TEXAS ADMINISTRATIVE CODE: As in effect on 11/23/2026.

TITLE 22. EXAMINING BOARDS

PART 23. TEXAS REAL ESTATE COMMISSION

CHAPTER 535. GENERAL PROVISIONS

SUBCHAPTER N. SUSPENSION AND REVOCATION OF LICENSURE

§535.155. Advertisements.

(a) Each advertisement must include the following in a readily noticeable location in the advertisement:

(1) the name of the license holder or team placing the advertisement; and

(2) the broker's name in at least half the size of the largest contact information for any sales agent, associated broker, or team name contained in the advertisement.

(b) For the purposes of this section:

(1) "Advertisement" is any form of communication by or on behalf of a license holder designed to attract the public to use real estate brokerage services and includes, but is not limited to, all publications, brochures, radio or television broadcasts, all electronic media including email, text messages, social media, the Internet, business stationery, business cards, displays, signs and billboards. Advertisement does not include:

(A) a communication from a license holder to the license holder's current client; and

(B) a directional sign that may also contain only the broker's name or logo.

(2) Associated broker has the meaning assigned by §535.154.

(3) "Broker's name" means:

(A) the broker's name as shown on a license issued by the Commission;

(B) if an individual, an alternate name registered with the Commission; or

(C) any assumed business name that meets the requirements of §535.154.

(4) "Contact Information" means any information that can be used to contact a license holder featured in the advertisement, including a name, phone number, email address, website address, social media handle, scan code or other similar information.

(5) "Party" means a prospective buyer, seller, landlord, or tenant, or an authorized legal representative of a buyer, seller, landlord, or tenant, including a trustee, guardian, executor, administrator, receiver, or attorney-in-fact. The term does not include a license holder who represents a party.

(6) "Team name" has the meaning assigned by §535.154.

(c) For an advertisement on social media or by text, the information required by this section may be located on a separate page or on the account user profile page of the license holder, if the separate page or account user profile is:

(1) readily accessible by a direct link from the social media or text; and

(2) readily noticeable on the separate page or in the account user profile.

(d) For purposes of this section and §1101.652(b)(23) of the Act, an advertisement that misleads or is likely to deceive the public, tends to create a misleading impression, or implies that a sales agent is responsible for the operation of the broker's real estate brokerage business includes, but is not limited to, any advertisement:

(1) that is inaccurate in any material fact or representation;

(2) that does not comply with this section;

(3) that identifies a sales agent as a broker;

(4) that uses a title, such as owner, president, CEO, COO, or other similar title, email or website address that implies a sales agent is responsible for the operations of a brokerage;

(5) that contains a team name with terms that imply that the team is offering brokerage services independent from its sponsoring broker, including, but not limited to, "brokerage", "company", and "associates";

(6) that contains the name of a sales agent that is not the name as shown on the sales agent's license issued by the Commission or an alternate name registered with the Commission;

(7) that contains the name of a sales agent whose name is, in whole or in part, used in a broker's name and that implies that the sales agent is responsible for the operation of the brokerage;

(8) that causes a member of the public to believe that a person not licensed to conduct real estate brokerage is engaged in real estate brokerage;

(9) that contains the name or likeness of an unlicensed person that does not clearly disclose that the person does not hold a license;

(10) that creates confusion regarding the permitted use of a property;

(11) about the value of a property, unless it is based on an appraisal that is disclosed and readily available upon request by a party or it is given in compliance with §535.17;

(12) that implies the person making the advertisement was involved in a transaction regarding a property when the person had no such role;

(13) about a property that is subject to an exclusive listing agreement without the permission of the listing broker and without disclosing the name of the listing broker unless the listing broker has expressly agreed in writing to waive disclosure;

(14) offering a listed property that is not discontinued within 10 days after the listing agreement is no longer in effect;

(15) about a property 10 days or more after the closing of a transaction unless the current status of the property is included in the advertisement;

(16) that offers to rebate a portion of a license holder's compensation to a party if the advertisement does not disclose that payment of the rebate is subject to the consent of the party the license holder represents in the transaction;

(17) that offers to rebate a portion of a license holder's commission contingent upon a party's use of a specified service provider, or subject to approval by a third party such as a lender, unless the advertisement also contains a disclosure that payment of the rebate is subject to restrictions;

(18) that offers or promotes the use of a real estate service provider other than the license holder and the license holder expects to receive compensation if a party uses those services, if the advertisement does not contain a disclosure that the license holder may receive compensation from the service provider;

(19) that ranks the license holder or another service provider unless the ranking is based on objective criteria disclosed in the advertisement; or

(20) that states or implies that the license holder teaches or offers Commission approved courses in conjunction with an approved school or other approved organization unless the license holder is approved by the Commission to teach or offer the courses.

Source Note: The provisions of this §535.155 adopted to be effective May 15, 2018, 42 TexReg 6802; amended to be effective September 4, 2018, 43 TexReg 5680.