

3rd Party Website Advertising Guidelines

From GRAR Member Services

The use of the internet for advertising real estate for sale/rent is skyrocketing. While the internet is a great advertising tool, REALTORS® should understand that there may be legal ramifications regarding this practice if not done properly. GRAR has put together the following outline to alert you of some potential problem areas.

Please be extra careful when advertising listings on 3rd Party websites (ex. Homes.com, Trulia, Zillow, etc.). Listings that have been recently sold or expired in Multiple Listing Service must not be advertised as Active on these sites. This practice may inadvertently cause trouble for the person underwriting the ad, if reported. We encourage our members to review both NY DOS Real Property Law and the REALTOR® Code of Ethics on this topic as follows:

In accordance with the Department of State Article 12-A Real Property Law section 441-c, the above advertising practice may be construed as dishonest or misleading advertising:

§441-c.

1. Powers of department.

*(a) The Department of State may revoke the license of a real estate broker or salesperson or suspend the same, for such period as the department may deem proper, or in lieu thereof may impose a fine not exceeding \$1,000 payable to the Department of State, or a reprimand upon conviction of the licensee of a violation of any provision of this article, or for a material misstatement in the application for such license, or if such licensee has been guilty of fraud or fraudulent practices, **or for dishonest or misleading advertising**, or has demonstrated untrustworthiness or incompetency to act as a real estate broker or salesperson, as the case may be.*

This type of advertising may also be considered a violation of the National Association of REALTORS® Code of Ethics:

- **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*
- **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.*
(Adopted 1/07)

The best practice is to keep track of your listings and keep your advertising current to avoid any potential penalties.