



TRAINING TIP OF THE WEEK

6 Tips for Keeping your Marketing LEGAL

In light of allegations that Facebook enables housing discrimination by allowing real estate advertisers to exclude audiences protected under the Fair Housing Act, here are some tips for making sure your marketing on the social platform is legal and ethical.

1. Never use targeted marketing that excludes a specific protected class on a listing, says NAR's Deputy General Counsel Lesley Walker. You also can't depend on Facebook as your only advertising tool because its algorithm does not guarantee that a broad section of the population will see your ad, even if your targeting isn't exclusive. She says to put your listing in the MLS, on major real estate platforms like realtor.com®, and even in your local newspaper.
2. Know your state and local fair housing laws, because they may include more protected classes than the federal Fair Housing Act. Make sure your marketing is in compliance with all of these laws. For advertisers, Facebook has chosen not to protect advertisers from liability, says Rachel Goodman, staff attorney with the ACLU Racial Justice Program. "Although it will differ somewhat depending on facts and context, the general rule is that the user can always be liable and the platform will be liable in some, but not all, circumstances," she says.
3. Considering working with a digital marketing firm or hire an individual who can do this exclusively for your company. The advantage is having an expert who's working in the ad manager to build campaigns daily. Digital marketers are more up-to-date on the changes Facebook makes, which are happening more frequently. It will also save you time. Leverage the expertise of someone else and focus on what you're great at.
4. Even if your listing is on the MLS, it might not be visible to a segment of the market. If part of your market isn't reached by the MLS, use other methods to reach those people, says Fred Underwood, NAR's director of diversity and community outreach programs. "That's a really important piece," he says.
5. If you see a post that could be a fair housing violation by someone else, don't engage, comment, like it, or click on it. Get a screenshot and report it to your local association before it's deleted.
6. Brokers must require consistency in how agents' market. For example, if one agent requests an "Equal Housing Opportunity" logo on their business card, then everyone in the office should have it. This consistency must extend to social media as well. For example, Facebook recently changed the algorithm of its news feed, lessening the organic visibility of business pages. As a result, if agents start posting listings from their personal page on a regular basis, then all the rules of a business page still apply.

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