



TRAINING TIP OF THE WEEK

Can I share your listing?

I'm asked frequently what the policies are surrounding sharing another agent's listing on social media platforms. It usually goes like this... "AGENT just posted my listing and didn't get my permission? Can they do that?" Well, **YES** and **No**.

YES... To summarize UtahRealEstate.com rules related to advertising on social media (Found in Section 18 of the MLS Rules), if you advertise another agent's listing on social media, that advertisement must meet the following requirements.

- The advertisement can only contain "minimal information," which NAR defines as an advertisement that has text which is 200 characters or less; AND
- The advertisement must directly link to either the display of that listing on UtahRealEstate.com or to a broker's or agent's IDX website which contains all of the required IDX disclosures.

It must also paint a true picture, and not engage in deceptive advertising; meaning, don't make the listing appear to be your own. This requires careful, thoughtful language.

NO... The Division of Real Estate Administrative Rule R162-2f-401b, which defined prohibited conduct applicable to ALL licensed individuals state that:

An individual licensee may not:

- (17) Advertise or offer to sell or lease property without the written consent of:
 - (a) the owner(s) of the property; and
 - (b) if the property is currently listed, the listing broker

This would indicate that while allowable by the MLS, you may fall in violation with the Division. I reached out to Kadee Wright, Chief Investigator for the Utah Division of Real Estate for clarification of the rule. Her response, having knowledge of MLS rules, replied that "*the position the Division has taken is if everyone are members of the same MLS, then that is sufficient or satisfies the consent from the listing broker **as long as long** as the agent posting references the listing brokerage information in their advertisement.*"

I've found that some will reference the listing brokerage information, but most do not. So what is the best way to navigate these rules and stay in compliance with both the MLS *and* the Division of Real Estate?

1. If you prefer NOT to reference (type out) the listing brokerage information in the post, you could call, text or email (whatever method you prefer) and ask the listing agent if they would permit you to share on Facebook their great new listing. Never hurts to ask. Then ensure MLS rules are followed by...
2. Linking directly to the MLS listing to ensure that within one-click, anyone can see the listing brokerage information.
3. Keep your "post" brief and within the 200 maximum allowed characters, containing minimal information.
4. Use careful, thoughtful language to avoid making the public, or those who might see the posting, understand it to be your own listing.

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