

ADDENDUM 1 - CAN SPAM AGREEMENT

This document is Addendum 1 to the email newsletter contract dated [date of contract] between [Company Name] and LandlordSource, representing *the Managed for You Newsletter Program*.

General Information on the Can-Spam Act

Following the Can-Spam act is crucial to the “*Managed for You Newsletter Program*” and [Company Name]. The software used to produce the email newsletters is Infusionsoft. The Can-Spam act is a federal law that regulates commercial email and applies regardless of the system used to deliver marketing emails, such as an email newsletter – all email marketing software companies and their users must follow the guidelines of the Can-Spam act or could be subject to penalties and fines.

Note: The percentage of “reported spam” allowed is very low. Example: the spam is not to exceed one (1) per 1000 contacts. If spam reports exceed this allowable percentage, which is an indication of email marketing abuse, the email marketing system provides is obligated to take immediate punitive action. The Infusionsoft software will ban an offending party from using this software and Landlord Source – Managed for You Email Newsletters could lose the license to use this program. The Client must take proactive measures to request and obtain permission to send the email newsletter to their existing contacts. People are quick to add something automatically to spam and so the Client must reduce their liability. Inevitably, there will be reports of spam sometime, but it is not a problem if it is low. We would automatically notify you if problems showing up.

Owner contacts:

- Because [Company Name] has a signed agreement to send them information per their management contract, the company is probably covered.
- However, LandlordSource recommends you send out either a broadcast email or regular mail letter to let management clients know you will be remitting this service, but that they can unsubscribe if they do not wish this service.
- Another way to obtain email addresses is through regular mail letters. This can help to avoid them automatically putting them into “spam.”
- This advance communication will help your owners recognize why they are receiving your email newsletter and help prevent the owner from automatically putting them into “spam.”
- LandlordSource recommends that Clients put information in their management contract, seeking permission as well as their email address.

Tenant contacts:

- Because [Company Name] has a signed agreement to send them information per their rental agreement, you are most likely covered.
- However, it is helpful to send out a broadcast email or regular letter to let them know you have developed this service and let them know they can unsubscribe if they do not wish this service. This can help to avoid them automatically putting them into “spam.”
- This advance communication will help your tenants recognize why they are receiving your email newsletter and help prevent the owner from automatically putting them into “spam.”
- It is also a good idea to put it in your rental agreement and seek permission as well as their email address.

Marketing/agent contacts

- [Company Name] must obtain written permission to send this email – you cannot use other “lists” obtained through third parties. The best way to get this is to send out a broadcast email. We have supplied suggested wording in General Information & Suggested Wording that you have received along with this disclaimer and other documents.

- When a contact sends you permission, add it to your contact lists.
- If in the next 30 days if you do not hear from them, you may want to send them another email. Remember, if they are not responding, it probably means they do not want it and you do not want the liability.
- If you attend agent meetings or conferences, it is useful to carry a permission list with you and sign them up directly – be sure to keep these signed lists.
- Do not supply contacts to LandlordSource unless obtained legally.

Maintain contact Files.

- Maintain in an electronic or paper files in the event there is a problem, particularly for marketing contacts. Remember that you are liable under the Can-Spam act if someone reports you to a government authority and there are penalties. The chance of someone doing this is rare, but you want to protect yourself.

Contact List

- In this document and under this contract, the list of subscribers for the email newsletter is referred to as the “Contact List”

LandlordSource – Managed for You Email Newsletters’ Responsibilities

- LandlordSource – Managed for You Email Newsletters will maintain the contact list for the client and protect the list from other sources.
- LandlordSource – Managed for You Email Newsletters will notify (Company Name) of any problems with reported spam for the client’s newsletter(s).

Permissions and Unsubscribe:

- **[Company Name]** guarantees that we have obtained the permission of the contacts in the “contact list” the (type) email newsletter supplied to LandlordSource – Managed for Your Email Newsletters.
- (Company Name) guarantees that they have not procured any of the lists through a third party.
- If **[Company Name]** receives a request to unsubscribe, we will notify LandlordSource immediately.
- **[Company Name]** has counseled all Personnel on the importance of the Can-Spam Act and obtaining the permission of the contacts.

Cancellation

- **[Company Name]** understands that if the spam reports exceed the acceptable thresholds to Infusionsoft and LandlordSource that LandlordSource can cancel the email newsletter subscription dated (list date) due to excessive spam.
- There will be no refund of prepaid amounts if Client violates the Can-Spam Act or does not comply with this addendum.

The undersigned authorized representative for **[Company Name]**, understands, and agrees to follow the Can-Spam act at all times.

Company Representative Name (please print)

LandlordSource President, Jean Storms

Company Representative Signature

Date

Date