

NAR Committee:

Federal Technology Policy Committee

What is the fundamental issue?

The federal Controlling the Assault of Non-Solicited Pornography and Marketing Act ("CAN SPAM") does not ban unsolicited commercial e-mails but does identify protocols that must be observed by those sending unsolicited emails to advertise a commercial good or service. CAN SPAM also authorized the Federal Trade Commission (FTC) to establish a Do-Not-E-mail Registry and required the agency to report to Congress on the feasibility of such a registry.

I am a real estate professional. What does this mean for my business?

REALTORS use email to (1) respond to inquiries, (2) contact clients and firms involved in sales transactions, (3) remain in contact with former clients and (4) promote property listings. Overly onerous anti-spam legislation could limit the use of e-mail for business purposes.

NAR Policy:

NAR strongly supports efforts to control fraudulent, misleading and abusive unsolicited e-mails and e-mailing practices. Such efforts must be carefully considered to balance the elimination of abusive spamming practices with the needs of small business to conduct legitimate business via e-mail without the imposition of significant compliance burdens.

Opposition Arguments:

Opponents may argue that consumers should have the ability to choose the types of e-mails they receive and block unsolicited commercial e-mails.

Legislative/Regulatory Status/Outlook

NAR and state associations continue efforts to educate members on how to comply with the legislation.

Current Legislation/Regulation (bill number or regulation)

No actions at this time.