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E&O RISK MANAGER

HELPING REAL ESTATE PROFESSIONALS REDUCE THEIR CLAIM EXPOSURES

SOCIAL MEDIA USAGE FOR REALTORS®

We have seen a proliferation of social media platforms and tools available for use by real estate professionals. These have great benefits but also come with their own risks. Keep reading for some refreshers about proper social media usage to prevent any negative, unintended consequences.

1. USE COMMON SENSE.

When promoting yourself and your business, it's important to be honest and truthful in all respects. Always make it clear that you are a REALTOR®. Conduct yourself online the same way you would in person and remember that everything you post remains on the internet forever.

Take your clients' privacy and preferences into consideration. Some clients may not want certain information or photos disseminated via social media, so it's important to remember your fiduciary duties of confidentiality and loyalty.

Remember that obligations under the NAR® Code of Ethics and Standards of Practices still apply online. It is also vital to keep in mind various state laws and regulations, basic common law principles of defamation, contractual or business relations, copyright infringement, antitrust considerations, and more when using social media.

2. USE PROPER IDENTIFICATION.

Always include your brokerage company name as well as your name and identify yourself as a REALTOR®. To ensure you comply with basic marketing requirements, check your own state laws and regulations. If you advertise your own credentials, be sure they are correct, current, and unembellished.

3. OBTAIN PERMISSION BEFORE REPOSTING.

When it comes to social media marketing, attribution and permission are key. Before posting or reposting another agent's listing via social media, you must obtain permission from the listing broker. It is vital that you do not manipulate, change, or alter another listing broker's posting they have shared on social media.

Also, be sure to provide proper identification of the listing broker or company to avoid the risk of running afoul of legal or ethical obligations. Avoid potential federal law copyright claims by lifting content developed by others or disseminating confidential material, trade secrets, or proprietary information of others.

4. BE HONEST AND TRUTHFUL.

It is vital to present listings truthfully and to not mislead consumers with inaccurate or confusing exaggeration and puffery. Many REALTOR® Board grievances are filed regarding criticisms or comments about other competitor's business models, compensation structures, or business practices (i.e., prices, fees, discounts, terms and conditions of sale, profit margins, cost data, market shares, etc.).

Think before you post about others and remember to treat others the way you would like to be treated. When you're posting on social media, make sure to not misrepresent or conceal material facts. If you edit multiple listing service (MLS) data, be careful not to use inaccurate or vague descriptions or alter photos.

Do not post anything negative about other agents or air your disputes in public on social media (or, if you do, prepare to defend against a potential ethics violation).



Always be sure to abide by Fair Housing requirements and follow all state law and REALTOR® association rules governing social media usage. On your account, acknowledge and utilize the proper trademark with the REALTOR® name and mark, the National Association of REALTORS®, and/or the MLS® apparatus. Also, be sure to properly protect your account to ensure it doesn't get hacked.

The buck stops here. You are responsible for any social media post or advertisement—even if a third-party company or unlicensed assistant posts it without your review or approval. Therefore, it is vital that you use caution when you outsource your social media efforts to someone else or another company providing these services where you don't control the content. You must always monitor that you are, in fact, in compliance with all applicable, laws, regulations, rules, and the Code of Ethics requirements. **P**



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