REALTOR®

- PLAYBOOK -

ADVERTISING

MTAR
MIDDLE TENNESSEE
ASSOCIATION OF REALTORS®
- SINCE 1961 -

TENNESSEE REAL ESTATE COMMISSION (TREC) ADVERTISING GUIDELINES

TN Real Estate Commission

What is ADVERTISING per TREC's rules?

The term "advertising," for purposes of this rule, in addition to traditional print, radio, and television advertising, also includes, but is not limited to, sources of communication available to the public such as signs, flyers, letterheads, e-mail signatures, websites, social media communications, and video or audio recordings transmitted through internet or broadcast streaming. Advertising does not include promotional materials that advertise a licensee such as hats, pens, notepads, t-shirts, name tags, business cards, and the sponsorship of charitable and community events.

Firm Identification: Firm Name & Telephone Number

All advertising must prominently display the real estate firm's name and telephone number as registered with TREC. **The firm's name should be in letters equal to or larger than those of any individual licensee or team names.**

Licensee identification: Name as Licensed

Any advertisement referencing an individual licensee must include their name exactly as licensed with TREC.

Supervision & Authorization

- **Principle Broker Oversight**

  All advertising activities require direct supervision by the principal broker to ensure compliance with TREC regulations.

- **Owner's Written Consent**

  Licensees must obtain written authorization from the property owner or their agent before placing any advertising signage on a property.

- **Advertising Other Licensees' Listings**

  Advertising properties listed by another licensee is prohibited without obtaining written consent from the listing agent or broker.

Exemptions - Promotional Materials

Items such as hats, pens, notepads, t-shirts, name tags, business cards, and sponsorships of charitable or community events are not considered advertising under TREC rules.

Signage Requirement - Office Signage

Each licensed real estate firm must conspicuously display a sign on the exterior of their place of business, clearly showing the firm's licensed name as registered with TREC.

✗ Prohibited Practices

- **Misleading Advertising**

  Advertisements must not be false, misleading, or deceptive in any manner.

- **Implying Non-Licensee Status**

  Licensees are prohibited from advertising in a way that suggests they are not engaged in the real estate business.

Social Media & Electronic Advertising

- **Firm Identification**

  Even in digital formats, all advertisements must include the firm's name and telephone number as registered with TREC.

- **Limited Space Exceptions**

  In electronic displays with space constraints (e.g., thumbnails, text messages, tweets), full disclosure may not be practical. In such cases, the advertisement must link to a display that includes all required disclosures.

One Click Rule!

With regards to social media advertising by licensees, the firm name and firm telephone number listed on file with the Commission must be no more than one click away from the viewable page.

Compliance & Enforcement

- **Principle Broker Responsibility**

  Ensuring all advertising complies with TREC rules is the responsibility of the principal broker.

- **Disciplinary Actions**

  Non-compliance with advertising regulations can result in disciplinary actions by TREC, including fines or license suspension.

For comprehensive information, refer to the official TREC rules on the following pages.

Note: This document provides a summary of key advertising guidelines. Licensees should consult the full TREC regulations and seek legal advice for specific situations.

Tenn. Comp. R. & Regs. 1260-02-.12

Section 1260-02-.12 - ADVERTISING

(1) All advertising, regardless of its nature and the medium in which it appears, which promotes either a licensee or the sale or lease of real property, shall conform to the requirements of this rule. The term "advertising," for purposes of this rule, in addition to traditional print, radio, and television advertising, also includes, but is not limited to, sources of communication available to the public such as signs, flyers, letterheads, e-mail signatures, websites, social media communications, and video or audio recordings transmitted through internet or broadcast streaming. Advertising does not include promotional materials that advertise a licensee such as hats, pens, notepads, t-shirts, name tags, business cards, and the sponsorship of charitable and community events.

(2) For purposes of this rule, the term "firm name" shall mean either of the following:
(a) The entire name of the real estate firm as licensed with the Commission; or
(b) The d/b/a name, if applicable, of the real estate firm as licensed with the Commission.

(3) General Principles
(a) No licensee shall advertise to sell, purchase, exchange, rent, or lease property in a manner indicating that the licensee is not engaged in the real estate business.
(b) All advertising shall be under the direct supervision of the principal broker and shall list the firm name and the firm telephone number as listed on file with the Commission. The firm name must appear in letters the same size or larger than those spelling out the name of a licensee or the name of any team, group or similar entity.
(c) Any advertising which refers to an individual licensee must list that individual licensee's name as licensed with the Commission.
(d) No licensee shall post a sign in any location advertising property for sale, purchase, exchange, rent or lease, without written authorization from the owner of the advertised property or the owner's agent.
(e) No licensee shall advertise property listed by another licensee without written authorization from the listing agent or listing broker.
(f) No licensee shall advertise in a false, misleading, or deceptive manner. False, misleading, and/or deceptive advertising includes, but is not limited to, the following:
1. Any licensee advertising that includes only the franchise name without including the firm name;
2. Licensees who hold themselves out as a team, group, or similar entity within a firm who advertise themselves utilizing terms such as "Real Estate," "Real Estate Brokerage," "Realty," "Company," "Corporation," "LLC," "Corp.," "Inc.," "Associates," or other similar terms that would lead the public to believe that those licensees are offering real estate brokerage services independent of the firm and principal broker; or
3. Any webpage that contains a link to an unlicensed entity's website where said entity is engaged or appears to be engaged in activities which require licensure by the Commission.

(4) Advertising for Franchise or Cooperative Advertising Groups
(a) Any licensee using a franchise trade name or advertising as a member of a cooperative group shall clearly and unmistakably indicate in the advertisement his name, firm name and firm telephone number (all as registered with the Tennessee Real Estate Commission) adjacent to any specific properties advertised for sale or lease in any media.
(b) Any licensee using a franchise trade name on business cards, contracts, or other documents relating to real estate transactions shall clearly and unmistakably indicate his name, firm name, and firm telephone number (all as registered with the Commission).

Tenn. Comp. R. & Regs. 1260-02-.12

Section 1260-02-.12 - ADVERTISING

(5) Internet Advertising: In addition to all other advertising guidelines within this rule, the following requirements shall also apply with respect to internet advertising by licensees:

(a) The firm name and the firm telephone number listed on file with the Commission must conspicuously appear on each page of the website.
(b) Each page of a website which displays listings from an outside database of available properties must include a statement that some or all of the listings may not belong to the firm whose website is being visited.
(c) Listing information must be kept current and accurate. This requirement shall apply to "First Generation" advertising as it is placed by the licensee and does not refer to such advertising that may be syndicated or aggregated advertising of the original by third parties outside of the licensee's control and ability to monitor.

(6) Social Media Advertising
(a) For the purpose of this rule, "social media" means internet-based applications or platforms that allow the public to create and share content and information. Examples include, but are not limited to: Facebook, Twitter, Instagram and LinkedIn.
(b) With regards to social media advertising by licensees, the firm name and firm telephone number listed on file with the Commission must be no more than one click away from the viewable page.
(c) Listing information must be kept current and accurate. This requirement shall apply to "First Generation" advertising as it is placed by the licensee and does not refer to such advertising that may be syndicated or aggregated advertising of the original by third parties outside of the licensee's control and ability to monitor.

(7) Guarantees, Claims and Offers
(a) Unsubstantiated selling claims and misleading statements or inferences are strictly prohibited.
(b) Any offer, guaranty, warranty or the like, made to induce an individual to enter into an agency relationship or contract, must be made in writing and must disclose all pertinent details on the face of such offer or advertisement.

Tenn. Comp. R. & Regs. 1260-02-.12

Original rule certified June 7, 1974. Repealed and refiled March 3, 1980; effective April 27, 1980. Amendment filed January 21, 1983; effective February 22, 1983. Amendment filed April 17, 1985; effective May 17, 1985. Amendment filed June 17, 1991; effective August 11, 1991. Amendment filed March 24, 1994; effective June 7, 1994. Amendment filed October 1, 1998; effective December 15, 1998. Amendment filed July 31, 2006; effective October 14, 2006. Amendment filed March 16, 2010; effective June 14, 2010. Amendment filed July 20, 2015; effective October 18, 2015. Amendments filed March 24, 2017; effective June 22, 2017. Amendment filed January 22, 2021; effective 4/22/2021.

Authority: T.C.A. §§ 62-13-203, 62-13-301, 62-13-310(b), and 62-13-312.

NATIONAL ASSOCIATION OF REALTORS® CODE OF ETHICS - ARTICLE 12

NATIONAL ASSOCIATION OF REALTORS®

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. (Amended 1/08)

Standard of Practice 12-1

Unless they are receiving no compensation from any source for their time and services, REALTORS® may use the term “free” and similar terms in their advertising and in other representations only if they clearly and conspicuously disclose: 1) by whom they are being, or expect to be, paid; 2) the amount of the payment or anticipated payment; 3) any conditions associated with the payment, offered product or service, and; 4) any other terms relating to their compensation. (Amended 1/20)

Standard of Practice 12-3

The offering of premiums, prizes, merchandise discounts or other inducements to list, sell, purchase, or lease is not, in itself, unethical even if receipt of the benefit is contingent on listing, selling, purchasing, or leasing through the REALTOR® making the offer. However, REALTORS® must exercise care and candor in any such advertising or other public or private representations so that any party interested in receiving or otherwise benefiting from the REALTOR®’s offer will have clear, thorough, advance understanding of all the terms and conditions of the offer. The offering of any inducements to do business is subject to the limitations and restrictions of state law and the ethical obligations established by any applicable Standard of Practice. (Amended 1/95)

Standard of Practice 12-4

REALTORS® shall not offer for sale/lease or advertise property without authority. When acting as listing brokers or as subagents, REALTORS® shall not quote a price different from that agreed upon with the seller/landlord. (Amended 1/93)

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. (Adopted 11/86, Amended 1/16)

Standard of Practice 12-6

REALTORS®, when advertising unlisted real property for sale/lease in which they have an ownership interest, shall disclose their status as both owners/landlords and as REALTORS® or real estate licensees. (Amended 1/93)

CONT.

NATIONAL ASSOCIATION OF REALTORS®
CODE OF ETHICS - ARTICLE 12

Standard of Practice 12-7

Only REALTORS® who participated in the transaction as the listing broker or cooperating broker (selling broker) may claim to have “sold” the property. Prior to closing, a cooperating broker may post a “sold” sign only with the consent of the listing broker. (Amended 1/96)

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)

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 nonmember licensee’s state(s) of licensure in a reasonable and readily apparent manner. (Adopted 1/07)

Standard of Practice 12-10

REALTORS®’ obligation to present a true picture in their advertising and representations to the public includes Internet content, images, and the URLs and domain names they use, and prohibits REALTORS® from: 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 misleading consumers, including use of misleading images. (Adopted 1/07, Amended 1/18)

Standard of Practice 12-11

REALTORS® intending to share or sell consumer information gathered via the Internet shall disclose that possibility in a reasonable and readily apparent manner. (Adopted 1/07)

Standard of Practice 12-12

REALTORS® shall not: 1. use URLs or domain names that present less than a true picture, or 2. register URLs or domain names which, if used, would present less than a true picture. (Adopted 1/08)

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. (Adopted 1/08)

FEDERAL ADVERTISING RULES

Regulation Z Truth in Lending Act

The advertising provisions of Regulation Z (226.10) apply to any advertisement that is intended to promote an extension of consumer credit (that is, credit offered to a natural person in which the money, property or service is primarily for personal, family, household or agricultural purposes and which involves a finance charge or is, by agreement, payable in more than four installments). If the advertisement in question does not involve an offer of consumer credit, the advertising provisions of Regulation Z are not applicable. The term “advertisement” itself is quite broad and covers all forms of commercial messages, including display signs in store windows. For example, multiple listing cards, if displayed to the public, would constitute an “advertisement.” On the other hand, literature such as multiple listing cards that is not on public display and is only used in connection with and in response to an individual prospective buyer’s inquiry would not be considered an “advertisement.” The test is whether the advertisement is to promote consumer credit, not whether the advertiser is a creditor, consumer creditor, arranger, etc.

> When a licensed real estate broker advertises a house owned by his principle is the advertisement covered by Regulation Z?

The answer to this question depends on whether the advertisement is to promote the extension of a customer credit sale. The answer is yes if the sale of the advertised home is one which will trigger the disclosure requirements of Title 11 of Regulation Z. The broker is subject to the advertising provisions of Regulation Z, even though he advertises on behalf of a private seller, so long as the transaction will qualify as an extension or arrangement of “consumer credit” as defined in Regulation Z.

> Example: An advertisement offering new homes at “$1,000 down” is improper if the seller will not usually accept this amount as a downpayment, even if all of the other required credit terms are disclosed in the advertisement.Advertising of Real Estate Credit

Advertisements of assumptions generally involve the use of the one credit term that does not trigger the full disclosure required in 226.10(d)(2) – the rate of finance charge. In order to comply, the advertiser may state the rate and nothing else, but it must be expressed as an “Annual Percentage Rote” using that term

Equal Housing Opportunity Logo

In the investigation of complaints, the Assistant Secretary will consider the implementation of fair housing policies and practices provided in this section as evidence of compliance with the prohibitions against discrimination in advertising under the Fair Housing Act.

The Fair Housing Act itself does not require the use of Equal Opportunity logo or slogan, “Equal Housing Opportunity,” in any ad. However, using the logo regularly is good evidence of the company’s commitment to fair housing compliance. The equal housing opportunity logo is a picture of a small house with the words “equal housing opportunity” directly beneath it. Note that the small house picture cannot be used without the words “equal housing opportunity” beneath it, but the words can be used without the small house picture. According to HUD guidelines, all advertising of residential real estate for sale or rent should contain an equal housing opportunity logotype, statement, or slogan as a means of educating the home-seeking public that the property is available to all persons, regardless of race, color, religion, sex, handicap, familial status, or national origin. The choice of logotype, statement, or slogan will depend on the type of media used and, in space advertising, on the size of the advertisement.