

# RESPA DO's and DON'TS

## RESPA DO's

Real estate brokers and agents must comply with the Real Estate Settlement Procedures Act, or RESPA. Violators of RESPA may receive harsh penalties, including triple damages, fines, and even imprisonment. Here are a few examples of what RESPA allows:

### RESPA...

**Allows** a title agent to provide, during an open house, a modest food tray in connection with the title company's marketing information indicating that the refreshments are sponsored by the title company.

**Allows** a home inspection company to sponsor association events when representatives from that company also attend and to post a sign identifying its services and sponsorship of the event.

**Allows** you to jointly advertise with a mortgage broker if you pay a share of the costs in proportion with your prominence in the advertisement.

**Allows** a lender to pay you fair market value to rent a desk, copy machine, and phone line in your office to pre-qualify applicants.

**Allows** a hazard insurance company to give you marketing materials such as notepads, pens, and desk blotters that promote the hazard insurance company's name.

**Allows** a title agent to pay for your dinner when business is discussed, provided that such dinners are not a regular occurrence.

## RESPA DON'TS

RESPA prohibits giving or receiving anything for the referral of settlement services, subject to certain exceptions. Here are a few examples of what RESPA prohibits:

### RESPA...

**Prohibits** a title company from regularly providing dinners and receptions for real estate agents.

**Prohibits** acceptance of discounted or free business equipment, such as a free lockbox.

**Prohibits** acceptance of reimbursement for the cost of an open house lunch with a mortgage broker who doesn't display any marketing materials at the event.

**Prohibits** acceptance of a dinner paid for by a home inspector who doesn't attend the dinner to market his/her services to you.

**Prohibits** acceptance of contributions from a title company to offset the cost of a real estate agent's promotional event except to the extent of the value of any marketing done by the title company during the event.

**Prohibits** accepting gifts from mortgage brokers, such as paying your greens fees.

**Prohibits** a mortgage broker or title company from paying for your tickets to a sporting event.

**Prohibits** participation in a tropical "get away" weekend, the cost of which is underwritten by a title company, during which only two hours are dedicated to marketing by the title company and the remainder is recreation.

Speak with a RESPA attorney to make sure you comply with all applicable laws. Some state and local laws prohibit activities that are permissible under RESPA.

For additional information in RESPA visit [www.realtor.org/RESPA](http://www.realtor.org/RESPA).

*Disclaimer: The do's and don'ts examples listed here are just that, only examples. They are not all inclusive and small variations in the facts can lead to different outcomes. They also do not take into consideration any additional regulations that may have been imposed in your state. Consult a lawyer familiar with RESPA for specific advice.*