Idaho REALTORS®

EMERGING TECHNOLOGIES COMMITTEE

Brokerage AI Policy Toolkit

A starting point for brokerages setting standards for the responsible use of AI. Adapted for Idaho from the National Association of REALTORS® AI Policy Template for Brokers.

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Before adopting: These documents are provided as a resource. They are not legal advice, and no brokerage is required to adopt them. Have your own attorney review the policy before putting it in place at your brokerage.

AI Use Policy Template — Real Estate Brokerages

> ***Disclaimer:** The information as a resource only as it does not suggest or require any entity adopt this policy, and no entity may rely on the content as legal advice or a failsafe against legal liability.*

[Brokerage Name]

Effective Date: [Date]

1. Purpose & Scope

This policy governs the responsible, ethical and secure use of Artificial Intelligence (AI)—including generative AI, large language models (LLMs), agentic AI and machine learning—by all agents, staff, teams and authorized vendors of **[Brokerage Name]**.

It applies to all AI tools used in connection with brokerage operations, including but not limited to Photos; contracts including inspection reports and property disclosures.

- Client and consumer data (buyers, sellers, tenants, landlords)
- Property listing content and MLS data
- Marketing, advertising and social media
- Transaction management and document preparation
- Lead generation and customer relationship management (CRM)
- Property valuations and comparative market analyses (CMAs)
- Communications with clients, prospects and the public

This policy is intended to empower agents and staff to leverage AI as a productivity tool while protecting clients, the brokerage and the public from the risks of misuse. Realtor members should educate consumers that AI is being used to improve efficiency-not replace professional expertise.

2. Definitions

> *For a comprehensive list of AI-related terms, see the companion **AI Glossary**.*

Generative AI — AI that creates new content (text, images, audio, video, code) based on user prompts.

Agentic AI — AI capable of planning and executing multistep tasks with limited human intervention.

Large Language Model (LLM) — AI trained on large datasets to generate and interpret human language.

Machine Learning (ML) — Algorithms that learn patterns from data without explicit programming.

AI Plugin — An add-on or integration that brings AI features into existing applications (e.g., email assistants, video conferencing tools, browser extensions, CRM integrations) and may process brokerage or client data.

MLS Data — Property listing information maintained by or on behalf of a multiple listing service, subject to its own data governance, licensing agreements and use policies.

Client Data — Any personally identifiable information (PII) or confidential information related to clients and consumers, including contact details, financial information, property preferences, transaction records and communications.

Transaction Data — Information related to real estate transactions, including purchase agreements, disclosures, inspection reports, closing documents and financial details.

3. Governance & Oversight

- The brokerage shall designate an **AI Oversight Lead** (such as the managing broker, compliance officer or designated manager) responsible for reviewing AI adoption, maintaining the approved tools list and overseeing compliance with this policy.
- All AI use cases that involve **client data, MLS data, transaction documents, consumer-facing communications or marketing** require prior review and approval by the AI Oversight Lead.
- **Human review is mandatory** before any AI-generated content is:
- Published in a listing (MLS, website or syndicated)
- Sent to a client or consumer
- Used in marketing or advertising materials
- Included in transaction documents or disclosures
- Used in a property valuation or CMA

Human oversight includes responsibility for ethical judgment, professional standards and potential impact on clients and the public—not just factual accuracy.

- The brokerage should designate or consult with **subject matter experts** to review public-facing AI content and guide responsible adoption of emerging AI technologies.
- The brokerage shall maintain **audit logs** of AI system usage where feasible. AI systems, including plugins and agentic AI tools, should maintain sufficient logs for compliance and forensic analysis.
- This policy should be reviewed at least **annually** and updated as technologies, regulations and MLS rules evolve.
- The brokerage should align its AI practices with recognized frameworks such as **NIST AI RMF**, **NIST Privacy Framework**, **ISO/IEC 42001:2023** and any guidance from the National Association of REALTORS®, State and Local Associations and state licensing authorities and applicable MLS organizations.

4. Security & Data Protection

- Only **approved AI tools** may be used for brokerage business. A list of approved tools shall be maintained by **[AI Oversight Lead/IT/Managing Broker]**.
- **No client data, financial information, transaction records or other sensitive data** may be entered into any AI tool.
- Vendor-provided AI tools must operate under contracts that **prohibit the vendor from training models on brokerage or client data**. Or maintaining data perpetually.
- All AI systems handling brokerage data must support **multifactor authentication (MFA)** and **encryption** in transit and at rest.

- Agents and staff must not use personal accounts or consumer-grade AI tools (e.g., free ChatGPT, public image generators) for any work involving client data or internal brokerage information.
- **Access control:** Agents and staff must not grant access to AI tools or share AI tool credentials outside the brokerage without prior approval from the AI Oversight Lead.
- Data entered into AI tools should be the **minimum necessary** to accomplish the task.
- The brokerage should implement **monitoring** of AI system usage for anomalies, bias and risk—not just logging.
- **Platform controls:** The brokerage reserves the right to restrict, suspend or disable AI features or integrations on any platform when necessary to protect sensitive information, ensure compliance or mitigate security, legal or reputational risk.

MLS Data Protections

- AI tools must not be used to **scrape, redistribute or repurpose MLS data** in violation of MLS rules, licensing agreements or data-sharing policies.
- AI-generated listing descriptions must comply with **MLS accuracy standards** and must be reviewed by the listing agent before submission.
- Any AI tool that accesses or processes MLS data must be approved by the brokerage and comply with applicable **MLS policies, IDX/RETS/RESO standards and data licensing agreements**.

Client Data Protections

- **Never enter** a client's Social Security number, full financial records or other highly sensitive PII into any AI tool.
- AI-powered CRM tools and chatbots that interact with consumers must be reviewed for **privacy compliance** and clearly disclosed as AI-powered where required by law.
- Client communications generated by AI must be reviewed before sending to ensure they do not inadvertently disclose confidential information about other clients or transactions.

5. Acceptable Use

- Use AI tools only for **legitimate, business-related purposes** aligned with the brokerage's values, standards, the REALTOR® Code of Ethics and all applicable laws (local, state and national).
- AI-generated content and decisions must align with **standards of professionalism**. AI must not be used to circumvent ethical obligations, misrepresent expertise or replace professional judgment where human responsibility is required.
- AI-generated “factual” information should be verified by a legitimate source. Example: AI might report zoning guidelines but this should be verified by the applicable City or County.
- Avoid **plagiarism** and ensure all AI-generated assets are professional and respectful.

Plugins & Agentic AI

- Use only brokerage-approved **AI plugins and integrations**.

- **Agentic AI** systems must operate under human supervision for high-impact decisions (e.g., client communications, transaction documents, pricing recommendations). Fully autonomous execution without human review is prohibited.
- Agentic AI systems may not perform activities that require a real estate license or create, imply or invoke legal obligations on behalf of the brokerage in the form of agency. These actions must be performed by a licensed real estate professional.

Prohibited Uses

- Generating **discriminatory, misleading, deceptive or illegal content -including listing photograpy.**
- Using AI to create **property descriptions, advertisements or communications that violate fair housing laws** (see Section 6)
- Creating **synthetic media** (deepfakes, fabricated testimonials, fake reviews, AI-generated client endorsements)
- Using AI to **determine property values** for clients without agent review, professional judgment and appropriate disclaimers
- Substituting AI output for **required professional judgment** in pricing recommendations, material disclosures, agency decisions or legal advice.
- Legal advice
- Using AI to **make automated decisions** about which clients to serve, qualify or prioritize without human review
- Representing AI-generated content as **human-authored** when transparency or disclosure is required by law, regulation or MLS rules
- Entering **confidential transaction documents, settlement statements or client financial records** into unapproved AI tools

6. Fair Housing & Advertising Compliance

Fair housing compliance is a critical concern when using AI in real estate. AI tools can unintentionally generate content that violates the Fair Housing Act and state/local fair housing laws.

Requirements

- **All AI-generated listing descriptions and marketing materials must be reviewed** for compliance with fair housing laws before publication.
- AI tools must not be used to **target or exclude** audiences based on race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or any other protected class under federal, state or local law.
- AI-generated content must not include language that could be interpreted as **steering**—directing or discouraging buyers toward or away from neighborhoods based on protected characteristics.
- **Do not use AI** to generate descriptions of neighborhoods, school districts, demographics or community characteristics without careful human review for potential bias or steering concerns.

- AI tools used for **lead scoring, client matching or advertising targeting** must be reviewed for potential disparate impact on protected classes.
- Agents should be aware that AI image-generation tools may alter the appearance of real properties or neighborhoods in ways that could be **misleading or discriminatory** (e.g., changing the apparent demographics of a neighborhood in marketing photos).

Examples of Prohibited AI-Generated Content

- "Perfect for a young professional couple" (familial status)
- "Great neighborhood for families with children" (familial status/steering)
- "Walking distance" to any location as "walking" can be discriminatory.
- "Quiet, mature community" (familial status/age)
- Descriptions that reference the **racial, ethnic or religious composition** of a neighborhood

7. Client Communication & Chatbots

- AI-powered **chatbots and virtual assistants** used on brokerage websites, social media or messaging platforms must be clearly identified as AI (where required by applicable law or regulation).
- Automated AI responses must not provide **legal advice, financial advice or specific property valuations** to consumers.
- AI chatbots must be programmed to **escalate inquiries** to a licensed agent when the conversation involves transaction-specific questions, pricing, negotiation or contractual matters.
- All chatbot interactions involving client data must comply with the brokerage's **privacy policy** and applicable **data protection laws**.

8. Brand & Brokerage Integrity

- Do not use AI to produce **misleading, unauthorized or deceptive representations** of the brokerage, its agents or its affiliates.
- The brokerage reserves the right to **monitor AI-generated outputs** for brand compliance and take corrective action for violations.
- All agents and staff are fully **accountable for any AI-generated content** they use, share or publish on behalf of the brokerage. Human review is mandatory before distribution.
- Use only brokerage-approved AI tools and plugins for any brand-related, marketing or public-facing tasks.

9. Legal & Vendor Compliance

- **Legal review is required** before deploying AI in high-risk use cases, including consumer-facing chatbots, automated marketing campaigns, property valuation tools, transaction document preparation and any tool that processes client financial data.
- **Pre-release review:** Legal counsel, in collaboration with IT or management, should review AI tools that generate media, text or content before organizational use.

- Review the **privacy policies and terms of service** of AI tools and vendors to ensure compliance with data privacy and protection standards.
- All AI vendor contracts must include provisions addressing:
- Data ownership and portability
- Prohibition on model training using brokerage or client data
- Data retention, deletion and breach notification
- Compliance with applicable privacy laws (e.g., state data privacy statutes, CAN-SPAM, TCPA, RESPA, state real estate licensing laws)
- The brokerage should maintain a **vendor inventory** of all AI tools in use, including their purpose, data access level and contract status.
- AI use must comply with all **state real estate licensing laws and regulations**, including rules governing advertising, supervision and consumer protection.

Vendor Accountability

- **Transparency:** Require vendors to provide documentation on data provenance, testing, model explainability and ethical commitments.
- **Due diligence:** Conduct due diligence on vendors' data practices and model development processes before adoption.
- **Risk disclosure:** Vendors must disclose known limitations, risks and mitigation strategies for bias, toxicity and security vulnerabilities.

10. Agent Supervision & Training

- The **managing broker** (or designated supervisor) is responsible for ensuring that agents under their supervision comply with this policy, consistent with applicable state licensing law.
- All agents and staff shall receive **AI training** upon adoption of this policy and at least annually thereafter.
- Training should cover acceptable use, data protection, fair housing compliance in AI-generated content, advertising rules and incident reporting.
- New agents should receive **AI policy orientation** as part of onboarding.
- Agents operating as **independent contractors** are still bound by this policy when conducting business on behalf of the brokerage.

11. Incident Response

- Any suspected misuse of AI, unauthorized data exposure, fair housing concern related to AI-generated content or AI-related security incident must be reported immediately to **[AI Oversight Lead/Managing Broker]** at **[email/phone]**.
- The brokerage shall investigate reported incidents promptly and take corrective action as appropriate.
- If a data breach involving client data occurs through an AI tool, the brokerage must follow applicable **state breach notification laws** and notify affected clients as required.

12. Enforcement

AI use that violates the brokerage's ethical standards, professional expectations or commitment to client and public trust may result in disciplinary action, even if no specific law or technical control was violated.

Violations of this policy may result in:

- Mandatory retraining
- Revocation of AI tool access
- Disciplinary action, up to and including termination of employment or independent contractor agreement
- Referral to legal counsel for potential legal repercussions
- Reporting to the state real estate licensing authority if the violation involves a licensing law breach

Examples of Infractions by Severity

Minor Infractions

- Using non-approved AI tools for nonsensitive tasks
- Failure to review AI-generated content before internal use

Typical Action: Verbal or written warning; mandatory retraining

Moderate Infractions

- Sharing AI-generated content externally (listings, marketing, client communications) without human review
- Ignoring vendor compliance requirements for AI integrations

Typical Action: Formal warning; temporary suspension of AI tool access; performance review impact

Severe Infractions

- Uploading sensitive or confidential data (e.g., PII, client financial data, transaction records) into unapproved AI tools
- Misleading the public (photos, reviews, listings that do not belong to the person sharing)
- Using AI to create synthetic media that mimics real individuals without consent
- Deploying AI systems that generate harmful, discriminatory or illegal content
- Circumventing security controls or intentionally misusing AI for malicious purposes (e.g., phishing, disinformation)

Typical Action: Immediate escalation to managing broker and legal counsel; disciplinary action up to termination; potential civil or criminal liability; reporting to state licensing authority if applicable

Appendix: Sensitive & Confidential Information

Sensitive and confidential information, as defined elsewhere in brokerage policies, is applicable hereto. It shall also include, but not be limited to:

- Client financial data and settlement statements
- Business strategies and internal planning documents
- Marketing plans and proprietary lead data
- Vendor agreements
- Transaction documents (contracts, disclosures, inspection reports)
- Personally Identifiable Information (PII) of clients, consumers or staff
- Personal Health Information (PHI) of clients, consumers or staff
- Legal documents and contracts
- Authentication credentials or system access details
- MLS data subject to licensing restrictions
- Human resources records and other sensitive brokerage information

Protection Requirement: Agents and staff must protect this information during and after their relationship with the brokerage, disclosing it only as required by their duties and applicable law. Unauthorized sharing, including via AI tools or plugins, is strictly prohibited.

This AI policy template is provided as a baseline. Each brokerage choosing to use this template should customize it to reflect its own operations, size, market, state licensing requirements, MLS rules and legal obligations. Legal review of the final policy is strongly recommended.

AI Use Policy "One-Pager" — Real Estate Brokerages

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[Brokerage Name]

The bottom line: Humans must review all AI-generated content before use. Only approved AI tools may be used for tasks involving client, transaction or brokerage data. External tools may only be used for nonsensitive, nonproprietary work. Realtor members should educate consumers that AI is being used to improve efficiency-not replace professional expertise

General AI Rules — All Tools

- All AI-generated content must be reviewed by a human before use—including listing descriptions, marketing materials and client communications.
- AI-generated "factual" information should be verified by a legitimate source. Example: AI might report zoning guidelines but this should be verified by the applicable City or County.
- All brokerage-branded, client-facing or public content must be reviewed by **[managing broker/designated reviewer]** before use.
- Agents and staff are fully accountable for any AI-generated content they use or share.
- Do not generate synthetic media (voices, images, likenesses) of brokerage staff, agents or clients without prior written approval.
- AI must not reproduce or modify copyrighted or trademarked materials.
- Vendors supplying AI tools must agree not to train models on brokerage or client data.
- Review all AI-generated content for **fair housing compliance** before publishing.
- When in doubt, contact **[AI Oversight Lead/Managing Broker]** at **[email/phone]**.

Approved AI Tools — Sensitive Data

- Only approved tools may be used for working with brokerage proprietary, confidential or sensitive data.
- Approved tools are the only AI tools that may have the following information entered into them:
- Client Personally Identifiable Information (PII)
- Client financial records and transaction documents
- Legal matters and contracts
- HR information
- Internal business strategies and proprietary lead data
- Identifying information specific to a property including the address or legal description.

External AI Tools — Nonsensitive Use Only

- Never input sensitive or confidential data (the list above) into any external AI tool.
- External AI tools (ChatGPT, Claude, Gemini, etc.) may be used only for general, nonsensitive tasks.

- External AI tools can be used to brainstorm marketing ideas, get writing suggestions or research publicly available market trends—as long as no client or brokerage data is entered.

Prohibited use-

- Client names, contact information, financial details or settlement statements
- Transaction documents (contracts, disclosures, inspection reports)
- MLS data or listing information
- Internal brokerage communications, strategy or business plans
- Using non-approved AI tools for nonsensitive tasks
- Failure to review AI-generated content before internal use
- Sharing AI-generated content externally (listings, marketing, client communications) without human review
- Vendor agreements or Ignoring vendor compliance requirements for AI integrations
- Uploading sensitive or confidential data
- Misleading the public (photos, reviews, listings that do not belong to the person sharing)
- Using AI to create synthetic media that mimics real individuals without consent
- Deploying AI systems that generate harmful, discriminatory or illegal content
- Circumventing security controls or intentionally misusing AI for malicious purposes (e.g., phishing, disinformation)
- Marketing plans and proprietary lead data
- Personally Identifiable Information (PII) of clients, consumers or staff
- Personal Health Information (PHI) of clients, consumers or staff
- Legal documents and contracts
- Authentication credentials or system access details
- Human resources records and other sensitive brokerage information

Given the rapid evolution of AI technologies, this policy may be updated at any time to ensure continued alignment with legal, security and operational requirements. This policy applies to all agents, whether employees or independent contractors, when conducting business on behalf of the brokerage.

AI Glossary — Real Estate Brokerages

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A reference glossary for agents, staff and brokerage leadership to support understanding of key AI terms used throughout the AI Use Policy.

Artificial Intelligence (AI)

Technology that enables machines to simulate aspects of human intelligence, including learning, reasoning and decision-making.

Generative AI

AI that creates new content—such as text, images, audio or video—based on user-provided prompts. Examples include ChatGPT, Microsoft Copilot, Google Gemini and image-generation tools. In a brokerage context, commonly used for drafting listing descriptions, marketing content and client communications.

Large Language Model (LLM)

A type of AI trained on large volumes of text data to understand and generate human language. LLMs power most generative AI chatbots and writing assistants.

Machine Learning (ML)

A subset of AI in which algorithms learn patterns from data and improve over time without being explicitly programmed for each task. Used in real estate for predictive pricing models, lead scoring and market trend analysis.

Agentic AI

AI systems capable of independently planning, executing and adapting multistep tasks with limited human intervention. These systems may interact with other tools or data sources on behalf of a user—for example, automatically scheduling showings or sending follow-up messages.

AI Plugin

An add-on or integration that brings AI features into existing applications (e.g., email assistants, video conferencing tools, browser extensions, CRM integrations) and may process brokerage or client data. Plugins should be reviewed and approved before use.

Prompt

An instruction, question, or input provided to an AI system to generate a response or output.

Bias (AI Bias)

Systematic errors in AI outputs that can result from biased training data, flawed model design or incomplete information. In real estate, AI bias poses significant fair housing risks—for example, AI-generated listing descriptions may unintentionally include language that steers or discriminates.

Hallucination

When an AI system generates content that appears factual but is fabricated or inaccurate. In a brokerage context, this could mean AI inventing property features, citing incorrect square footage or generating fictitious market statistics. All AI output must be verified.

Performance Drift

A gradual decline in AI accuracy or reliability over time due to changing data, conditions or usage patterns. AI tools used for market analysis, valuations or lead scoring should be monitored for drift and recalibrated as needed.

Explainability

The ability of an AI system to provide understandable reasons for its outputs or decisions. Explainability supports transparency, accountability and trust—particularly important when AI is used in client-facing contexts or property valuations.

Human Oversight

The requirement that a qualified person—typically the listing agent, managing broker or designated reviewer—reviews, validates and approves AI-generated content or decisions before they are published, sent to clients or acted upon.

Audit Log

A documented record of AI system usage—including inputs (prompts), outputs (responses) and the identity of the user—maintained for compliance, accountability and incident investigation.

Auditability

The capability to trace AI decisions and actions for compliance, forensic analysis and accountability. Auditability requires maintaining logs of inputs, outputs and system behavior.

Data Governance

The policies, processes and standards that ensure data is managed securely, accurately and in compliance with applicable laws and organizational rules.

MLS Data

Property listing information maintained by a multiple listing service. MLS data is subject to its own licensing, governance and use restrictions, which must be respected when using AI tools. AI-generated listing content submitted to an MLS must meet MLS accuracy and compliance standards.

Client Data

Any personally identifiable information (PII) or confidential information related to clients and consumers, including contact details, financial information, property preferences, transaction records and communications. Client data must never be entered into unapproved AI tools.

Transaction Data

Information related to real estate transactions, including purchase agreements, disclosures, inspection reports, closing documents and financial details.

Personally Identifiable Information (PII)

Any information that can be used to identify a specific individual, such as name, email address, phone number, Social Security number or financial account information.

Fair Housing (in AI Context)

The obligation to ensure that AI tools and outputs do not discriminate, steer or create disparate impact based on race, color, religion, sex, familial status, national origin, disability or other protected classes under federal, state or local law. This applies to listing descriptions, marketing, advertising targeting, chatbot responses and any consumer-facing AI output.

Steering (in AI Context)

The practice of directing or discouraging buyers toward or away from specific neighborhoods or properties based on protected characteristics. AI-generated content about neighborhoods, schools, demographics or community characteristics must be reviewed for unintentional steering.

Comparative Market Analysis (CMA)

An estimate of a property's value based on comparable recently sold properties. When AI is used to assist with CMAs, the agent must exercise independent professional judgment and not rely solely on AI-generated valuations.

Synthetic Media/Deepfake

AI-generated images, audio, or video that depict people, properties, events or scenarios that did not actually occur. Use in marketing or advertising requires written approval and must not be misleading.

Virtual Staging

The use of AI to digitally furnish or modify photos of a property. Virtual staging must be clearly disclosed in listings and must not misrepresent the actual condition of the property.

AI Chatbot/Virtual Assistant

An AI-powered tool that engages in automated conversations with consumers, typically on websites or messaging platforms. Chatbots must be disclosed as AI-powered where required by law and must not provide legal, financial or valuation advice.

Lead Scoring

The use of AI or machine learning to rank and prioritize prospective clients based on predicted likelihood of conversion. Lead scoring systems must be reviewed for potential fair housing disparate impact.

Approved Tool

An AI tool or platform that has been reviewed and authorized for use by the brokerage and meets the organization's security, privacy and data protection requirements.

Vendor/Third-Party AI

AI tools or services provided by an external company. Vendor AI must be governed by contracts that address data ownership, privacy, security and restrictions on model training.

Shadow AI

The use of unauthorized or unapproved AI tools by agents or staff, often without the knowledge of brokerage management. Shadow AI increases security, compliance, fair housing and liability risks.

Risk Management Framework (RMF)

A structured approach for identifying, assessing and mitigating AI-related risks. Reference: NIST AI RMF.

Privacy Framework

Guidelines for managing privacy risks in AI systems, including handling of PII and sensitive data. Reference: NIST Privacy Framework.

End-to-end encryption / end-to-end security

A secure method of communication where only the sender and intended recipient can read the message or data.

End-to-end Security

Much broader than end-to-end encryption, this protects the entire system from start to finish.

This glossary may be updated as AI technology and terminology evolve. Brokerages are encouraged to customize it to include terms relevant to their specific market, operations and state regulatory environment.

AI Policy — Agent & Staff FAQ

For Real Estate Brokerages

> ***Disclaimer***
>
> *The information as a resource, and no entity may rely on the content as a failsafe against legal liability. This document is provided as a template and does not constitute legal advice. Each brokerage should consult with its own legal counsel before finalizing and adopting an AI use policy.*

What is the purpose of this policy?

This AI policy is designed to:

- **Protect client and consumer data** from unauthorized exposure through AI tools
- **Ensure fair housing compliance** in AI-generated content and advertising
- **Encourage responsible innovation** by providing clear guidance on approved AI use
- **Reduce legal, regulatory and reputational risk** for the brokerage and its agents
- **Ensure consistency** in how AI is used across the brokerage

AI can be a powerful productivity tool—helping agents draft listings, create marketing content, respond to leads and streamline administrative tasks—but improper use creates real risks around client privacy, fair housing, advertising compliance and professional liability. Realtor members should educate consumers that AI is being used to improve efficiency-not replace professional expertise.

Which AI tools am I allowed to use?

You must use AI tools that have been **approved by the brokerage**. These are tools that have been reviewed for data security, privacy and contractual compliance.

Only **enterprise-grade AI tools** operating within the brokerage's secure technology environment may be used for work involving client data, transaction records or MLS data.

Other AI tools may be used **only if explicitly approved** and **only for nonsensitive, nonclient-related purposes** (e.g., brainstorming generic marketing ideas, researching publicly available market trends).

Which AI tools should I avoid?

Do **not** use free, consumer-grade or public AI tools—such as the free versions of ChatGPT, Google Gemini or AI image generators—for any work involving:

- Client names, contact information or financial details
- Transaction documents (contracts, disclosures, settlement statements)
- MLS data or listing information
- Internal brokerage communications, strategy or business plans

If a tool has not been approved, assume it is off-limits for client or brokerage data. See "AI Policy Two Pager" for list of any programs approved by the brokerage.

Unapproved AI tools may:

- **Store, log or reuse** your prompts and any uploaded files
- **Lack guarantees** about data ownership, deletion or security
- **Create discoverable records** outside the brokerage's control (which could be subject to subpoena or litigation discovery)
- **Bypass records retention schedules** or litigation hold requirements
- **Train their models** on your input data, potentially exposing client information to other users
- **Lack compliance** with state real estate licensing laws, RESPA or fair housing requirements

Can I use AI to write listing descriptions?

Yes—this is one of the most common and productive uses of AI in real estate. However:

- Use only **approved AI tools**
- **Always review the output** before submitting to the MLS or publishing anywhere
- Check for **fair housing compliance**—AI can unintentionally generate language that steers or discriminates (see the fair housing section below)
- Verify **factual accuracy**—AI can "hallucinate" property features, dimensions or neighborhood details that are incorrect
- Ensure the description meets **MLS accuracy standards and rules**
- **You are responsible** for everything in the listing description, even if AI drafted it

What about fair housing and AI?

This is an important area of concern. AI tools can unintentionally generate content that violates the Fair Housing Act and state/local fair housing laws. **Review all AI-generated content for:**

- Language that implies a preference for or against any protected class
- Neighborhood or community descriptions that could be interpreted as steering
- References to the demographics, religion or ethnic composition of an area
- Phrases like "perfect for young professionals," "family friendly," "quiet mature community" or "walking distance to “[house of worship]"; Disabilities.

Do not use AI to:

- Target or exclude advertising audiences based on protected characteristics
- Score or prioritize leads based on factors that correlate with protected classes
- Generate images that alter the apparent demographics of a neighborhood

When in doubt, remove the language and consult with your managing broker.

Can I use AI for client communications?

Yes, with important safeguards:

- Use only **approved AI tools**
- **Review every AI-generated message** before sending it to a client

- Do not enter **client financial details, Social Security numbers or confidential transaction information** into AI prompts
- Ensure automated responses (chatbots, auto-replies) do not provide **legal advice, financial advice or property valuations**
- AI chatbots on your website or social media must be clearly identified as AI-powered where required by law
- Do not enter contracts or property inspections or disclosures

Can I use AI for property valuations or CMAs?

AI can be a helpful starting point for market analysis, but:

- **AI-generated valuations are not a substitute** for your professional judgment as a licensed agent
- Always **independently verify** AI-provided comparable sales, market data and value estimates
- **Include appropriate disclaimers** when sharing AI-assisted analyses with clients
- AI valuation tools should be **approved by the brokerage** and reviewed for accuracy and bias
- Be aware that AI valuation models may reflect **historical biases** in housing data that could raise fair housing concerns

What about virtual staging and AI-generated images?

AI-powered virtual staging and image enhancement are increasingly popular, but:

- **Always disclose** that images have been virtually staged or AI-enhanced in listings
- Virtual staging must **not misrepresent** the actual condition, features or characteristics of the property
- AI-generated images must **not alter the apparent demographics** or characteristics of a neighborhood
- Follow your **MLS rules** regarding virtual staging disclosure
- Do not use AI to generate **fake photos of properties, neighborhoods or people**
- **Regarding AI enhanced–do not alter characteristics of home-lawn (or lack of); covered patios, steps where none exist.**

What about social media and marketing?

AI can help create social media posts, email campaigns, blog content and advertising. Keep in mind:

- All AI-generated marketing content must be **reviewed for fair housing compliance** before publishing
- Advertising must comply with **state real estate advertising rules** (including broker identification requirements)
- Do not use AI to create **fake reviews, testimonials or endorsements**
- AI-assisted ad targeting must not exclude audiences based on protected characteristics
- If using AI to generate images for marketing, ensure they are **not misleading** about the property or area

Am I responsible for AI-generated content?

Yes—absolutely. AI output should always be treated as a **first draft**. As a licensed real estate professional, you are responsible for:

- **Accuracy** — AI can generate convincing but incorrect information (square footage, lot size, year built, school districts, etc.)
- **Fair housing compliance** — You must catch and remove any discriminatory or steering language
- **Tone and professionalism** — Ensuring the content represents you and the brokerage appropriately
- **Confidentiality** — Making sure no client data was inadvertently included
- **Legal compliance** — Verifying the content meets advertising rules, disclosure requirements and licensing laws
- **Disclosure** — Being transparent about AI involvement where required

What about litigation hold and records management?

If AI inputs or outputs may be relevant to pending or anticipated litigation, regulatory inquiry or a client complaint:

- **Do not use an AI tool** if the content cannot be preserved, governed, protected or audited.
- Consult with the managing broker or legal counsel about whether AI-related records need to be included in a **litigation hold**
- Be mindful that prompts and outputs in unapproved tools may **not be retrievable** when needed

I'm an independent contractor—does this policy apply to me?

Yes. All agents conducting business on behalf of **[Brokerage Name]**, whether employees or independent contractors, are bound by this AI use policy. The managing broker has supervisory obligations under state licensing law that extend to AI tool usage.

Who do I contact if I have a question or concern?

- **AI policy questions:** Contact **[AI Oversight Lead/Managing Broker]** at **[email/phone]**
- **Fair housing concerns:** Contact **[Managing Broker/Compliance Lead]** at **[email/phone]**
- **Data security concerns:** Contact **[IT/designated contact]** at **[email/phone]**
- **Legal questions:** Contact **[Legal Counsel/designated contact]** at **[email/phone]**

If you suspect a data breach, fair housing violation or policy misuse involving AI, **report it immediately**—do not wait.

Will this policy change?

Yes. AI technology is evolving rapidly, and this policy will be **reviewed and updated at least annually**—or more frequently if changes in technology, law, MLS rules or market conditions require it.

List of Pre-approved AI applications for use by agents of the brokerage (if any):

Agents and staff will be notified of material updates, and additional training will be provided as needed.

This FAQ is a companion to the brokerage's AI Use Policy and AI Glossary. All three documents should be reviewed together.