

# Advertising Guidelines - NYSAR

## Real Estate Advertising Guidelines

The fair and proper conduct of the business of a real estate broker includes advertising. These advertising guidelines have been prepared by the Department of State at the request of the New York State Association of REALTORS to help brokers develop newspaper advertising, business cards, stationery and signs that comply with various laws, regulations and good business practices.

**General Guidelines** As a general rule and guiding principle, any advertisement placed by a real estate broker must be truthful and not misleading to the public.

**Blind Ads** 19NYCRR Rule 175.25(a) requires that all advertisements placed by a broker must indicate that the advertiser is a broker, or give the name of the broker and his/her telephone number.

### Correct Copy

House, 1/2 acre, \$90,000  
John Doe, Broker (or)  
John Doe, XXX Realty  
518xxx1000

### Incorrect Copy

House, 1/2 acre, \$90,000  
518xxx1000

**Geographical Locations** 19NYCRR Rule 175.25(b) requires that all advertisements placed by a broker which state that a property is in the vicinity of a geographical area or territorial subdivision must include as part of such advertisement the name of the geographical area or territorial subdivision in which such property is actually located.

### Correct Copy

House, 1/2 acre, \$90,000  
New Concord, John Doe, Broker  
518xxx1000

### Incorrect Copy

House, 1/2 acre, \$90,000  
Vicinity Berkshire Mtns.  
John Doe Broker  
518xxx1000

**Licensed Name** Advertisements should state the exact name under which a license was issued. It is possible that the use of advertising of any other name might tend to mislead the public and not correctly identify the true advertiser. This has occurred in large communities where there are several individuals who bear the same name or where several similar franchises are engaged in the real estate brokerage business. If abbreviations are necessary, a licensee should use their first initial, first and middle initials, or nickname and last name. Business names should be listed exactly as they appear on the broker license. An advertisement which contains the business name of the broker and his/her telephone number may also contain the names of individuals licensed to that broker.

**Business Cards Categories of Information:** A business card should include the following information exactly as stated on the license:

- The individual's first name;
- Type of license held (broker, associate broker, salesperson);
- Licensed name of firm;
- Firm's business address

Optional information can also be added:

- Business telephone number;

- Residence telephone number (indicate Residence, Res., or Home);
- Real estate specialization (i.e. specializing in Commercial Properties);
- Brokers may include any title of office in the business (i.e. Partner);
- Nickname of licensee (i.e. John [Bud] Doe).

**Formatting Advertising Type Size:** There are generally no type size requirements. However, certain print size relationships should be maintained. A salesperson's name should not be larger than the licensed brokerage firm. A licensed principal of the firm can be shown in larger type than the firm name.

**Placement:** An individual's name can be placed anywhere on an advertisement or business card.

Correct Copy

XXX Realty  
10 Acorn Lane  
Anytown, USA  
John Doe  
Salesperson

Incorrect Copy

JOHN DOE  
Salesperson  
10 Acorn Lane  
Anytown, USA

**Abbreviations:** Some standard abbreviations may be used to reduce advertising costs:

Full Text

Licensed Real Estate Broker  
Licensed Associate Real Estate Broker  
Licensed Real Estate Salesperson  
Residence (or home)

Abbreviated Text

Lic. R.E. Broker  
Lic. Assoc. R.E. Broker  
Lic. R.E. Salesperson  
Res.

**Other Legal Requirements** A broker should be aware that there are other federal and state laws which may impact on its advertising practices. Often these laws deal with unlawful discriminatory activities (e.g., see the federal Fair Housing Act and the New York State Human Rights Law). Also of note are the federal Truth in Lending Regulations, which provide guidelines with respect to financial arrangements for real property purchases.

Brokers should additionally be sensitive to local zoning requirements and not advertise properties in obvious violation of those requirements. If the existing attributes of a listed property have the potential for a legal variance, it may be so advertised as a "potential" (i.e. potential mother-daughter). Once advertised in this manner, the broker assumes the obligation of making it clear to perspective buyers that the "mother-daughter" legal status can only be achieved through formal application by the buyer for a variance.

**Signs** Article 12A of the Real Property Law, Section 441a.3 and 19NYCRR Rule 175.26 set general specifications for brokerage business signs.

**Postings:** Each licensed business office location requires the posting of a business sign. The sign must contain the licensed name and the words "licensed real estate broker".

Locations of postings:

- On the outside of the building in which the office is located and be of sufficient size to be readable from the street; or
- If in an office, apartment or hotel building, on the directory or space provided by the building for posting the names of occupants; or
- If the apartment building does not permit a directory or lobby posting, the sign may be posted on the entrance door or corridor wall next to the entrance door to the business office.

