

2615 ADVERTISING REQUIREMENTS

- 2615.1 Advertising real property in any communications medium, by persons licensed under this chapter, is subject to the disclosure, agency, and duty requirements of this chapter, the Act, the District of Columbia Real Estate Licensure Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Official Code § 42-1701 *et seq.*), as amended, and any other applicable District or federal law, rule, or regulation.
- 2615.2 Institutional advertising may not contain false or misleading information.
- 2615.3 All advertising shall be under the direct supervision of the principal broker or supervising broker and shall be in the name of the firm. The firm's licensed name shall be displayed clearly and legibly on all advertising.
- 2615.4 [RESERVED].
- 2615.5 Online advertising, including e-mail, web pages, message board postings, instant messages, chat, or any other method of communication that may be transmitted over any computer network, is subject to the requirements of this chapter, 17 DCMR Chapter 27, the Act and the District of Columbia Real Estate Licensure Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Official Code § 42-1701 *et seq.*), as amended.
- 2615.6 Online advertising undertaken for the purpose of any licensed activity that can be viewed or experienced as a separate unit such as e-mail messages or web pages shall contain a on-line disclosure as follows:
- (a) If a firm or licensee owns a web page or controls its content, the viewable page shall include an on-line disclosure or a link to an on-line disclosure;
 - (b) E-mail, newsgroups, discussion lists, and bulletin boards shall include an on-line disclosure at the beginning or end of each message. The provisions of this subsection do not apply to correspondence with persons with whom the licensee has already established a brokerage relationship and which are made in the ordinary course of business;
 - (c) On-line disclosure is not necessary in an instant message, IRC, or ICQ format if the firm or licensee has provided the on-line disclosure via another format prior to providing, or offering to provide, services licensed under this chapter;
 - (d) On-line disclosure is required prior to providing, or offering to provide, licensable services during a chat session. On-line disclosure may appear in the text visible on the same webpage that contains the chat session if the licensee controls the website hosting the chat session;

- (e) On-line disclosure is required prior to advertising in Voice Over Net (VON) format or the disclosure text shall be visible on the same webpage that contains the VON session;
- (f) Banner, Pop-up, and Pop-under ads, or any variation thereof, shall include a link to an on-line disclosure unless the banner or pop-up ad contains the on-line disclosure; and
- (g) Licensees shall not use unsolicited commercial e-mail (Spam) to promote licensed activity. Licensees are responsible for the actions of third parties that provide commercial e-mail advertising and marketing services for the benefit of the licensee.

2615.6 Only persons licensed as real estate brokers may use the title or designation "real estate broker", the abbreviation "R.E.B.", or any other title designation, words, letters, abbreviations, sign, card, or device tending to indicate that the person is a licensed real estate broker in the District.

2615.7 Only persons licensed as real estate salespersons may use the title or designation "real estate salesperson", the abbreviation "R.E.S.", or any other title designation, words, letters, abbreviations, sign, card, or device tending to indicate that the person is a licensed real estate salesperson in the District.

SOURCE: Final Rulemaking published at 52 DCR 6962 (July 29, 2005); as amended by Final Rulemaking published at 60 DCR 5867 (April 19, 2013).