

RE32RC03: Technology and Real Estate Brokerage

- I. Compliance with Marketing Regulations in Web Site Activities
 - a. Disclosures: required symbols, language and content for front page, footers and general content on broker and agent web sites
 - b. Privacy Policy: creating and managing a web site privacy policy to disclose usage policy for visitor personal information
 - c. Agent Web Sites: understanding how some web site marketing strategies attempt to "separate" the agent from the broker in personal promotion activities (254:CMR 3:00:9(a))
 - d. Online classifieds: compliance with required brokerage name, numbers and contact information when using online classified formats
- II. Risk Reduction and Electronic Portfolio Management
 - a. Record keeping: understanding and planning a safe storage strategy for online communications such as email, efax and instant messaging related to transactional issues (254 CMR 3:00:10(b))
 - b. Providing copies of communications and documentation generated from online correspondence to customers and clients
 - c. Mechanism for providing all parties (buyer and seller) copies of purchase and sale agreement when using electronic communications mediums (87 AAA(e))
 - d. Using verified return receipt tools to document communication and disclosure to all parties
 - e. Alternate methods for record keeping (scan, cd) to provide greater, safer document storage and easier method to provide full transaction records to all parties
- III. Compliance with Marketing and Disclosure regulations in Email-based Communications
 - a. Proper construction and required content for signature files in email messages (254 CMR 3:00:9(a))
 - b. Creation, maintenance and usage of electronic signatures for communication
 - c. Use of appropriate broker, agent and contact information when using online listserv and discussion group services that involve consumers
 - d. Statute of Fraud – applicability of in-writing rule to electronic communications and documentation requirements for consumers (eg., ((940 CMR 3.17 (3)))
- IV. Understanding and managing "sharing of fees" when dealing with online services (intermediaries) (254 CMR 3:00(8))
 - a. Guidelines for agent participation (binding of broker to) online lead generation services
 - b. Guidelines for accepting and offering referral fees in online marketing mediums
 - c. Guidelines for internet based consumer mining in other license jurisdictions
- V. Internet Navigation Guidelines
 - a. Navigating Board of Regulation site: for checking agent license status, complaints, emerging issues
 - b. Reciprocity: locating reciprocal state regulations using online board of registration sites
 - c. Navigating MCAD web site for consumer information, disclosures, required forms and financial information
 - d. Navigating EPA web site for state regulatory information, consumer education materials, forms, disclosures and emerging issues
 - e. Navigating Massachusetts department of housing and Community Development:
 - i. Section 8 guidelines and information (760 CMR 5.00)
 - f. Navigating DEP/Title V for septic inspection and property transfer information (Title 5, 310 CMR 15.000)

- VI. Establishing a Company Internet and Email Policy
- a. Content outline: how to develop and implement an internet section to your existing company policy;
 - b. Guidelines: how to identify "myth" versus fact for required online activities and emerging regulation of e-commerce
 - c. Drafting: How to draft company policy for independent contractors
 - d. Education: methods for educating agents on company policy regulations and compliance with requirements
 - e. Monitoring: methods for monitoring agent compliance with company policy guidelines
- VII. Compliance with Fair Housing Laws and Consumer Protection Laws
- a. Navigating Fair Housing Site
 - b. Navigating Office of Consumer Affairs for landlord/tenant information (eg., (M.G.L. c. 151B §4))
 - c. Navigating Massachusetts Department of Health Childhood Lead Poisoning Programs; Locating online forms
 - d. Navigating Home Inspectors Web Site; locating forms and "required facts for consumers about home inspectors"

Resources and References:

- [Home inspectors](#) and the form required "[facts for consumers about home inspections](#)"
- [MCAD website for general information and guidance for office policies etc.](#)
- [Massachusetts department of housing and Community Development](#): Section 8 guidelines and information
- [Massachusetts DEP with Title V info](#)
- [Massachusetts Office of Consumer Affairs: Landlord tenant info](#)
- [Massachusetts Department of Health: Childhood Lead Poisoning Prevention Program forms](#)
- E-mail case: Shattuck v. Klotzbach, Plymouth Superior Court C.A. No. 01-1109A. **It should be stressed that this case is a sole case on this issue on a lower level of the court system.**
- Statute of Frauds citations:
M.G.L. Chapter 259 Section 1