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South Carolina  
Department of Labor, Licensing and Regulation

Real Estate Commission



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## Commission Guidance

### Advertising Real Estate as “Coming Soon”

Issue: Are there any license law concerns with advertising real estate as “coming soon”?

Commission Guidance:

A “coming soon” category for listings is not specifically addressed in the South Carolina Real Estate Practice Act (S.C. Code Ann. § 40-57-5 *et seq.*) However, licensees are reminded that S.C. Code Ann. § 40-57-135(E)(1) requires that a written listing agreement between the real estate owner and the real estate brokerage firm with whom the licensee is associated with must first be obtained before the licensee may advertise, market, or offer to conduct a real estate transaction regarding that property.

The Commission finds that a licensee categorizing or identifying a property as “coming soon” to the public is advertising and marketing that real estate.

Importantly, because a listing agreement must include a specific beginning date regarding the listing agent’s agency relationship with the client pursuant to S.C. Code Ann. § 40-57-135(I)(2)(f), a licensee may not advertise real estate as “coming soon” prior to the beginning date found in the listing agreement.

In summary, before advertising or marketing real estate as “coming soon,” the licensee must ensure that a written listing agreement is in place between the property owner and the licensee’s brokerage firm. Further, the licensee may not advertise or market the real estate as “coming soon” prior to the listing agreement’s beginning date.

Importantly, while the rules of a multiple listing service (“MLS”) or local industry association may differ regarding the use of “coming soon,” they do NOT overrule or supersede the South Carolina Real Estate Practice Act that all licensees must follow.

**NOTE: This guidance, as contemplated by S.C. Code Ann. § 1-23-10(4), is only advisory. As such, it is only intended to provide guidance and illustrate applicability. It should not be construed as creating requirements and/or standards beyond those set forth in the South Carolina Real Estate Practice Act and/or regulations.**