

Hot Topics in Broker Risk Reduction

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INDEPENDENT CONTRACTOR STATUS | TCPA & DNC: TEXTING AND CALLING**

CRYPTOCURRENCY SCAM ALERT!

The U.S. Secret Service has advised NAR about a new cryptocurrency scam targeting real estate professionals. Find out how the scam works, and best practices to protect yourself on page 3.

MULTIPLE LISTING OPTIONS FOR SELLERS

After extensive analysis and months of deliberation, NAR has created a new MLS policy, Multiple Listing Options for Sellers Policy, which will work alongside the Clear Cooperation Policy (CCP) and other MLS policies to provide sellers and their listing brokers more options and flexibility when marketing a property. This move also supports fair housing by providing buyers and their brokers with equal access to important MLS property information.

The new policy includes three main components:

- **Office Exclusive:** Is an exempt listing where the seller has directed that their property not be disseminated through the MLS and not be publicly marketed. The office exclusive listing shall be filed with the MLS but not disseminated to other MLS Participants and Subscribers.
- **Delayed Marketing:** Is an exempt listing where the seller has directed the listing broker to delay the public marketing of that listing through IDX and syndication for any period as determined by the local MLS. A delayed marketing listing shall be filed with the MLS and does not preclude the listing firm from marketing the listing in a manner consistent with their seller's choice. Delayed marketing listings shall be available to MLS Participants and Subscribers so they may inform their consumers about the property.
- **Exempt Listing Disclosure:** The filing of an exempt listing (office exclusive or delayed marketing) with the MLS must be pursuant to a signed disclosure obtained by the listing broker from the seller. An exempt listing

disclosure must document the seller's informed consent to waive the benefits of immediate public marketing through IDX and syndication.

NAR has issued clarifying guidance that one-to-one, broker-to-broker communications about listings do not trigger CCP requirements.

The Multiple Listing Options for Sellers Policy is now in effect, and REALTOR® Association-Owned MLSs have until September 30, 2025 to implement the policy.

Call to Action

1. Continue having transparent conversations with consumers about the value NAR members bring to the transaction, both on [the listing side](#) and the [buyer's side](#).
2. Keep up-to-date with your MLS for details about implementation of the new policy, and the delayed marketing timeframe.
3. Share information about the different options and flexibility the MLS provides, including the delayed marketing exempt listing, pursuant to the seller's needs and interests.
4. Continue acting in accordance with your legal and ethical duties in serving the clients' and consumers' interests. REALTORS® pledge themselves to protect and promote the interests of their client.

Resources

- [facts.realtor](#): Access all the details about this new MLS policy, including FAQs, videos, and consumer guides explaining the options for home sellers.

ANTITRUST

Understanding the principles of antitrust law is critical for both brokers and agents, not only to protect the brokerage from costly antitrust claims, but to best serve consumers in their homeownership journey. Keep in mind that brokers can be held liable for the anticompetitive behavior of their salespeople and staff, so having an antitrust compliance program in place to educate and train staff is important. Business decisions should always be made unilaterally and independently, and never as a result of an agreement, understanding or conspiracy among competitors. Any agreement to fix prices is prohibited, and real estate professionals should never agree, expressly or implicitly, with their competitors about matters such as the commission rate charged to consumers or the cooperative compensation they will offer to cooperating brokers.

Similarly, brokers should never agree with other competitors to refuse to deal—or to only deal on certain terms—with another competitor or business. Avoid

discussions with competitors about how to do business with other competitors altogether.

Risk Reduction Tips

1. Always make business decisions unilaterally and independently.
2. Do not discuss your pricing or compensation with other brokers.
3. Do not discuss or agree with competitors to boycott or refuse to deal with another broker or business.
4. Do not discuss or agree with competitors to divide up markets, customers or practice areas. Such market allocation agreements are generally illegal.
5. Implement a written antitrust compliance program and regularly educate salespeople and staff about antitrust laws.
6. Never contribute to anticompetitive discussions, whether in-person or online. If you find yourself in a meeting or conversation where anticompetitive behavior occurs, make your objection clear by leaving the meeting and ask that your objection be recorded in the minutes or document it in a follow-up email.

Resources

- [Window to the Law: Antitrust for Real Estate Professionals](#)
- [“Antitrust 101 for Real Estate Professionals” video](#)
- [Antitrust Pocket Guide](#)
- [MLS Antitrust Compliance Policy](#)

CYBERCRIME and WIRE FRAUD

Cybercrime—particularly wire fraud—continues to be a top concern in the real estate industry. **The U.S. Secret Service has informed NAR about a new cryptocurrency scam targeting real estate professionals**, some of whom have lost a significant amount of money. In the scam, fraudsters pretend to be wealthy all-cash homebuyers and engage a real estate agent to develop a relationship. Through the course of the engagement, the fraudster lies about becoming rich through cryptocurrency and then invites the agent to check out a crypto investment website that looks legitimate with cryptocurrency that seems real. This is a variation of a “pig butchering” scam where the victim is “fattened up” before taking the bait. The real estate agent makes a small investment, sees a large return, and is allowed to withdraw their profit. The agent then invests more money—even their retirement savings—only to lose it all.

Other forms of cybercrime remain unabated. For 2024, the FBI Internet Crime Complaint Center (IC3) reported potential losses exceeding \$16.6 billion, up 33 percent over 2023. The top scams facing consumers and businesses in the real estate industry are:

1. **Phishing/vishing/smishing/pharming** whereby fraudsters use unsolicited emails, text messages and phone calls from a

- purportedly legitimate company to obtain personal, financial and login credentials;
2. **Wire fraud** is carried out by fraudsters compromising email accounts to effectuate fraudulent fund transfers; and
 3. **Personal data breach** whereby cybercriminals view, copy, steal or transmit an individual's personal or sensitive, protected, or confidential data.

Real estate professionals should be aware of the risks facing not only their businesses, but also consumers, and educate staff and clients about preventative steps they can take to prevent falling victim to cybercrime.

In addition, it's important to report any suspected or actual cyber fraud incident at IC3.gov within 72 hours to have the highest chance of recovery. Last year, IC3's Recovery Asset Team recouped nearly all of a homebuyer's \$956,342 in closing funds, which they wired after receiving a spoofed email from their supposed real estate agent.

Risk Reduction Tips: Cryptocurrency Scams

1. Never respond to unsolicited texts, social media messages, or emails soliciting an investment.
2. Be cautious when sharing personal information online, as scammers will exploit personal details to build trust.
3. Recognize the red flags: rapidly developing a relationship, making an impression of wealth and investment knowledge, promising fast and high returns, creating urgency to make a quick decision, and declining in-person interactions.
4. Thoroughly research any investment platform, including online corporate records and registration with regulatory bodies such as the [Securities and Exchange Commission](#).
5. Immediately report suspected cryptocurrency fraud by reporting it to www.ic3.gov, and local law enforcement.

Risk Reduction Tips

1. Train staff to be suspicious before clicking on unknown links or attachments.
2. Routinely patch and update business software and equipment.
3. Distribute [information to consumers](#), remind consumers throughout the transaction about the threat of wire fraud, and always verify any wire or payment instructions with a known contact before sending any money.
4. Use [strong passwords](#) and avoid using the same password for multiple accounts.
5. Use multifactor authentication whenever available.
6. Backup data and files regularly, using the 3-2-1 backup strategy; 3 copies of the data in 2 different formats with 1 copy stored off-site.

7. Require vendors to adhere to good cybersecurity practices, and obtain assurances in contracts.
8. Immediately report any suspected cybercrime incident by filing a report at www.ic3.gov, to the local FBI office, and local law enforcement.

Resources

- [U.S. Secret Service: Investment Fraud and Pig Butchering](#)
- [U.S. Secret Service: Tips for Avoiding Scams](#)
- [Mortgage Closing Scam Client Advisory Brochure](#)
- [Window to the Law: Avoiding Wire Fraud in Transactions](#)
- [Window to the Law: Protecting Your Business from a Ransomware Attack](#)
- [Window to the Law: Cybersecurity: What You Need to Know](#)
- [Cybersecurity Checklist: Best Practices for Real Estate Professionals](#)
- [NAR Data Security & Privacy Toolkit](#)
- [NAR Emerging Technology Series: Episode 3 – Ransomware](#)
- [Drive with NAR: What to Do If Your Business Faces a Ransom Threat](#)
- [FinCEN Financial Trend Analysis on Business Email Compromise in the Real Estate Sector](#)
- [FBI Internet Crime Center Internet Crime Report 2024](#)
- [Directory of Local FBI Field Offices](#)
- [Drive with NAR: How to Educate Clients About Real Estate Scams](#)
- [Consumers: Agents Aren't Warning Us Enough About Scams](#)
- [Domain Listing Scam Targeting NAR Members](#)

DEED FRAUD

Deed fraud encompasses a range of crimes where the criminal seeks financial gain through a scheme involving real property. One such scheme is seller impersonation fraud, which is on the rise. According to the [American Land Title Association](#), in April 2024 alone, two in 10 title companies experienced seller impersonation fraud attempts. Most recently, the [FBI has warned](#) about an increase in quit claim deed fraud, where criminals forge documents to record a fake transfer of ownership. And, in an informal survey conducted by NAR, 63 percent of respondents were aware of deed fraud in their market within the last year.

Scammers posing as property owners target lien-free vacant land and unoccupied properties, tricking a real estate professional into listing the property for sale. In a “too good to be true” scenario, the seller asks to list below market value and wants a quick sale, preferably for cash. Communication is by text or email and the seller wants a remote closing, as they’re out of state or the country. These scams defraud innocent buyers and can result in liability for unwary agents. State regulators may take action against a licensee for negligence in failing to exercise due diligence to verify the seller’s identity and ownership interest.

Real estate professionals should stay informed about these evolving threats to property ownership, and help educate consumers to stay alert.

Risk Reduction Tips

1. Look out for [red flags](#) when approached to list a vacant parcel or unoccupied property, such as insisting on a quick sale and all-cash buyers, accepting less than market value, and refusing to meeting in person or by videoconference.
2. Exercise due diligence to verify the purported seller is the actual property owner, which may include requesting a face-to-face meeting, asking for specific details about the property, and sending a certified letter to the owner's address of record on file with the county recorder.
3. Conduct independent research to confirm the property owner, such as looking online for a recent photo or speaking to a neighbor.
4. Make sure you or the title company select the remote notary at closing.
5. Report a suspected vacant land scam to local law enforcement and file a complaint at [IC3.gov](#).
6. Remove the listing from the MLS and take down any advertisements quickly.

Resources

- [Consumer Guide: Protecting Yourself from Title Fraud](#)
- [2025 Deed and Title Fraud Survey](#)
- [Window to the Law: Avoiding Vacant Land Scams](#)
- [Vacant Land Scams Red Flags and Recommended Practices](#)
- [Scammers are Plotting to Sell Vacant Land Fraudulently](#)
- [U.S. Secret Service Advisory](#)
- [ALTA Issue Brief: What is Deed Fraud?](#)
- [The Safety Series: How to Educate Clients About Real Estate Scams](#)
- [How to Handle Scammers, Squatters, and Trespassers](#)

ARTIFICIAL INTELLIGENCE

Generative artificial Intelligence (AI) has become a game-changer for the real estate industry, offering a wide range of capabilities to improve efficiency and productivity. AI platforms can create listing descriptions, property searches, social media posts, marketing content, and more. However, understanding the risks of using AI is critical to avoid ethical issues and potential legal liability. AI platforms are not 100% accurate and its output may not comply with fair housing laws. Real estate professionals must remember to comply with all applicable laws such as real estate licensing and advertising laws. Also, REALTORS® remain responsible under Articles 2 and 12 of NAR's Code of Ethics to ensure their representations and communications are honest, truthful and avoid exaggerating, misrepresenting or concealing pertinent facts.

Risk Reduction Tips

1. [Create an AI usage policy](#) for your brokerage office.
2. Always review AI-generated content for accuracy.
3. Protect personal, financial and confidential information from being shared with an AI platform. Information provided to a generative AI platform is used to train the AI for future interactions, so personal information you input may not remain private.
4. Do not use AI to create content you wish to copyright, as AI-generated works are not protectable under U.S. Copyright law.
5. Avoid using AI to draft contracts, modify standard forms, or provide legal advice to clients. Instead, seek appropriate advice from actual professionals.
6. Disclose when an image has been created, altered or enhanced using AI.

Resources

- [Window to the Law: Legal Tips to Use AI in Your Business](#)
- [Using AI to Enhance Listing Photos Can Be Legally Risky](#)
- [Bipartisan House AI Report](#)
- [How Generative AI Can Transform Your Real Estate Images](#)
- [Prevent Deepfakes from Hijacking Your Transactions](#)
- [Course: What Is AI and Why Do We Need to Know About It?](#)
- [How AI and VR are Helping to Buy and Sell Homes](#)
- [REALTOR® Magazine: Start Experimenting with AI Now](#)
- [REALTOR® Magazine: What You Can Do That Artificial Intelligence Can't](#)
- [REALTOR® Magazine: AI Use in Real Estate Comes With Copyright Concerns](#)
- [Why Caution is Needed in Following the ChatGPT, AI Hype](#)
- [RPR: Let a Market-Specific AI Scriptwriter Do the Work](#)
- [AI Needs Solid Input Data for Better Results](#)
- [Transforming How Agents Work the Phones Using AI Call Assistants](#)
- [Generative AI Is Your Ally for Smart Staging and Faster Deals](#)
- [AI in Renting: Enhanced Security, Streamlined Services](#)

COPYRIGHT INFRINGEMENT

NAR has received reports from multiple sources that members are receiving an increased number of copyright infringement cease-and-desist letters. Copyright law affects multiple aspects of the real estate business, and thanks to AI it is easier than ever for copyright owners to discover unauthorized uses of their works. Therefore, it is important for real estate professionals to understand the basics of copyright and how to avoid infringing another person's work. To avoid costly copyright infringement demands, real estate professionals should be sure to obtain permission to use any third-party work, comply with the terms of the license to avoid copyright infringement and keep records to easily confirm rights as needed. Many of the most common activities performed by real estate professionals can create some risk of copyright

infringement, including:

- **Photos:** Be sure to confirm that any rights received align with the current and planned use of photographs or other third-party work before using it, including on a website, in the MLS, and marketing materials.
- **Music:** Real estate professionals should also ensure proper rights to any music used at live events, such as an open house, and before incorporating into recordings. Keep in mind that specific types of licenses must be obtained before incorporating music into a video recording.
- **Floorplans:** A federal court recently found brokerages' use of independently created floorplans in their listings to be a fair use of copyrighted architectural drawings of a home. The [Designworks](#) decision provides a clear roadmap for brokers facing allegations that their creation or use of floorplans infringes copyrights in underlying home designs and will hopefully deter other home designers from pursuing similar claims.
- **Websites:** Real estate professionals should comply with the Digital Millennium Copyright Act safe harbor to reduce the risk when third parties post on their websites, including photos and music that appear on website displays.

Risk Reduction Tips

1. Always get permission in writing before using any third-party content. Save that written permission in case use is challenged by the owner in the future.
2. Obtain ownership or a broad exclusive license for photographs, including listing photos.
3. For music, secure a synchronization and master recording license before incorporating music into a video. Many stock music websites offer these licenses.
4. Be sure to understand the rights granted in license agreements and consider any future use of any copyrighted material when securing the license.
5. Audit your use of third-party content to ensure you have written permission saved for all such content.
6. Comply with the Digital Millennium Copyright Act safe harbor.

Resources

- [Window to the Law: Tips to Prevent Floorplan Infringement Claims](#)
- [Window to the Law: Protect Your Website from Copyright Liability](#)
- [Window to the Law: Copyright Best Practices for Listing Photos](#)
- [Window to the Law: Copyright Issues for Real Estate Professionals](#)
- [Window to the Law: How to Avoid Copyright Infringement](#)
- [Listing Photo Sample Agreements](#)

FAIR HOUSING

Disability-based discrimination accounted for more than 50 percent of fair housing complaints filed with fair housing agencies, HUD, and the Department of Justice in 2024. Federal fair housing law defines a person with a disability as any individual with a physical or mental impairment that substantially limits one or more major life activities. Some disabilities, such as blindness or mobility impairment, are readily observable, while others are invisible.

The accommodation of assistance animals remains a major source of disability-based discrimination. The Fair Housing Act (FHA) requires housing providers to make reasonable accommodations in rules or policies—including pet policies—and allow reasonable modifications at the tenant's expense.

In 2020, HUD provided guidance to housing providers including best practices to help navigate the often-tricky scenario of assessing a person's reasonable accommodation request for an assistance animal under the FHA. As a reminder, "assistance animals" under the FHA covers a broader range of animals than "service animals" under the Americans with Disabilities Act. Assistance animals include a trained service animal, or other animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities that affect major life activities.

Risk Reduction Tips

1. If a person has an observable disability, avoid asking the person for documentation supporting that the individual has a disability; instead seek confirmation of a connection between the individual's disability and the assistance animal.
2. Housing providers may request reliable documentation, which HUD acknowledges is unlikely satisfied by internet documentation obtained from websites that sell certificates, registration and licensing documents.
3. Housing providers may not limit the breed or size of assistance animal, but may refuse a reasonable accommodation for an assistance animal if the specific animal poses a direct threat that cannot be eliminated or reduced by the individual controlling the animal (such as keeping the animal in a secure enclosure).
4. A person requesting an animal other than a common domestic animal, such as a monkey, bears a substantial burden to demonstrate the need for that specific animal or specific type of animal.
5. Before denying a reasonable accommodation request due to a lack of information confirming the individual's disability or need for an animal, the housing provider is encouraged to engage in a good-faith dialogue with the requestor.

Resources

- [Consumer Guide: Fair Housing](#)
- [Window to the Law: Fair Housing Assistance Animal Guidance](#)
- [Real Estate Brokerage Essentials Chapter on Fair Housing](#)
- [Fair Housing Primer: Disability](#)
- [HUD Guidance: Assessing a Person's Request to Have an Animal as a Reasonable Accommodation](#)
- [At Home with Diversity Certification](#)
- [REALTOR® Fair Housing Declaration](#)
- [Fairhaven: A Fair Housing Simulation](#)
- [Window to the Law: Advertising within the Fair Housing Framework](#)

INDEPENDENT CONTRACTOR STATUS

The Federal Trade Commission (FTC) issued a final rule prohibiting employers from enforcing noncompete agreements against workers. Under the rule, a worker **includes independent contractors**. The rule was scheduled to take effect September 4, 2024, but has not taken effect due to a preliminary injunction issued by the U.S. District Court for the Northern District of Texas prohibiting FTC enforcement of the rule nationwide. On March 7, 2025, the FTC stated in a court filing that it was reconsidering its defense of the rule on noncompete agreements.

The ability to work as an independent contractor is recognized and protected under [many state](#) and some federal laws. The risk of misclassification poses a challenge for brokerages, particularly with the proliferation of teams, where team leads may want to dictate how team members manage their tasks and time. While there is often an inherent conflict between common law independent contractor status and the traditional classification of real estate salespeople as independent contractors, some state statutes expressly address the unique status of real estate agents, permitting classification as independent contractors despite the required control and supervision the broker has over the licensees. For example, in 2022, New Jersey amended its real estate brokerage law to retroactively exclude real estate salespersons from the state wage law, which uses the “ABC test” to classify workers. In addition, a [recent California appellate decision](#) affirmed a salesperson’s ability to choose to be an independent contractor, citing a 3-part test found in the state business licensing code.

However, litigation and new federal and state legislation continue to threaten workers’ ability to be classified as independent contractors, including many real estate professionals. On March 11, 2024, the U.S. Department of Labor (DOL) issued a new [rule](#) updating the test for determining whether a worker is an employee or independent contractor under the Fair Labor Standards Act. (the “2024 Rule”). The 2024 Rule shifts the analysis of whether a worker is an employee or an independent contractor to a more complex “totality-of-the circumstances” standard. The 2024 Rule provides for six (6) factors to consider

when assessing how a worker is classified under the FLSA. The rule could make it harder for workers to be classified as independent contractors, despite the DOL stating that the rule will not result in widespread changes to worker classification. On May 1, 2025, DOL issued a [bulletin](#) declaring that DOL is reconsidering the 2024 Rule and will no longer apply the 2024 Rule's analysis when determining employee versus independent contractor status in Fair Labor Standards Act investigations. The DOL will apply the pre-2024 Rule analysis in determining employment status.

Risk Reduction Tips

1. Know your state law regarding independent contractor classification of real estate licensees. Statutes protecting this classification are the strongest defense to a legal challenge.
2. Always have a written independent contractor agreement and consider including a mandatory arbitration and class action waiver provision in such agreements.
3. Don't mandate meetings, administrative office duties, or use of certain tools.
4. Allow salespeople to work where, when, and how they deem best.
5. Consult your local legal counsel whether to amend or remove non-compete clauses in written independent contractor agreements.

Resources

- [Window to the Law: Independent Contractor Best Practices](#)
- [Window to the Law: Legal Issues for Teams](#)
- [Frequently Asked Question about the Department of Labor's Independent Contractor Rule](#)
- [FTC Issues Final Rule Banning Noncompete Agreements](#)
- [NAR Issue Brief: Real Estate Professionals' Classification as Independent Contractors](#)
- [Independent Contractor State Law Survey](#)
- [Independent Contractor Status for Real Estate Professionals](#)
- [Independent Contractor Status Frequently Asked Questions](#)
- [Key Provisions for Independent Contractor Agreements](#)
- [Small Entity Compliance Guide](#)
- [U.S. Department of Labor Final Independent Contractor Rule](#)

TCPA & DNC: TEXTING AND CALLING

Plaintiff lawyers have created a lucrative business model filing class action lawsuits alleging real estate professionals have violated the Telephone Consumer Protection Act (TCPA) and Do Not Call (DNC) laws by sending text messages and placing phone calls without the recipient's consent. Specifically, the TCPA requires prior express written consent before using an automatic telephone dialing system (ATDS) to place telemarketing calls or texts to wireless numbers.

The [United States Supreme Court](#) has narrowly defined the TCPA's ATDS definition to require that the call technology not only store or dial numbers, but actually use a random or sequential number generator to place the calls. Thus, calls using random or sequential number generators still require prior express written consent, which involves a signed agreement clearly and conspicuously disclosing the text recipient's permission to receive call and text messages from the sender. Now it is clear that calls generated individually - not using a random or sequential number generator - need not obtain prior consent at all, even if the device has the ability to store and dial call lists. Keep in mind that DNC laws should always be followed, which prohibits individuals from contacting phone numbers contained in the DNC registry.

In response to the U.S. Supreme Court's decision, several states have enacted so-called "mini-TCPA" laws which change the ATDS definition and provide additional restrictions on telemarketing calls and texts. In some states, the requirement for express written consent has been expanded to include any calls made using an automated dialing device or artificial voice message, not just random or sequential numbers. States have also adopted additional restrictions on the times in which such calls can be made as well as specifying the content and timing of required disclosures during a telemarketing call. These mini-TCPA laws apply to calls made within and to consumers located within the applicable states and could provide the setting for the next wave of litigation on this issue as state courts tend to be more consumer-friendly.

On December 13, 2023, the FCC adopted new rules under TCPA, including: clarifying Do-Not-Call Registry restrictions apply to text messages as well as phone calls; requiring the seller of a product or service to obtain consent directly from the consumer, known as 1-to-1 consent, before using an ATDS or sending artificial voice messages; and stating artificial voice messages includes messages developed using generative AI. The 1-to-1 consent rule was set to take effect on January 27, 2025. However, on January 24, 2025, the FCC postponed the effective date of the 1-to-1 consent rule pending judicial review and will publish a new effective date in the Federal Register after the legal challenges have concluded, but no later than January 26, 2026. Also on January 24, 2025, the 11th Circuit issued an order eliminating the 1-to-1 consent rule entirely. The FCC has also postponed the effective date of a Second Text Blocking Report and Order which expressly extended Do-Not-Call Registry requirements and protections to text messages in addition to phone calls.

Risk Reduction Tips: TCPA

1. Consent is the gold standard to avoid TCPA liability and must be obtained when using technology that employs a random or sequential number generator. Consent should be clearly stated, well documented and preserved.
2. Include language on consent forms stating that recipients who submit wireless numbers agree to receive calls and text messages from or on behalf of the sender.
3. Allow recipients to easily cancel or opt-out (e.g., by responding “STOP” or “UNSUBSCRIBE”). Promptly remove individuals from messaging lists who have opted out. Maintain an opt-out record, including the date the person opted-out and the date the person was removed.
4. Talk to your vendors about TCPA and DNC compliance and indemnification.
5. Consult counsel regarding the applicability and requirements of any applicable “mini-TCPA” laws.
6. Real estate professionals that live in states with mini-TCPA laws such as Florida, Maryland, Michigan, Missouri, New York, Oklahoma, Pennsylvania and Washington, should review their telemarketing practices and policies to ensure compliance with applicable federal and state laws.

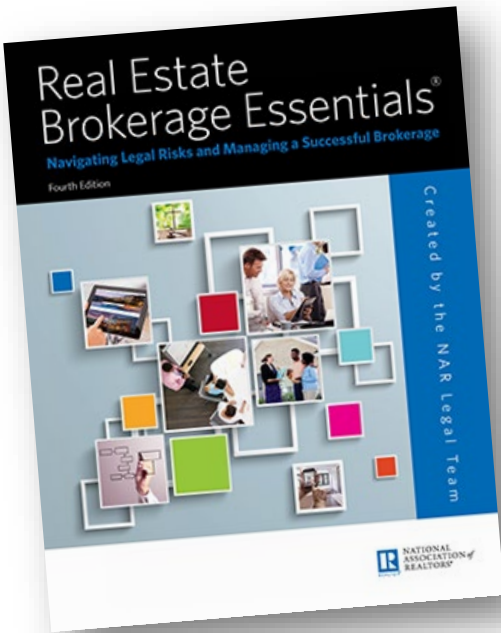
Risk Reduction Tips: DNC

1. [Create an office policy](#) for compliance with DNC rules and implement a method to monitor compliance.
2. [Obtain an updated DNC list monthly](#) and cross reference with your company customer relationship management platform.
3. Obtain prior express written consent directly from consumers you intend to call or text for marketing purposes.
4. Know your state laws and whether it has adopted a “mini-TCPA” law.
5. Review the terms of service with any vendors you use to obtain phone numbers or automate calls and texts and ask that the vendor warrant its compliance with the TCPA and indemnify you from TCPA and Do-Not-Call Registry liability.
6. Weigh the return on investment before incorporating ATDSs and artificial voice messages into your marketing practices to be sure the benefit outweighs any risk of TCPA liability.

Resources

- [Window to the Law: FCC One-to-One Consent Rule Vacated](#)
- [Window to the Law: Updated Guidance on TCPA Compliance](#)
- [Window to the Law: Comply with The Do Not Call Registry](#)
- [Window to the Law: TCPA and Texting](#)
- [Window to the Law: TCPA Update on Cell Phone Marketing](#)
- [TCPA Quick Reference Guide](#)

- [DNC Safe Harbor Provision](#)
- [REALTOR® Magazine: “Do You Know Who You Are Calling?”](#)
- [National Do Not Call Registry](#)



Go to the REALTOR® Store to get a copy of Real Estate Brokerage Essentials®, a comprehensive tool to help brokerages navigate important issues while minimizing legal risk.

“Hot Topics in Broker Risk Reduction” is not legal advice. Always consult your local legal counsel for guidance on specific legal questions.