with punctuation. Proper use: Blackacre, Inc., REALTORS®; John Jones, REALTORS®; Sally Brown and Company, REALTORS®; Green, Inc., REALTORS®. In the body of written mater federal registration symbol with each mark, or at least with the first time each appears. Never use descriptive phrases to modify the marks, to differentiate among members, or to create the impression that a name or phr to a sub-organization of REALTORS®. Improper use: Most Qualified REALTOR®, Professional REALTOR®, REAL integrity, The Family of REALTORS®, Texas REALTORS® (as the name of a firm). Most news media will not use registration symbols in news or feature articles. Acceptable in news or feature articles: Realtor, Realtors. How advertisements should be submitted and printed with all caps and the registration symbol.



Use of the REALTOR® marks with the Internet

When surfing the Web for real estate homepages, it's quite common to come across sites belonging to REALTORS. If you are looking to add your own electronic presence on the Internet, it is easy to get caught up in designing your Web page and choosing a domain name which will capture the attention of surfers and make you easily identifiable. REALTORS® often want to use the REALTOR® marks as part of their domain name or address to distinguish themselves but they must keep in mind that there are rules governing proper use of the REALTOR® marks that must be followed at all times regardless of the media used. These rules are found in the National Association's Membership Marks and Trademark Reference Manual explaining proper use of the REALTOR® marks including examples of correct and incorrect use. Below is a brief list of the principle rules affecting use of the REALTOR® marks in domain names:

1. The term REALTOR®, whether used as part of a domain name or in some other fashion must refer to a member's firm.
2. The term REALTOR® may not be used with descriptive words or phrases. For example, Number1realtor.com, numberone-realtor.com, chicagorealtors.org or realtorproperties.com are all incorrect.
3. For use as a domain name or e-mail address on the Internet, the term REALTOR® does not need to be combined with the member's name or firm name with punctuation. For example, both johndoe-realtor.com and johndoerealtor.com would be correct uses of the term as a part of domain names and johndoe*realtors@webnetservices.com and jdoerealtors@webnetservices.com are both correct uses of the term as part of an e-mail address.
4. The REALTOR® block R logo should not be used as hypertext links at a web site as such uses can suggest endorsement or recommendation of the linked site by your association. The only exception would be to link to the National Association's web site, Realtor.com.

The public has adopted the use of all lowercase letters when writing domain names, even those containing trademarks. Therefore, for purposes of domain names and internet addresses only, there is an exception to the rule on capitalization of the term REALTOR and it may appear in lowercase letters.

Whether you use traditional print media or the Internet, it is essential to use the REALTOR® marks in accordance with the rules and guidelines of the National Association. The REALTOR® marks should only be used to denote membership in the NATIONAL ASSOCIATION OF REALTORS®.



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