

Board Policy and Programs

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October 23, 2014

TO: Members of the Multiple Listing Issues and Policies Committee
NATIONAL ASSOCIATION OF REALTORS®

RE: 2014 REALTORS® Conference & Expo meeting of the
Multiple Listing Issues and Policies Committee
Saturday, November 8, 2014
9:00 a.m. – 12:00 noon

Dear Committee Member:

Enclosed is your agenda for the meeting of the Multiple Listing Issues and Policies Committee on Saturday, November 8, 2014 in Grand Salon C & D of the Hilton New Orleans Riverside Hotel in New Orleans, Louisiana. Our meeting will begin promptly at 9:00 a.m. and adjourn no later than 12:00 noon. Please check the final 2014 REALTORS® Conference & Expo Program you receive when you register on-site to confirm the time and location since both are subject to change.

Please review the agenda and bring it with you to the meeting. The agenda is also available on-line at the *NAR Governance* link at REALTOR.org. The first hour of our meeting will be devoted to the Multiple Listing Service Forum. Committee members are strongly encouraged to actively participate in the Forum.

The issues to be considered by the Committee may not be matters of policy at this time. In some instances individuals have mistakenly concluded that the information set forth as “possible recommendations” represented the Committee’s final action when, in fact, it did not. The Committee’s recommendations are subject to review by the Executive Committee and by the Board of Directors; they may be approved as recommended, modified, or referred back to the Committee for further consideration, or the Committee may conclude that no action is required. At the same time, you may want to discuss the issues raised with other board leaders and staff so that the Committee can base its decisions on as much information as possible.



Members of the Multiple Listing Issues and Policies Committee
NATIONAL ASSOCIATION OF REALTORS®
October 23, 2014
Page 2

Thank you for your anticipated participation and continued support as a member of the Multiple Listing Issues and Policies Committee.

With best regards,



Bill Lublin, Chair
Multiple Listing Issues and Policies Committee
NATIONAL ASSOCIATION OF REALTORS®

Enclosure

cc: Jeanne Radsick, Vice Chair, Multiple Listing Issues and Policies Committee
Rick Harris, 2015 Vice Chair, Multiple Listing Issues and Policies Committee
Joe Horning, Chair, Multiple Listing Service Forum
Dan Coffey, Vice Chair, Multiple Listing Service Forum
Shadrick Bogany, 2015 Vice Chair, Multiple Listing Service Forum
Linda Lee, Law and Policy Liaison
Vince Malta, 2015 Law and Policy Liaison
Katie Johnson, General Counsel
Cliff Niersbach, Associate General Counsel, Board Policy and Programs
Kevin Milligan, Vice President, Board Policy and Programs
Rodney M. Gansho, Managing Director, Member Policy
Diane M. Mosley, Director, Policy Resources
Jennifer Pinnick, Executive Assistant, Board Policy and Programs

Agenda

Multiple Listing Issues and Policies Committee
2014 REALTORS® Conference & Expo
Saturday, November 8, 2014
9:00 a.m. – 12:00 noon
Grand Salon C & D
Hilton New Orleans Riverside Hotel
New Orleans, LA

Committee Chair: Bill Lublin (Philadelphia, PA)
Committee Vice Chair: Jeanne Radsick (Bakersfield, CA)
Forum Chair: Joe Horning (Brookfield, WI)
Forum Vice Chair: Dan Coffey (Union Pier, MI)
Committee Liaison: Linda Lee (San Diego, CA)
Staff Executive: Cliff Niersbach

Committee Purpose

To develop and make recommendations to the Board of Directors concerning policies related to the operation of board-owned and operated multiple listing services; to prepare and distribute material related to NAR's multiple listing policy so that member boards will be apprised of policy requirements; and to advise member boards of current developments that could have an effect on board-operated multiple listing services.

Meeting Purpose

Consideration of policy issues related to the operation of multiple listing services.

Objectives

Review and discussion of pending policy issues for development of recommendations to the Board of Directors.

- I. Call to Order – Multiple Listing Issues and Policies Committee**
Bill Lublin – Chair, Multiple Listing Issues and Policies Committee
- II. Multiple Listing Service Forum (until approximately 10:00 a.m.)** Appendix 1

Note: The Multiple Listing Service Forum is an integral part of the Multiple Listing Issues and Policies Committee meeting. Committee members are expected to attend this portion of the meeting and are encouraged to actively participate in the Forum discussions since the issues discussed may be current or future action items. The Forum agenda is attached as Appendix 1.
- III. Approval of Minutes of the 2014 REALTOR® Party Convention and Trade Expo** Appendix 2
- IV. New Business**
 - A. Application Programming Interface (“API”)** Appendix 3

- B. Refreshing IDX displays Appendix 4
- C. Co-mingling MLS IDX data across MLSs Appendix 5
- D. IDX displays of sold listings Appendix 6
- V. Other Business**
 - A. _____
 - B. _____
 - C. _____
 - D. _____
 - E. _____
- VI. Roster** Appendix 7
- VII. Ownership of Disclosure and Conflict of Interest Policy** Appendix 8
- VIII. Adjournment**



Appendix 1

Agenda

Multiple Listing Service Forum
2014 REALTORS® Conference & Expo
Saturday, November 8, 2014
9:00 a.m. - 10:00 a.m.
Hilton New Orleans Riverside Hotel
Grand Salon C & D
New Orleans, LA

Chair: Joe Horning (Brookfield, WI)
Vice Chair: Daniel Coffey (Union Pier, MI)
Staff Executive: Diane Mosley (Chicago, IL)

Forum Purpose

To provide a forum for the communication, sharing of ideas, and discussions of concerns regarding NAR's multiple listing policy between representatives from Member Boards and the Multiple Listing Issues and Policies Committee. Forum concerns will be referred to the Multiple Listing Issues and Policies Committee and/or any other appropriate committees for consideration and possible action.

- I. Call to Order** Bill Lublin, Chair
Multiple Listing Issues and Policies Committee

Note: The Multiple Listing Service Forum is an integral part of the Multiple Listing Issues and Policies Committee meeting. Committee members are expected to attend this portion of the meeting and are encouraged to actively participate in the Forum discussions since the issues discussed may be current or future action items.

- II. Government Affairs and Community and Political Affairs Outreach to MLS** Melanie Wyne, NAR
Senior Technology Policy Representative
- III. From Syndication to Data Distribution/Defining Leads** Luke Glass, EVP Industry Platforms
Move, Inc.
- IV. Application Program Interfaces ("APIs")** Mark Lesswing, NAR CTO
- V. Explanation of Possible Committee Action Items**
The forum will receive an explanation of upcoming action items being considered by the Committee.
- VI. Local Issues/Concerns** General Discussion
Forum attendees are encouraged to discuss local MLS issues and concerns.

VII. Break-out Groups

On Sunday, November 9, 2014, all Forum participants and Committee members are invited to attend one of three roundtable discussion groups, from 10:30 a.m. – 11:30 a.m. These groups will meet in the rooms listed below; all are located in Hilton New Orleans Riverside Hotel:

- Regional or Cooperative Venture MLSs, Jasperwood Room
- MLSs of boards with fewer than 1500 members, Oak Alley
- MLSs of boards with more than 1500 members, Magnolia Room

These discussions will be open, with no planned agenda. The participants can select and discuss topics of their own choice and exchange information related to the operation of Multiple Listing Services.

VIII. Next meeting of the Multiple Listing Service Forum

Thursday, May 14, 2015, 9 a.m. – 10 a.m., Washington, D.C.



Appendix 2

Minutes

Multiple Listing Issues and Policies Committee
2014 REALTOR[®] Party Convention & Trade Expo
Thursday, May 15, 2014
9:00 a.m. – 12:00 noon
Regency Ballroom, Lower Level
Omni Shoreham Hotel
Washington D.C.

ACTIONS REQUIRING BOARD OF DIRECTORS APPROVAL

- Amendments to Multiple Listing Policy Statement 7.79, Reproduction of MLS information

Call to Order

The meeting of the Multiple Listing Issues and Policies Committee was called to order at 9:00 a.m. by Committee Chair Bill Lublin.

Multiple Listing Service Forum

The Multiple Listing Service Forum was called to order by Chair Joe Horning. Ohannes Antebian, Vice President of Industry Relations for the REALTOR[®] Property Resource updated the Forum on the status of RPR and the new MLS dashboard.

Robert Bailey, Chair of the MLS Technology and Emerging Issues Advisory Board discussed the Advisory Board's proposed amendments to MLS Policy Statement 7.79, Reproduction of MLS Information, addressing use of MLS information to create automated valuation models ("AVMs") using third-party software. Numerous comments and constructive suggestions were offered by Forum participants.

Ted Loring Jr., Chairman of the Data Strategies Committee and Mark Lesswing, NAR Chief Technology Officer, discussed Application Program Interfaces ("APIs"), an alternative method for data control and ownership to protect listing content. An API is a method of delivering MLS information directly from the MLS for displays by participants in real time and without duplication.

The Forum discussed local issues, including MLS model rule 2.7.

Given the interest of attendees in the proposed amendments to Multiple Listing Policy Statement 7.79, the Forum was extended beyond its scheduled time and adjourned at 10:45 a.m. at which point the Multiple Listing Issues and Policies Committee was called into session.

Approval of Minutes of the 2013 REALTORS[®] Conference and Expo

The minutes of the November 9, 2013 meeting were approved as written.

Old Business

Examples of “basic” services in Multiple Listing Policy Statement 7.57, *Categorization of MLS Services, Information and Products*

Robert Bailey, Chair of the MLS Technology and Emerging Issues Advisory Board reported that this issue was considered at the March, 2014 meeting of the Advisory Board, and it was the consensus of the Advisory Board that existing MLS Policy Statement 7.57, *Categorization of MLS Services, Information and Products* is appropriate as written, and that no changes would be recommended to the Committee.

New Business

Amendments to Multiple Listing Policy Statement 7.79, *Reproduction of MLS information*

It was moved, seconded and carried:

Motion:

That Multiple Listing Policy Statement 7.79 be amended as follows (underscoring indicates additions, strikeouts indicate deletions):

Reproduction of MLS-generated information is subject to the following limitations:

Option #1: *Participants or their affiliated licensees shall not reproduce any MLS compilation or any portion thereof, except in the following limited circumstances:*

Participants or their affiliated licensees may reproduce from the MLS compilation and distribute to prospective purchasers a reasonable number of single copies of property listing data contained in the MLS compilation which relate to any properties in which the prospective purchasers are or may, in the judgment of the participant or their affiliated licensees, be interested.

Reproductions made in accordance with this rule shall be prepared in such a fashion that the property listing data of properties other than that in which the prospective purchaser has expressed interest, or in which the participant or the affiliated licensees are seeking to promote interest, does not appear on such reproduction.

Nothing contained herein shall be construed to preclude any participant from utilizing, displaying, distributing, or reproducing property listing sheets or other compilations of data pertaining exclusively to properties currently listed for sale with the participant.

Any MLS information, whether provided in written or printed form, provided electronically, or provided in any other form or format, is provided for the exclusive use of the participant and those licensees affiliated with the participant who are authorized to have access to such information. Such information may not be transmitted, retransmitted, or provided in any manner to any unauthorized individual, office, or firm.

None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing information, sold information, comparables, or statistical information from utilizing such information to support ~~an estimate of value~~ valuations on a particular ~~property~~

properties for a particular clients and customers. Any MLS content in data feeds available to participants for real estate brokerage purposes must also be available to participants for valuation purposes, including automated valuations. MLSs must either permit use of existing data feeds, or create a separate data feed, to satisfy this requirement. MLSs may require execution of a third-party license agreement where deemed appropriate by the MLS. MLSs may require participants who will use such data feeds to pay the reasonably estimated costs incurred by the MLS in adding or enhancing its downloading capacity for this purpose. However, only such information that an association or association-owned multiple listing service has deemed to be nonconfidential and necessary to support the estimate of value may not be reproduced and attached to the report used as supporting documentation. Any other use of such information is unauthorized and prohibited by these rules and regulations.

Option #2: Participants or their affiliated licensees shall not reproduce any MLS compilation or any portion thereof, except in the following limited circumstances:

Participants or their affiliated licensees may reproduce from the MLS compilation and distribute to prospective purchasers a reasonable number of single copies of property listing data contained in the MLS compilation which relate to any properties in which the prospective purchasers are or may, in the judgment of the participants or their affiliated licensees, be interested.

Nothing contained herein shall be construed to preclude any participant from utilizing, displaying, distributing, or reproducing property listing sheets or other compilations of data pertaining exclusively to properties currently listed for sale with the participant.

Any MLS information, whether provided in written or printed form, provided electronically, or provided in any other form or format, is provided for the exclusive use of the participant and those licensees affiliated with the participant who are authorized to have access to such information. Such information may not be transmitted, retransmitted, or provided in any manner to any unauthorized individual, office, or firm.

None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing information, sold information, comparables, or statistical information from utilizing such information to support an estimate of value valuations on a particular property properties for a particular clients and customers. Any MLS content in data feeds available to participants for real estate brokerage purposes must also be available to participants for valuation purposes, including automated valuations. MLSs must either permit use of existing data feeds, or create a separate data feed, to satisfy this requirement. MLSs may require execution of a third-party license agreement where deemed appropriate by the MLS. MLSs may require participants who will use such data feeds to pay the reasonably estimated costs incurred by the MLS in adding or enhancing its downloading capacity for this purpose. However, only such information that an association or association-owned multiple listing service has deemed to be nonconfidential and necessary to support the estimate of value may not be reproduced and attached to the report used as supporting documentation. Any other use of such information is unauthorized and prohibited by these rules and regulations.

~~**Option #3:** Participants or their affiliated licensees shall not, under any circumstances, reproduce any MLS compilation or any portion thereof.~~

~~Nothing contained herein shall be construed to preclude any participant from utilizing, displaying, distributing, or reproducing property listing sheets or other compilations of data pertaining exclusively to properties currently listed for sale with the participant. (Adopted 11/04)~~

Important Notes:

- This recommendation was subsequently approved at the May 17, 2014 meeting of the Board of Directors.
- Section 12.2 of the model MLS rules will be amended to reflect the above changes.
- At the same meeting, the Board of Directors also approved the following, related motion:

If the above recommendation of the Multiple Listing Issues and Policies Committee is adopted, that staff and counsel develop information and resources including model third-party license agreements, checklists of key issues and concerns, educational materials and other information necessary for MLSs to ensure that MLS-provided information is used by MLS participants and their third-party technology providers only for specified, authorized purposes.

Adjournment

There being no further business to come before the Committee, the meeting was adjourned at 12:05 p.m. on Thursday, May 15, 2014.

Bill Lublin, Chair
Multiple Listing Issues and Policies Committee
National Association of REALTORS®

Cliff Niersbach
Staff Executive

Date

Attendance Roster

Multiple Listing Issues and Policies Committee
2014 REALTOR® Party Convention & Trade Expo
Thursday, May 15, 2014
9:00 a.m. – 12:00 noon
Regency Ballroom, Lower Level
Omni Shoreham Hotel
Washington, D.C.

Members Present:

Jim Abele	Sandra Greene	Brad Monroe
Christina Banasiak	Scott Halligan	Maggie Morris
Richard Barkett	Dave Hansen	Ken Neufeld
Scott Beaudry	Chuck Harris	Miles Noennig
Michael Bindman	Rick Harris	Sandra O'Connor
Shad Bogany	Henry Harrison	Don Pilotte
Dale Bordner	Jim Harrison	John Powell
Daryl Braham	Lisa Hathaway	Joe Pryor
Pat Callan	Rick Healey	Jeanne Radsick
Tom Carnahan	Len Herman	Chaille Ralph
Martin Carpenter	Connie Hettinga	Chris Read
Christopher Carrillo	Stephanie Hill	Don Readinger
Margery Chapman	Joe Horning	Ronald Rusin
Carolyn Chodat	Tom Innes	Hanne Sagalowsky
Toni Cockeram	Rebecca Jensen	Kurt Schade
Dan Coffey	Colin Johnson	Dirk Schroeder
Jon Coile	Keith Kanemoto	Paul Sigurdson
Ron Croushore	Young Kim	Karen Smith
Joseph Cullom	Kevin King	Sue Stinson Turner
Shawn Dauphine	Kevin Kuehn	Terry Sullivan
Kim Dawson	David Lanpher	Angie Tallant
Bryan Dean	Linda Lee	Sandra Tassinari
Carl DeMusz	Mike Letendre	Melanie Thompson
Susan Dioury	Dale Lewis	Terry Tolman
Carolann Durbon	Cathy Libby	Todd Umbenhauer
JP Endres Fein	Bill Lublin	Kurt von Wasmuth
Charles Erff	Greg Manship	Robert White
Chris Felix	Mark Marquez	Missy Whittington
Bonnie Fitzgerald	Gilbert Marsiglia	Rachel Wiest
Beth Foley	Kerstin McConnell	John Wood
Greg Ford	Andy Meyers	Greg Zadel
Bob Getto	Robert Moline	Myra Zollinger

Members Excused:

Lee Garland
Stacy Harvill
Ed Pattermann

Members Absent:

Linda Brand
Paul Breunich
Bobbie Chipman
Jason Copeman
Mike Cotrill
Betty Daniel-Lanie
Katherine Delaney

Amy Lou Gage
Mary Ann Hebert
Nicole Jensen
Martin Jones
Bruce Kammer
Mark Moody
Dan Odom

Paul Ogden
Juli Pleitner
Nikki Polychron Young
Stephanie Rall
Tanya VanBlake Coleman
Claire Wallace
Todd Woodburn



Appendix 3

Policy Consideration

Application Programming Interface (“API”)

Background Information

At the MLS Technology and Emerging Issues Advisory Board meeting in March 2014, NAR Chief Technology Officer Mark Lesswing presented an overview on how Application Programming Interface (“API”) can limit and discourage unauthorized copying and misuse of MLS information. At that time, concerns were expressed by Advisory Board members that API would not be readily adopted by MLS vendors due to competing products and/or investments in different technology. It was the consensus of the group that API would be further considered at the Advisory Board’s September 2014 meeting, including the possibility of revising Multiple Listing Policy Statement 7.90, Real Estate Transaction Standards (“RETS”).

Multiple Listing Policy Statement 7.90, *Real Estate Transaction Standards (RETS)*, found in the *2014 Handbook on Multiple Listing Policy*, currently provides:

The integrity of data is a foundation to the orderly real estate market. The Real Estate Transaction Standards (RETS) provide a vendor neutral, secure approach to exchanging listing information between the broker and the MLS. In order to ensure that the goal of maintaining an orderly marketplace is maintained, and to further establish REALTOR® information as the trusted data source, MLS organizations owned and operated by associations of REALTORS® will comply with the RETS standards by December 31, 2009, and keep current with the standards new versions by implementing new releases of RETS on at least one of the MLS’s servers within one (1) year from ratification. Compliance with this requirement can be demonstrated using the Real Estate Standards Organization (RESO) compliance checker. (Amended 11/09) M

The rationale advanced by the Internet Strategy/Technology Work Group supporting the initial adoption of MLS Policy Statement 7.90 in November 2007 included:

REALTORS® are competing with consumer contact with outside, non-professional entities. These entities have an important competitive edge; developing tools and practices that leverage their own, internally developed data standards. Adopting an industry-wide standard for data exchanges between participants in the MLS will enable REALTORS® to utilize information with either in-house or commercial available tools and will further establish REALTOR® data as the trusted source. This is critically important to consumers today as they ponder multiple data sources and question which sources they can trust. Tool choices can be used to convey the differentiating nature of REALTOR® professionalism as they engage the consumer.

In those cases where Broker service territories transcend MLS boundaries, participants can train on a single tool that they have chosen even though sessions may be conducted with separate MLS operators. MLS operators maintain policy controls regarding access control. RETS adoption by MLS operators has reached sixty three percent (2007 MLS Technology Survey, NAR/CRT). All of the major MLS vendors support RETS interfaces. Formalizing adoption of an industry standard ensures participants can develop and implement best practices within their businesses.

This Policy Statement has been amended twice, once to extend the compliance deadline to December 2009, and later to define “adoption” and to clarify the steps to be taken if an MLS isn’t “RETS compliant.”

This past summer, RESO renamed and published the first version of the specification called “RETS Web API”. RETS Web API is different than the original RETS standards.

During the Advisory Board’s September 2014 meeting, after lengthy discussion of the benefits and possible challenges to widespread adoption of RETS Web API, the Advisory Board concluded that the distribution of property data by MLSs and MLS participants/subscribers needs to evolve and embrace API technology to create efficiencies in the collection and use of MLS data. RETS Web API will lead to faster updates/results, increased security, and greater ease of use in displaying property information. MLSs and REALTORS® are asked to work with their vendors to adopt and implement RETS Web API, and a unanimous vote by the Advisory Board recommends revisions to MLS Policy Statement 7.90 to require MLSs to adopt and implement the distribution of MLS data via RETS Web API by January 1, 2016.

The Advisory Board also asked staff to develop the RETS Web API handout attached as Appendix 3A explaining the proposed changes to MLS Policy Statement 7.90, including the benefits and misconceptions of the change. Further, there is a dedicated API webpage on Realtor.org with the proposed policy language and other resources about APIs, located at URL, <http://www.realtor.org/policy/mls-policy/real-estate-transaction-standards-rets-web-api-proposal>.

During the REALTORS® Conference and Expo, the proposed revisions to MLS Policy Statement 7.90 will be considered by the Data Strategies Committee which meets on Thursday, November 6 from 9:00 am – 11:00 am. Input from that meeting will be shared with the Multiple Listing Issues and Policies Committee.

The Multiple Listing Issues and Policies Committee is asked to consider the following Possible Recommendation to require adoption and implementation of RETS Web API by January 1, 2016.

Action / Recommendation of the Committee

Possible Recommendation:

That MLS Policy Statement 7.90, Real Estate Transaction Standards (RETS) be amended as follows (underscoring indicates additions, strikeouts indicate deletions):

The integrity of data is a foundation to the orderly real estate market. The Real Estate Transaction Standards (RETS) provide a vendor neutral, secure approach to exchanging listing information between the broker and the MLS. In order to ensure that the goal of maintaining an orderly marketplace is maintained, and to further establish REALTOR® information as the trusted data source, MLS organizations owned and operated by associations of REALTORS® will comply with the RETS standards ~~by December 31, 2009, and~~ will adopt and implement the RETS Web API by January 1, 2016; and will keep current with the standard's new versions by implementing new releases of RETS and RETS Web API on at least one of the MLS's servers within one (1) year from ratification. Compliance with this requirement can be demonstrated using the Real Estate Standards Organization (RESO) compliance checker. (Amended 11/0914) M

The MLS Technology and Emerging Issues Advisory Board makes the following recommendation for consideration by the Multiple Listing Issues and Policies Committee at the 2014 REALTORS® Conference and Trade Expo on Saturday, November 8 from 9:00am to 12:00pm in New Orleans.

Possible Recommendation: That MLS Policy Statement 7.90, Real Estate Transaction Standards (RETS) be amended as follows (underscoring indicates additions, strikeouts indicate deletions):

The integrity of data is a foundation to the orderly real estate market. The Real Estate Transaction Standards (RETS) provide a vendor neutral, secure approach to exchanging listing information between the broker and the MLS. In order to ensure that the goal of maintaining an orderly marketplace is maintained, and to further establish REALTOR® information as the trusted data source, MLS organizations owned and operated by associations of REALTORS® will comply with the RETS standards ~~by December 31, 2009, and;~~ will adopt and implement the RETS Web API by January 1, 2016; and will keep current with the standard's new versions by implementing new releases of RETS and RETS Web API on at least one of the MLS's servers within one (1) year from ratification. Compliance with this requirement can be demonstrated using the Real Estate Standards Organization (RESO) compliance checker. (Amended 11/09/14)

What is an API?

API, short for Application Program Interface, describes a data transfer method that eliminates the need to copy listings between servers. The MLS becomes the original and only source of MLS property data.

Benefits:

- Provides MLS participants/subscribers with improved MLS data access including faster updates/results, increased security, and ease of use in displaying property information.
- The RESO Data Dictionary standardizes all available data fields for software programming and eliminates the need to “map” local MLS data. This will not preclude MLSs from using local terminology for naming data fields.
- Standardized data fields enable vendors and programmers to develop tools, applications and other resources available from MLSs to MLS participants/subscribers without the challenges associated with locally implemented data definitions.
- Less expensive for brokers and MLSs to reformat and use MLS data with a more mobile-centric focus.
- Improved accuracy of MLS data with no degradation of information.
- Gives MLSs, MLS participants/subscribers the same technology already being used by outside competitors, syndicators and aggregators.
- “The next advancement in technology that REALTORS® deserve TODAY.”
- “Plug and play for listing display.”

Misconceptions:

- “We can wait to make these improvements later.”
If not now, when? Many real estate portals are already taking advantage of the benefits associated with providing property information using API.
- “Too expensive.”
APIs decrease the overall costs associated with MLS vendors and programmers in developing broker websites, back office tools, and other resources.
- “Just another unfunded mandate that doesn’t impact the brokers on the street.”
Review the benefits above and reconsider how greater access, reliability and ease to use MLS information will aid the broker on the street.
- “If it’s not broke, don’t fix it.”

The real estate industry, and in particular the use of MLS data is at a cross roads in our industry. Associations, MLSs and brokers need to adapt, adjust, and overcome to excel.



Appendix 4

Policy Consideration

Refreshing IDX displays

Background Information

Appendix 4A is an April 25, 2014 letter from Leading Real Estate Companies of the World (“Leading RE”) recommending changes to various NAR MLS policies. Appendix 4B is the May 2, 2014 response from NAR advising that the recommendations would receive careful and deliberate consideration by the MLS Technology and Emerging Issues Advisory Board, and that any resulting recommendations of the Advisory Board would be considered by the Multiple Listing Issues and Policies (“MLIP”) Committee at the 2014 REALTORS® Conference and Expo.

In advance of the Advisory Board’s September 2014 meeting, a copy of the Leading RE April 25, 2014 letter was provided to MLIP Committee members to give them an opportunity to solicit input from MLS participants, administrators and other potentially-affected parties. Committee members’ comments can be found in Appendix 4C.

At the Advisory Board meeting, Leading RE was represented by Pam O’Connor, President/CEO, David Gumpfer, Director of Information Systems for Michael Saunders & Company (Sarasota, FL) who co-chaired the task force for Leading RE’s Technology Advisory Council, and Marilyn Wilson of the WAV Group, who assisted Leading RE with their recommendations.

Leading RE is a network of over 500 brokerages globally with affiliates ranging in size from 20 to 10,000 agents, and up to 200 offices. Their recommendations fall into one of three categories described by Leading RE as:

Consistency:

We certainly appreciate the fact that local real estate markets have unique requirements, yet we believe that it is time for every MLS across the country to recognize the need for more consistency in their policies. Local IDX policies are modeled after the national IDX policies, but there are local nuances that can make it very difficult for brokerages to operate efficiently and effectively in more than one MLS region without investing in deep technology resources to help “normalize” information. We would highly recommend that the MLS Issues and Policies Committee consider the following methods for creating more consistency across all MLSs.

Timeliness:

Timeliness is the next overarching goal we would like to see the MLS Policy address. Our members experience huge variations in the amount of time it takes to receive approval for a data feed as well as differences in the speed in which data updates are

made available. We would like the committee to consider the following changes to the IDX policy.

Flexibility:

As we are all well aware, brokers are faced with formidable competitors online today. Third party sites are well funded and have a laser focus on continually evolving their sites to meet the ever-changing information needs of consumers. The brokers of our network would like to suggest some revisions to the IDX policy that will allow brokers to apply their own powerful methods of marketing properties and their brand.

Under the category of “Timeliness”, the April 25, 2014 correspondence from Leading RE provides, in part:

Require 15 minute data updates

Data freshness and accuracy is one of the key ways to attract consumers to broker sites. The more quickly the data is refreshed, the more compelling the experience for potential homebuyers and sellers. We suggest that the policy be updated to reflect a requirement to update listing data every 15 minutes, not 3 days as the policy currently states. In our experience, many well-run MLSs are already providing data updates in nearly real-time so we hope this change can be implemented relatively easily.

In the NAR Internet Data Exchange (“IDX”) Policy, the following requirement is found under “Policies Applicable to Participants’ IDX Websites and Displays.”

5. Participants must refresh all MLS downloads and displays automatically fed by those downloads not less frequently than every three (3) days.

This does not preclude Participants from refreshing MLS data more frequently. However, it does prevent MLSs from requiring it.

The Advisory Board recommends shortening the timeframe for refreshing MLS IDX feeds from 3 days to 12 hours to better reflect common practice and expectations in the marketplace.

The consideration of the Committee is requested to the Possible Recommendations shown below.

Action / Recommendation of the Committee

Possible Recommendation #1:

That “Policies Applicable to Participants’ Websites and Displays”, Internet Data Exchange (IDX) Policy (MLS Policy Statement 7.58), be amended in relevant part as follows (underscoring indicates additions, strikeouts indicate deletions):

5. Participants must refresh all MLS downloads and displays automatically fed by those downloads not less frequently than every ~~three (3) days~~ 12 hours.

Possible Recommendation #2:

That Section 18.2.5 of the NAR Model MLS Rules and Regulations (all types) be amended as follows (underscoring indicates additions, strikeouts indicate deletions):

5. Participants must refresh all MLS downloads and displays automatically fed by those downloads not less frequently than every ~~three (3) days~~ 12 hours.



April 25, 2014

Mr. Bill Lublin, MLS Issues and Policies Committee Chairman
Mr. Cliff Niersbach, Vice President, Board Policy & Programs
NATIONAL ASSOCIATION OF REALTORS®
430 North Michigan Avenue
Chicago, IL 60611

Dear Bill and Cliff:

Our firm, Leading Real Estate Companies of the World® (“LeadingRE”), is a network of over 500 brokerages globally. Our affiliates range in size from 20 agents to 10,000 agents and 200 offices. Collectively our network produces over one million transactions valued at \$325 billion in the U.S. and represents a significant portion of the NAR membership, including this year’s NAR President and Treasurer.

Last year, after some of our board members voiced concerns about the NAR IDX guidelines, Dale Stinton suggested that we provide our thoughts on potential solutions. In response to his request, we assembled a taskforce representing a cross-section of our membership to carefully evaluate the current IDX, VOW and other MLS policies. The group developed a series of recommendations that we would like to respectfully submit for consideration by the MLS Issues and Policies Committee. The goal is to strengthen our industry’s ability to collaborate and effectively market properties on behalf of our clients, to be accomplished by bringing the policy up to date and thereby better serving the needs of REALTORS® across the United States.

While we recognize that the agenda for the upcoming MLS Polic Committee meeting in Washington may have been finalized, we are hopeful that the following recommendations may at least be introduced while various stakeholders are together in Washington.

There are three overarching tenets to the suggestions we are making: Consistency, Timeliness and Flexibility.

Consistency:

We certainly appreciate the fact that local real estate markets have unique requirements, yet we believe that it is time for every MLS across the country to recognize the need for more consistency in their policies. Local IDX policies are modeled after the national IDX policies, but there are local nuances that can make it very difficult for brokerages to operate efficiently and effectively in more than one MLS region without investing in deep technology resources to help “normalize” information. We would highly recommend that the MLS Issues and Policies Committee consider the following methods for creating more consistency across all MLSs.

Adopt RESO Data Dictionary

First, our network would like to strongly support the nationwide rollout and requirement of the RESO Data Dictionary, requiring consistent data fields to make it easy to aggregate data across multiple MLSs. We also ask that the committee enforce the requirement that every MLS provide RETS feeds of their database. If large MLS's such as CRMLS, MRIS, and MFRMLS can develop a data dictionary, then we believe the RESO Data Dictionary, a standard dictionary, can be applied to create consistent data fields across the United States. In our view, the cost efficiencies and effectiveness of a national data dictionary outweigh local tradition.

Nationwide IDX Policy

Second, Leading Real Estate Companies of the World® would also like to recommend a fundamental change from locally approved IDX policies. Our suggestion is that the MLS Issues and Policies Committee roll out one standard IDX policy and eliminate the need for continual updates to local policies. The policies that need to be set should help vendor partners and brokers maintain/display the information in an effective and efficient manner to reduce costs and minimize complicated processes. We believe that a consistent national policy would spur technology innovation, and geographic expansion for some brokers. We would like to request that the Committee pay particular attention to the areas of the policy that affect Data Display.

While there is a model IDX policy already in place, our members tell us that they see many variations in their local markets.

Reciprocity Display

While most IDX policies do require reciprocity to display the listing broker, the specifics about the display vary greatly. We would like to request a rule that will require a standard set of listing display rules for all MLS's. One standard makes it easier to monitor for compliance.

Access to Historical Data for Internal Purposes

While not normally covered by an IDX policy, many brokers have the need to access historical data for their own internal evaluation purposes. Many of our brokers have requested access to historical data for their own use and have been turned down. We suggest that the MLS Issues and Policies Committee add a nationwide requirement to provide historical data to brokers in good standing for internal use only.

Data Security

We truly appreciate the efforts made by many MLSs to protect the listing data online, and we would like to suggest that the committee consider implementing a standardized data security policy to be followed by all MLSs. In addition, we request that the policy be considerate of the need to keep images clean of obvious watermarks that detract from the quality of the image.

VOW Policy Suggestions

According to the brokers in our network, there is a huge variance in the level of support and understanding of VOW websites among MLSs. When asked for approval for a VOW website some MLSs simply say NO, not recognizing there is a legal mandate in place for ALL MLSs to provide this type of data feed. Leading Real Estate Companies of the World® would like the MLS Issues and Policies Committee to devise a plan to help every MLS understand they are required to provide a VOW feed.

In addition, there are different MLS policies for validating the customer relationship and auditing for VOW feeds. Our brokers would be interested in the MLS Issues and Policies Committee's leadership in identifying a consistent method for validating the customer relationship and auditing processes.

Timeliness:

Timeliness is the next overarching goal we would like to see the MLS Policy address. Our members experience huge variations in the amount of time it takes to receive approval for a data feed as well as differences in the speed in which data updates are made available. We would like the committee to consider the following changes to the IDX policy.

Require 15 minute data updates

Data freshness and accuracy is one of the key ways to attract consumers to broker sites. The more quickly the data is refreshed, the more compelling the experience for potential homebuyers and sellers. We suggest that the policy be updated to reflect a requirement to update listing data every 15 minutes, not 3 days as the policy currently states. In our experience, many well-run MLSs are already providing data updates in nearly real-time so we hope this change can be implemented relatively easily.

No more than 3 to 5 Business Day Approvals

Some of our members tell us that it can take them up to 3 months or longer to get an approval on an IDX feed request. These delays can happen because some associations have an IDX approval committee that meets quarterly and that is the only way an IDX feed can be approved.

We recommend that the policy add a ruling that IDX feeds for members in good standing must be approved in no more than 3 to 5 business, not including holidays. Since brokers cannot survive today without competing online we believe that it is in their best interest to gain approval of a data feed quickly. To ensure that the policy is truly being met by all MLSs, we suggest that there is a \$100 per instance rebate to the broker/agent by the MLS if they exceed the approval timeline without specific communication to the broker telling them the reason for the delay. This will require a change in policy by some MLSs, but we believe that this change is in the best interest of REALTORS®.

Flexibility:

As we are all well aware, brokers are faced with formidable competitors online today. Third party sites are well funded and have a laser focus on continually evolving their sites to meet the ever-changing information needs of consumers. The brokers of our network would like to suggest some revisions to the IDX policy that will allow brokers to apply their own powerful methods of marketing properties and their brand.

Additional type of IDX feeds including SOLDS

While sold data is readily available in many locations online for consumers today, there are some markets that have not added solds to the IDX feed. Since some brokers prefer to have only ACTIVES on their website and some would like ACTIVES and SOLDS, we recommend that the MLS Policy consider requiring MLSs to offer two types of IDX feeds – one that would include just ACTIVES and another that would include ACTIVES and SOLDS for those brokers that would like to feature this information on their site. This policy, of course has to be considerate of the unique needs of non-disclosure states like Texas, Utah and others.

Allow Co-Mingling of MLS Data across MLSs

Currently many MLS policies do not allow for the co-mingling of data from multiple MLSs. Leading Real Estate Companies of the World® would like the MLS Issues and Policies Committee to re-consider the ability for brokers to co-mingle.

We ask that the committee consider a policy that allows co-mingling of data from multiple MLSs. In areas where there is significant overlapping market disorder and MLSs are concerned about duplicate display of listings, the policy may include a requirement for the Broker/Vendor to de-dupe listings to allow co-mingling.

A consistent Data Dictionary would also help this issue. De-dupe can be difficult if the street naming process is inconsistent. Is 123 Main Street the same as 123 Main St? A common data dictionary across all MLS's would make the de-dupe process LESS difficult to perform. The policy may also include another reference field like the Property Tax ID record to make de-duping more successful and less onerous.

Allow Advertising

There is also inconsistency with the ability for brokers to feature advertising next to their IDX data feeds. Since online marketing is becoming more competitive and more expensive every day, our brokers suggest that the MLS Issues and Policies Committee add a clause to allow all brokers to feature advertising next to their listings if they so choose. This clause would NOT allow for agents to be featured on listings other than their own or in any way undermine the spirit of cooperation which is the key underpinning of the IDX concept.

Supplemental Data

Real estate consumers are very interested in additional information about a home once they find one that interests them. They would like to know about the school districts, walkability, local economy, weather patterns and many other types of information. Brokers would like to be able to freely share this information within the body of a listing since research proves that's where consumers are most interested in looking at it.

To date, many MLSs do not allow any value added content or supplemental information to be shared on a listing detail page. We would like to ask the MLS Committee to re-visit this area and see if there can be more opportunities for brokers to provide their clients with the information that will help them make a better real estate decision.

Allow Brokers to Submit Data via API

In markets like Dallas and a recent announcement in Southern California by CRMLS, brokers have the option of pushing all of their listings to their local MLS via an API. Leading Real Estate Companies of the World® would like the MLS Policy to consider adding this option to MLS sample rules. The rules could also include requirements for all listings to be compliant with all data policies.

Thank you very much for your consideration of these important matters. We would be happy to schedule a discussion with our taskforce and/or to meet with LeadingRE representatives in Washington or Chicago at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Pam O'Connor". The signature is fluid and cursive, with the first name "Pam" and last name "O'Connor" clearly distinguishable.

Pam O'Connor
President/CEO

cc: Dale Stinton, NAR Chief Executive Officer
Rob Sibcy, Sibcy Cline, LeadingRE Chairman of the Board
Mark Bardo, Chairman, LeadingRE Technology Advisory Council



NATIONAL ASSOCIATION OF REALTORS®

BOARD POLICY AND PROGRAMS

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May 2, 2014

Pamela J. O'Connor
 President/CEO
 Leading Real Estate Companies of the World
 161 North Clark Street, Suite 1250
 Chicago, IL 60601

RE: April 25, 2014 correspondence from Leading Real Estate Companies of the World

Dear Pam:

Thank you for your April 25, 2014 letter to REALTOR® Bill Lublin, Chair of the National Association's Multiple Listing Issues and Policies Committee. I am responding on his behalf.

Bill asked that I assure you that your suggestions will receive careful, deliberate consideration. As you know, the Internet Data Exchange policy is comprehensive and complex. Changes in one section can affect others. Changes may also affect MLSs' administration of the policy as well as participant's IDX displays. This isn't to suggest changes aren't warranted, only that they be carefully thought through before adoption.

To ensure reasonableness and defensibility, proposed changes in MLS policy are almost always presented to the Committee accompanied by staff and legal counsel analysis and, where appropriate, implementing recommendations. Given the time between receipt of your letter and the Committee's upcoming meeting, development of that type of information related to each of your proposals is not possible. Because changes to MLS policy become effective at the beginning of the year following their adoption by the NAR Board of Directors, the Chair determined your letter is most appropriately referred to the MLS Technologies and Emerging Issues Advisory Board for consideration at that body's next meeting, with any resulting recommendations being reported to the Multiple Listing Issues and Policies Committee for consideration and action at the Committee's Annual Convention meeting.

Pamela J. O'Connor
May 2, 2014
Page 2

Pam, I hope this responds to your request, and look forward to an opportunity to be of assistance in the future.

Very truly yours,



Clifford D. Niersbach
Vice President
Board Policy and Programs

CDN/jrp

cc: Bill Lublin, Chair, Multiple Listing Issues and Policies Committee
National Association of REALTORS®
Robert Bailey, Chair, MLS Technology and Emerging Issues Advisory Board
National Association of REALTORS®
Jeanne Radsick, Vice Chair, Multiple Listing Issues and Policies Committee
National Association of REALTORS®
Linda Lee, Law and Policy Liaison, National Association of REALTOR®
Dale Stinton, CEO, National Association of REALTORS®
Katie Johnson, General Counsel, National Association of REALTORS®

**Comments from Members of the Multiple Listing Issues and Policies Committee
National Association of REALTORS®**

September, 2014

Adopt RESO Data Dictionary:

- She is also hitting on an MLS rule which has not been enforced...the requirement for MLSs to have adopted RESO standards. The data dictionary is new, and many MLSs like MLSListings has adopted it because we develop our own software and we operate our own back end database. The real challenge in adoption is the vendor community...they are managing the technology for most of their clients and they have a huge task in front of them to conform. I suggest we have Bob Gottesman from RESO attend our meeting and address the RESO issues. There is also a certification process for an MLS to be tested to be RESO compliant.
- Data fields are unique to an area or a part of the country. Having lived in a variety of markets across the country this is not something that needs changing.
- There is wisdom in conforming with the RESO data dictionary. Such a move will be seen by many as an effort to assist the larger brokerages in "taking over the world."
- Each MLS should be able to reflect the uniqueness of their area.
- Adopting a RESO data dictionary would most likely take at least one year for MLSs to accomplish.
- We agree MLS should. The question will be, in what time frame shall adoption take place. Some MLSs may seek a long delay, but we think NAR should strive for a defined and short period, such as one year from passage of requirement by NAR.

Nationwide IDX Policy:

- What would be helpful, in addressing Pam O'Connor's recommendations, is to have a set of the IDX and VOW rules with the optional (suggested but not required) items highlighted. We stressed local option constantly as a compromise in many cases to get changes adopted, and finally we have the push back, for obvious reasons. Clearly to address consistency, those local options need to be addressed.
- Their proposal assumes that all MLSs are subject to the NAR policies. MRED of Chicagoland demonstrates the inaccuracy of that assumption. While MRED pays close attention to the NAR policies and does adopt a good percentage of them, because of the ownership structure, MRED is not bound to NAR, is not subject to the NAR E and O and agreeing to adopt "consistent" policies would be at the pleasure of its Board of Managers. There are others in the country that have similar independence.

- The request is a pretty major departure from existing MLS IDX policy. NAR should allow for a longer-term discussion rather than an abrupt change in policy in November.
- Support would depend on the policy that is adopted. Would reserve judgment until there is an opportunity to analyze the specific proposals.
- We have some higher standards for IDX display such as requiring the consumer to consent to the End User License Agreement and requiring the site to be under the control of and marketed as the local brokerage's site (rather than the franchise site). If they eliminate all variations, we'd likely lose the EULA and weaken our copyright claims.
- We agree, as long as that policy would reflect the most liberal policies of large, progressive MLS (most large ones tend to be progressive). Our concern is that such a national policy would likely include a series of compromises to placate recalcitrant, restrictive MLSs. The inevitable result of such compromises would be that the policy could actually be a step backwards and hinder the better run MLSs. We believe we should reserve judgment until we have a chance to analyze very specific proposals and language in the many areas such a national required policy would entail.

Reciprocity Display:

- I support a nationwide IDX policy that includes consistent Reciprocity display rules.
- Reciprocity and access to sold information should be a benefit to the members of each MLS and each MLS should be allowed to make the decision on what information is made available to others.
- We agree with the goal of having a uniform method for the acknowledgement of the listing broker on the sites of reciprocal brokers. However, we should be careful that the acknowledgement be minimal. A static, small font display in half tone gray at the end of the listing information would be best. The consumers' experience should emphasize the reciprocal broker/agent, not the original listing broker, because the consumer accessed the listing through the reciprocal broker's/agent's website.

Access to Historical Data for Internal Purposes:

- Yes, absolutely, but we would like to see access broadened to include for external uses as well by brokers and agents with clients or potential clients. We may see a "Who owns the data" argument on this one from narrow gauged MLSs. The point is not who owns the data; the point is that brokers and agents need this historical data to enhance their business.

Data Security:

- Water marks serve a purpose- not only within in our local MLS (agents copying old listing photos) but for other websites. The added expense of providing this higher level of security is not needed at this time.
- Most MLS's have security in place and we think the security breaches come from the broker and agent websites. With all the various ways agents communicate their listings to the public today we would be hard pressed to control and secure their activity.
- We think most security breaches come from the broker and agent websites. Association would be hard pressed to control and secure their activity.
- The watermark is an important part of our copyright efforts, so requiring those be removed would limit our ability to adequately protect the listing data.
- MLSs may need watermarks on listing photos to assert a copyright interest. Additionally, some brokers may want to include their own watermark, for the same reason.
- Right problem; wrong approach. MLSs may need watermarks on listing photos to assert a copyright interest. Additionally, some brokers may want to include their own watermark, for the same reason.

VOW Policy Suggestions:

- We agree NAR should undertake a vigorous effort.
- We agree NAR could undertake an effort in identifying customer relationships, but those categories would have to be broad to surpass DOJ scrutiny.
- This proposed requirement is just informational, and we agree that NAR should undertake a vigorous effort. The best argument is that MLSs which fail to comply, and to do so timely, put themselves and NAR in liability, per the NAR DOJ agreement. Also, we agree that NAR could undertake an effort in identifying customer relationships, but those categories would have to be broad, as attempts viewed as restrictive would likely not pass DOJ scrutiny.

Require 15 minute data updates:

- On the timeliness of the data updates, that is usually in the hands of the vendor pulling the data for the broker. Every 15 minutes is pretty standard. A RETS server is a "get data" utility; it's not pushing data to anyone, so they need to realize they need to address this with their own vendors too. In cases where there is no RETS server from the MLS, then that's a problem; but that is rare.
- TIMELINESS is important to data. I agree a more timely period is good- 24 hours vs 3days. My guess is data updates are vendor related and can be addressed there. IDX approval should be done in a timely manner. Manpower and costs must be the reason for delays in addressing

any earlier. Again- encouraging MLS to address things in a reasonably timely manner is important but a tight time requirement may create additional costs to an MLS.

- Requiring an MLS to update every 15 minutes doesn't make sense. It would make more sense to require IDX/VOW sites to update every 15 minutes.
- We support the 15 minute requirement because brokers displaying IDX need this frequency of updates to remain competitive with non- industry sites.
- We agree that this requirement is highly desirable, but it may be beyond the resources of many small MLSs. Nonetheless, we support the 15 minute requirement because brokers displaying IDX need this frequency of updates to remain competitive with nonindustry sites.

No more than 3 to 5 Business Day Approvals:

- Timeliness Issues? Any MLS NOT adhering to RE's timelines currently should be evaluating their overall effectiveness in this technological world!
- In most cases an IDX request is approved within 3 business days. Incomplete applications are the most common reason an approval takes more than 3 days.
- We agree. MLSs should provide an IDX feed to any vendor who has a member broker client and who signs a Vendor Agreement with the MLS. The exception should be vendors who wish to provide an IDX feed to unauthorized clients. Those requests, even when made by a MLS broker member must be denied. The \$100 dollar rebate could provide MLSs with a delaying tactic. MLSs which fail to enable the feed within 3 to 5 days should be deemed out of compliance with NAR policy and subject to suspension.

Additional type of IDX feeds including SOLDS:

- Northstar MLS, the Regional MLS of Minnesota Inc., has the following language in their MLS rules to address the advertising of "sold" listing data in marketing cards and brochures. They implemented this rule while I worked there and was able to get a copy of the relevant sections.

Section 11 - Use of Copyrighted MLS Compilations

Section 11.3 REPRODUCTION: *Participants or their affiliated licensees shall not reproduce the MLS Compilation or any portion thereof except in the following limited circumstances:*

- A. Participants or their affiliated licensees may reproduce from the MLS Compilation, and distribute to prospective purchasers/renters, a reasonable number of single copies of property listing data contained in the MLS Compilation which relate to any*

properties in which prospective purchasers are or may, in the judgement of the Participant or their affiliated licensees, be interested.

- B. Participants who are a REALTOR® actively engaged in listing properties for sale and/or assisting and negotiating on behalf of buyers of real estate, or their affiliated licensees, may reproduce from the MLS Compilation, and distribute to prospective customers, verbally or in printed or email format, a reasonable number of single copies of sold property data listings contained in the MLS Compilation which relate to any properties in which the prospective customer(s) are or may, in the judgment of the Participant or their affiliated licensees, be interested. A republication of sold listing property data under this section shall: i. display the name of the listing broker in at least 10 point font, ii. contain only those fields of data designated by RMLS for this purpose or a subset of those data fields, and iii. include the following disclosure on each page containing sold listing property data in at least 10 point font:*

Copyright [or ©] nnnn [current year] Regional Multiple Listing Service of Minnesota, Inc. All Rights Reserved. Information deemed reliable but not guaranteed. Property data presented reflects information otherwise available from public records. The REALTOR® providing this information may not have represented the buyer or seller in some or all of the transactions.

The property data from the MLS Compilation may not be modified or manipulated. (This is not a limitation on the design of the communication but refers to the actual data.) Unless expressly contravened by the provisions of this section, all other rules and regulations remain in full force and effect.

- C. Nothing contained herein shall be construed to preclude any Participant from using, displaying, distributing, or reproducing property listing sheets or other compilations of data pertaining exclusively to properties listed for sale/rent with the Participant.*

- Reciprocity and access to sold information should be a benefit to the members of each MLS and each MLS should be allowed to make the decision on what information is made available to others.
- MLSs should absolutely be required to provide listings sold data. One question sure to arise is the definition of “Sold”. Some MLSs place properties which are under a sales contract in a “Pending” status until the transaction has closed, at which point pending is converted to sold and the selling price is disclosed. That would be acceptable.

We strongly object to the creation of two IDX feeds, with brokers determining whether or not to display Sold data. Listing brokers of sold properties should want their sold listings to appear on the sites of competitors. Furthermore, two separate data feeds would create confusion in the marketplace, because some properties would show as sold on some broker sites but would fail to appear on others. Realtors should bring clarity to consumers.

The language of state “non-disclosure” statutes should be examined. Do those states prohibit the disclosure of the fact that properties have been sold to new owners, or do they prohibit

only the disclosure of the selling prices. Of course, every policy must be consistent with applicable laws.

- We offer IDX access to all IDX listings and allow the vendor to choose whether to pull “active” or “active and sold.” I’m not sure why there would be a need for two separate feeds since it’s vendor choice what to pull.

Allow Co-Mingling of MLS Data across MLSs:

- In markets where there is overlapping market disorder, there is another solution...in major metros like ours there are 7, but one run extremely better and much more broker friendly than the others. MLS is virtual, it’s in the cloud so to speak. Maybe training and other face to face services are decentralized, but the platform is accessible via the internet...so why would the brokers not just choose the best and pull out of the others...it’s not so much a data problem as it is a political issue...the existing MLS landscape of 1000 MLSs doesn’t change over the years because brokers are often unwilling to go to war with their agents regarding which MLS they are going to participate in, so they join them all and let the agents choose.
- We agree. This is very important to those brokers who have to belong to multiple MLSs.
- We allow co-mingling of listings from multiple MLS as long as the source is disclosed. What is not allowed is the co-mingling of an MLS listing with a non-MLS listing.

Allow Advertising:

- This one is complicated. We support advertising, and links, besides the IDX listing data area on websites, but not within the listing data area. If we can envision a “box” which contains the listing data provided through an IDX feed, reciprocal brokers could display advertisements outside of the borders of the “box”, but not within it. For example, Broker A should be allowed to place advertisements for the broker’s affiliated business beside the IDX listing data supplied by competing Broker B, but not within the area on its site which displays the data supplied by Broker B for IDX distribution. The distinction is between data fields supplied through IDX and other areas on displaying brokers’ sites.

Also, we disagree with O’Connor on her position on agents. Agents should be allowed to frame their broker’s site IDX display with the agent’s contact information for the purpose of lead generation, subject to the policies of the broker. Additionally, agents should be allowed to have the IDX data on their non-broker sites, with the written consent of the broker with whom the agents are affiliated.

- NAR’s model rules already allow advertising next to listings as long as it’s appropriate, not misleading, and doesn’t involve branding larger than the broker’s branding.

Supplement Data:

- Supplemental data- these items can be a liability to an agent or MLS. In many markets school data changes regularly. Walkability is a term that's meaning can be different from person to person. This is all information the REALTOR can provide more accurately based on current conditions and in the context the buyer is relating to.
- I do NOT support the ability for Supplemental Data. What happens if the supplemental information tied to a particular listing is inaccurate? Whose liability would that be?
- We strongly oppose this proposal as written. The language would allow competing brokers to insert links within the listings of other brokers which appear on the competing brokers' sites. While the referenced links may appear innocuous and even helpful, the language would not prevent competing brokers from inserting links to other entities, such as mortgage companies within the listing data. Furthermore, all links present the possibility to distract the consumer's attention from the information about a listed property and are inconsistent with the purpose of allowing listing on IDX. Again, we would not oppose links to neighborhood facts or amenities besides the listing data displayed, but would always oppose such insertions within the listing data itself.
- The model rules already allow supplemental listing information on IDX as long as it's not within the imaginary box around the listing data (so that the consumer can tell which data comes from the listing broker and which data is supplemental data).

Allow Brokers to Submit Data via API:

- I would love a policy requiring MLSs to allow brokers to submit data via API. We have an API centric listing management (Add/Edit) product which will allow the product, via API, to be in mobile tools, any other websites, or in a brokers back office. By 4th quarter we will be licensing it to other parties, it's currently in beta to be tested by one of our largest brokers. RESO only this year addressed APIs for data distribution, but I don't believe they have yet addressed APIs for listing input. We use Microsoft open APIs. Our LM function speaks to our backend via APIs. I don't know any MLS Vendor who has implemented this yet (except potentially FBS), and for Regional MLSs, only MLSListings, MRIS, and Utah RE have implemented it...the product being addressed by Pam at Dallas and CRMLS is RETS update, an 8 year old standard..both firms use Bridge Interactive. The Bridge product requires a RETS client, while an API is much simpler to implement. She is right, though, to demand the ability to upload listings to the MLS via an API...much simpler and much more flexible. But the vendor controlled side of the industry will be slow to address this...Corelogic fought it at the last RESO meeting.
- Something else she is eluding to is the need for a nationwide unique property identifier. We have made suggestions on how to do this to RESO and RESO has a work group on this as well.

- We support this suggestion. API is relatively new and its rate of adoption by MLSs may be slow. The proposal would likely pass as an option on the part of MLSs, though NAR should consider a mandate to allow at some future point.

General Comments:

- Data licensing practices, btw, by MLSs are very inconsistent. Some don't even use a licensing agreement. Many don't have data licensing policies and as a result committees are involved and make inconsistent decisions regarding data usage by brokers and third parties. To address this to a finer point, we should collaborate with Leading RE on a best practices document for data licensing and data usage policies.
- I feel Pamela's request are solely for the benefit of her Company and does not take into consideration the various markets, vendors and costs involved for different MLSs.
- We are happy that the issues raised by the two letters will be considered by the Advisory Board. These are all valid points for consideration and discussion (and I believe we are in general support of the requests). We look forward to the recommendations from the Advisory Board at our meeting in NOLA.
- The biggest philosophic question of their requests depends upon whether or not our MLS policy committee wants to preserve the notion that "all real estate is local". Consistent policies for IDX, advertising etc. will only be considered by those that lean towards the national concept versus the local concept.
- For the NAR MLS Issues and Policies committee to consider imposing new MLS requirements on associations directly on the heels of the newly implemented organizational standards would be a hardship on many associations. We feel associations should be focusing their time and finances on achieving the core standards and improving professionalism in our industry. To add any new and mandatory MLS requirements at this time would put a burden on staff and finances.
- NAR has set MLS rules and regulations which we adopt, abide by and revise whenever revisions are made and send to NAR for approval. While we agree that some standardization is a good thing, each MLS should be able to reflect the uniqueness of their area. We also believe there are ways Leading Real Estate Companies can gather the required information and get the results they are looking for without imposing rules and restrictions on individual MLS's.
- NAR has established and promoted the Real Estate Property Resource (RPR) network and has worked diligently with realtor.com to update their website and promote REALTOR® accuracy to the public. Since RPR is building their membership and pulling their data by RETS why not work with RPR and the data they receive from the various MLS's to establish the consistency Leading Real Estate Companies is looking to achieve. Energy should be focused on making our member based RPR what NAR wanted it to be not on the recommendations of big corporations.



Appendix 5

Policy Consideration

Co-mingling MLS IDX data across MLSs

Background Information

The April 25, 2014 letter from Leading Real Estate Companies of the World (“Leading RE”), found in Appendix 4A of this agenda, recommends changes to various NAR MLS policies. The May 2, 2014 response from NAR (Appendix 4B) advises that Leading RE’s recommendations would receive careful and deliberate consideration by the MLS Technology and Emerging Issues Advisory Board, and that any resulting recommendations of the Advisory Board would be considered by the Multiple Listing Issues and Policies (“MLIP”) Committee at the 2014 REALTORS® Conference and Expo.

In advance of the Advisory Board’s September 2014 meeting, a copy of the Leading RE April 25, 2014 letter was provided to MLIP Committee members to give them an opportunity to solicit input from MLS participants, administrators and other potentially-affected parties. Committee members’ comments can be found in Appendix 4C to this agenda.

At the Advisory Board meeting, Leading RE was represented by Pam O’Connor, President/CEO, David Gumper, Director of Information Systems for Michael Saunders & Company (Sarasota, FL) who co-chaired the task force for Leading RE’s Technology Advisory Council, and Marilyn Wilson of the WAV Group, who assisted Leading RE with their recommendations.

Leading RE is a network of over 500 brokerages globally with affiliates ranging in size from 20 to 10,000 agents, and up to 200 offices. Their recommendations fall into one of three categories described by Leading RE as:

Consistency:

We certainly appreciate the fact that local real estate markets have unique requirements, yet we believe that it is time for every MLS across the country to recognize the need for more consistency in their policies. Local IDX policies are modeled after the national IDX policies, but there are local nuances that can make it very difficult for brokerages to operate efficiently and effectively in more than one MLS region without investing in deep technology resources to help “normalize” information. We would highly recommend that the MLS Issues and Policies Committee consider the following methods for creating more consistency across all MLSs.

Timeliness:

Timeliness is the next overarching goal we would like to see the MLS Policy address. Our members experience huge variations in the amount of time it takes to receive approval for a data feed as well as differences in the speed in which data updates are made available. We would like the committee to consider the following changes to the IDX policy.

Flexibility:

As we are all well aware, brokers are faced with formidable competitors online today. Third party sites are well funded and have a laser focus on continually evolving their sites to meet the ever-changing information needs of consumers. The brokers of our network would like to suggest some revisions to the IDX policy that will allow brokers to apply their own powerful methods of marketing properties and their brand.

Under the category of “Flexibility”, the April 25, 2014 correspondence from Leading RE provides, in part:

Allow Co-Mingling of MLS Data across MLSs

Currently many MLS policies do not allow for the co-mingling of data from multiple MLSs. Leading Real Estate Companies of the World® would like the MLS Issues and Policies Committee to re-consider the ability for brokers to co-mingle.

We ask that the committee consider a policy that allows co-mingling of data from multiple MLSs. In areas where there is significant overlapping market disorder and MLSs are concerned about duplicate display of listings, the policy may include a requirement for the Broker/Vendor to de-dupe listings to allow co-mingling.

A consistent Data Dictionary would also help this issue. De-dupe can be difficult if the street naming process is inconsistent. Is 123 Main Street the same as 123 Main St? A common data dictionary across all MLS's would make the de-dupe process LESS difficult to perform. The policy may also include another reference field like the Property Tax ID record to make de-duping more successful and less onerous.

In the NAR IDX Policy, the following recommended but not required policy is found under “Policies Applicable to Multiple Listing Services.”

MLSs may:

- 9. require that other brokers' listings obtained from other sources, e.g., from other MLSs, from non-participating brokers, etc., display the source from which each such listing was obtained.*

Under “Additional Local Issues/Options”, the NAR IDX policy goes on to state that:

- 5. MLSs cannot prohibit participants from downloading and displaying or framing other brokers' listings obtained from other sources, e.g., other MLSs, non-participating brokers, etc., but can, as a matter of local option, require*

that listings obtained through IDX be searched separately from listings obtained from other sources, including other MLSs.

The NAR model MLS rules (all types) include the following optional provision.

Section 18.3.11

Listings obtained through IDX must be displayed separately from listings obtained from other sources, including information provided by other MLSs. Listings obtained from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from which each such listing was obtained. Displays of minimal information (e.g., “thumbnails”, text messages, “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Amended 05/12) O

In other words, MLSs can require that all sources of property information be included in IDX displays. However, an MLS can, as a matter of local discretion, require that property information available in IDX displays be searched and appear separately from each source, including other MLSs.

The Advisory Board recommends that MLS participants (and where applicable MLS subscribers) have the unrestricted ability to co-mingle listings of other brokers included in IDX data feeds from any MLS where participants hold MLS participatory rights.

The consideration of the Committee is requested to the Possible Recommendations that appear below.

Action / Recommendation of the Committee

Possible Recommendation #1:

That “Policies Applicable to Participants’ IDX Websites and Displays”, Internet Data Exchange (IDX) Policy (MLS Policy Statement 7.58), be amended as follows (underscoring indicates additions):

10. An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search results page; and that

Participants may display listings from each IDX feed on a single webpage or display.

Possible Recommendation #2:

That “Additional Local Issues/Options”, Internet Data Exchange (IDX) Policy (MLS Policy Statement 7.58), be amended as follows (underscoring indicates additions, strikeouts indicate deletions):

5. *MLSs cannot prohibit participants from downloading and displaying or framing other brokers' listings obtained from other sources, e.g., other MLSs, non-participating brokers, etc., but can, as a matter of local option, require that listings obtained through IDX feeds from REALTOR® Association MLSs be searched separately from listings obtained from other sources, ~~including other MLSs.~~*

Note: An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search results page; and that Participants may display listings from each IDX feed on a single webpage or display.

Possible Recommendation #3:

That Section 18, Internet Data Exchange (IDX), NAR Model MLS Rules and Regulations (all types), be amended as follows (underscoring indicates additions):

Section 18.2.10

An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search results page; and that Participants may display listings from each IDX feed on a single webpage or display.

Possible Recommendation #4:

That Section 18.3.11, Internet Data Exchange (IDX), NAR Model MLS Rules and Regulations (all types), be amended as follows (underscoring indicates additions, strikeouts indicate deletions):

Section 18.3.11

*Listings obtained through IDX feeds from REALTOR® Association MLSs where the MLS Participant holds participatory rights must be displayed separately from listings obtained from other sources, ~~including information provided by other MLSs~~. Listings obtained from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from which each such listing was obtained. Displays of minimal information (e.g., “thumbnails”, text messages, “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Amended 05/12/14) **O***

Note: An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search of multiple IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search results page; and that Participants may display listings from each IDX feed on a single webpage or display.



Appendix 6

Policy Consideration

IDX displays of sold listings

Background Information

The April 25, 2014 letter from Leading Real Estate Companies of the World (“Leading RE”), found in Appendix 4A of this agenda, recommends changes to various NAR MLS policies. The May 2, 2014 response from NAR (Appendix 4B) advises that Leading RE’s recommendations would receive careful and deliberate consideration by the MLS Technology and Emerging Issues Advisory Board, and that any resulting recommendations of the Advisory Board would be considered by the Multiple Listing Issues and Policies (“MLIP”) Committee at the 2014 REALTORS® Conference and Expo.

In advance of the Advisory Board’s September 2014 meeting, a copy of the Leading RE April 25, 2014 letter was provided to MLIP Committee members to give them an opportunity to solicit input from MLS participants, administrators and other potentially-affected parties. Committee members’ comments can be found in Appendix 4C to this agenda.

At the Advisory Board meeting, Leading RE was represented by Pam O’Connor, President/CEO, David Gumper, Director of Information Systems for Michael Saunders & Company (Sarasota, FL) who co-chaired the task force for Leading RE’s Technology Advisory Council, and Marilyn Wilson of the WAV Group, who assisted Leading RE with their recommendations.

Leading RE is a network of over 500 brokerages globally with affiliates ranging in size from 20 to 10,000 agents, and up to 200 offices. Their recommendations fall into one of three categories described by Leading RE as:

Consistency:

We certainly appreciate the fact that local real estate markets have unique requirements, yet we believe that it is time for every MLS across the country to recognize the need for more consistency in their policies. Local IDX policies are modeled after the national IDX policies, but there are local nuances that can make it very difficult for brokerages to operate efficiently and effectively in more than one MLS region without investing in deep technology resources to help “normalize” information. We would highly recommend that the MLS Issues and Policies Committee consider the following methods for creating more consistency across all MLSs.

Timeliness:

Timeliness is the next overarching goal we would like to see the MLS Policy address. Our members experience huge variations in the amount of time it takes to receive approval for a data feed as well as differences in the speed in which data updates are

made available. We would like the committee to consider the following changes to the IDX policy.

Flexibility:

As we are all well aware, brokers are faced with formidable competitors online today. Third party sites are well funded and have a laser focus on continually evolving their sites to meet the ever-changing information needs of consumers. The brokers of our network would like to suggest some revisions to the IDX policy that will allow brokers to apply their own powerful methods of marketing properties and their brand.

Under the category of “Flexibility”, the April 25, 2014 correspondence from Leading RE provides, in part:

Additional type of IDX feeds including SOLDS

While sold data is readily available in many locations online for consumers today, there are some markets that have not added solds to the IDX feed. Since some brokers prefer to have only ACTIVES on their website and some would like ACTIVES and SOLDS, we recommend that the MLS Policy consider requiring MLSs to offer two types of IDX feeds – one that would include just ACTIVES and another that would include ACTIVES and SOLDS for those brokers that would like to feature this information on their site. This policy, of course has to be considerate of the unique needs of non-disclosure states like Texas, Utah and others.

When the NAR IDX policy was originally adopted in 2001, it included only authority for MLS participants to display “active” listing information on their Internet websites. MLSs could adopt local IDX rules authorizing display of other listing types (expired, withdrawn, pending and sold), but that required the MLSs to develop and adopt local rules to that effect. In November 2005, “expired,” “withdrawn,” and “pending” listings were added to the NAR IDX policy/model rules; and in 2009 “sold” listings were added as an option.

The “Policies Applicable to Multiple Listing Services” in the NAR IDX policy are recommended but not required for adoption. These provisions include: (underlining added for emphasis)

Policies Applicable to Multiple Listing Services

MLSs may:

- 1. prohibit display of expired, withdrawn, pending, or sold listings*
- 2. prohibit display of confidential information fields intended for cooperating brokers rather than consumers including compensation offered to other MLS participants, showing instructions, property security information, etc.*

3. *prohibit display of the type of listing agreement, e.g., exclusive right to sell, exclusive agency, etc.*
4. *prohibit display of seller 's(s') and occupant 's(s') name(s), phone number(s), and e-mail address(es)*
5. *require that any listing displayed identify the listing firm in a reasonably prominent location and in a readily visible color and typeface not smaller than the median used in the display of listing data (Amended 11/09)*
6. *require that the identity of listing agents be displayed*
7. *require that information displayed not be modified. MLS data may be augmented with additional data not otherwise prohibited from display so long as the source of the other data is clearly identified. This requirement does not restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized data fields.*
8. *require that any display of other participants' listings indicate the source of the information being displayed*
9. *require that other brokers' listings obtained from other sources, e.g., from other MLSs, from non-participating brokers, etc., display the source from which each such listing was obtained*
10. *require participants to indicate on their websites and in any other IDX display that the information being provided is for consumers' personal, non-commercial use and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing. (Amended 05/12)*
11. *establish reasonable limits on the amount of data/number of listings that consumers may retrieve or download in response to an inquiry. Such number shall be determined by the MLS, but in no instance may the limit be fewer than one hundred (100) listings or five percent (5%) of the listings available for IDX display, whichever is less. (Amended 11/09)*
12. *limit the right to display other participants' listings to a participant's office(s) holding participatory rights in the same MLS.*
13. *require a notice on all MLS data displayed indicating that the data is deemed reliable but is not guaranteed accurate by the MLS. Participants' IDX sites and displays may also include other disclaimers necessary to protect the participant and/or the MLS from liability. (Amended 05/12)*

This policy acknowledges that the disclosures required under Subsections 5, 6, 8, 9, 10 and 13 (above) may not be possible in displays of minimal information (e.g., "thumbnails," text messages, "tweets," etc., of 200 characters or less). Such displays are exempt from the disclosure requirements established in this policy but only when linked directly to a display that includes all required disclosures. (Adopted 05/12)

The Advisory Board acknowledges that outside sources of property information are competing for consumer attention with MLS participants/subscribers. In areas where the sold information is not available as part of an IDX feed, REALTORS® are at a competitive disadvantage to other displays of property information which are often less accurate yet in the eyes of consumers more complete than brokers' displays of property information. Sold data is already widely available, and the Advisory Board has concluded that MLS participants/subscribers should be able to display the complete and accurate property information from the MLS, including sold listings. At the same time, the Advisory Board recognizes that MLSs in areas where sold data is not publicly accessible may want to continue to exclude sold data from IDX feeds.

The Committee is asked to consider the Possible Recommendations shown below.

Action / Recommendation of the Committee

Possible Recommendation #1:

That MLS Policy Statement 7.58, Internet Data Exchange (IDX) Policy, be amended as follows (underscoring indicates additions):

The IDX policy gives MLS participants the ability to authorize limited electronic display of their listings by other participants. (Adopted 05/12)

Associations of REALTORS® and their multiple listing services must enable MLS participants to display aggregated MLS listing information by specified electronic means in accordance with this policy. Electronic display subject to this policy means displays on participants' public websites and displays using applications for mobile devices that participants control. For purposes of this policy "control" means participants must have the ability to add, delete, modify and update information as required by this policy. All displays of IDX listings must also be under the actual and apparent control of the participant, and must be presented to the public as being the participant's display. Actual control requires that the participant has developed the display, or caused the display to be developed for the participant pursuant to an agreement giving the participant authority to determine what listings will be displayed, and how those listings will be displayed. Apparent control requires that a reasonable consumer viewing the participant's display will understand the display is the participant's, and that the display is controlled by the participant. Factors evidencing control include, but are not limited to, clear identification of the name of the brokerage firm under

which the participant operates in a readily visible color and typeface, except as otherwise provided for in this policy (e.g., displays of minimal information). All electronic display of IDX information conducted pursuant to this policy must comply with state law and regulations, and MLS rules. Any display of IDX information must be controlled by the participant, including the ability to comply with this policy and applicable MLS rules. (Amended 05/12)

To comply with this requirement MLSs must, if requested by a participant, promptly provide basic downloading of all active and sold listings and other listings authorized under applicable MLS rules and may not exclude any listings from the information which can be downloaded or displayed under IDX except those listings for which a participant has withheld consent, or listings for which the seller has prohibited Internet display. Associations and MLSs can also offer alternative display options including framing of board, MLS, or other publicly-accessible sites displaying participants' listings (with permission of the framed site). For purposes of this policy, "downloading" means electronic transmission of data from MLS servers to participants' servers on a persistent or transient basis, at the discretion of the MLS. Data transmitted must exclude the listing or property address, respectively, of any seller who affirmatively directs that the listing or the property address not appear on the Internet or other electronic forms of display or distribution. (Amended 05/12).*

** Note: If "sold" information is not publicly accessible, sold listings can be removed from the MLSs' IDX feeds/downloads.*

MLSs that allow persistent downloading of the MLS database by participants for display or distribution on the Internet or by other electronic means may require that participants' websites (1) utilize appropriate security protection, such as firewalls, provided that any security obligations imposed on participants may not be greater than those employed concurrently by the MLS, and/or (2) maintain an audit trail of consumer activity on participants' websites and make that information available to the MLS if the MLS has reason to believe that a participant's IDX website has caused or permitted a breach in the security of the data or a violation of MLS rules related to use by consumers. This policy does not require associations or MLSs to establish publicly accessible sites displaying participants' listings. (Amended 05/12)

Unless state law requires prior written consent from listing brokers, listing brokers' consent for IDX display may be presumed unless a listing broker affirmatively notifies the MLS that the listing broker refuses to permit display (either on a blanket or on a listing-by-listing basis). If a participant refuses on a blanket basis to permit IDX display of that participant's listings, then that participant may not display the aggregated MLS data of other participants on an IDX site.

Alternatively, MLSs may require that participants' consent for IDX display of their listings by other participants be affirmatively established in writing. Even where participants have given blanket authority for other participants' IDX display of their listings, such consent may be withdrawn on a listing-by-listing basis as instructed by the seller. (Amended 05/12)

Access to MLS databases, or any part of such databases, may not be provided to any person or entity not expressly authorized such access under the MLS rules. (Amended 11/09)

Participants' Internet websites and other authorized display mechanisms may also provide other features, information, or services in addition to IDX information (including Virtual Office Website ["VOW"] functions) which are not subject to this policy. (Amended 05/12)

Policies Applicable to Multiple Listing Services

The following guidelines are recommended but not required to conform to National Association Policy. MLS may:

- 1. prohibit display of expired, withdrawn, pending, or sold listings**

** Note: If "sold" information is publicly accessible, display of "sold" listings may not be prohibited.*

- 2. prohibit display of confidential information fields intended for cooperating brokers rather than consumers including compensation offered to other MLS participants, showing instructions, property security information, etc.*
- 3. prohibit display of the type of listing agreement, e.g., exclusive right to sell, exclusive agency, etc.*
- 4. prohibit display of seller's(s') and occupant's(s') name(s), phone number(s), and e-mail address(es)*
- 5. require that any listing displayed identify the listing firm in a reasonably prominent location and in a readily visible color and typeface not smaller than the median used in the display of listing data (Amended 11/09)*
- 6. require that the identity of listing agents be displayed*
- 7. require that information displayed not be modified. MLS data may be augmented with additional data not otherwise prohibited from display so long as the source of the other data is clearly identified. This requirement does not*

restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized data fields.

8. *require that any display of other participants' listings indicate the source of the information being displayed require that other brokers' listings obtained from other sources, e.g., from other MLSs, from non-participating brokers, etc., display the source from which each such listing was obtained*
9. *require participants to indicate on their websites and in any other IDX display that the information being provided is for consumers' personal, non-commercial use and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing. (Amended 05/12)*
10. *establish reasonable limits on the amount of data/number of listings that consumers may retrieve or download in response to an inquiry. Such number shall be determined by the MLS, but in no instance may the limit be fewer than one hundred (100) listings or five percent (5%) of the listings available for IDX display, whichever is less. (Amended 11/09)*
11. *limit the right to display other participants' listings to a participant's office(s) holding participatory rights in the same MLS.*
12. *require a notice on all MLS data displayed indicating that the data is deemed reliable but is not guaranteed accurate by the MLS. Participants' IDX sites and displays may also include other disclaimers necessary to protect the participant and/or the MLS from liability. (Amended 05/12)*

Possible Recommendation #2:

That optional Section 18.3.12, NAR model MLS rules (all types), be amended as follows (underscoring indicates additions):

Section 18.3.12 -- Display of expired, withdrawn, pending, and sold listings is prohibited.*

** Note: If "sold" information is publicly accessible, display of "sold" listings may not be prohibited.*



Appendix 7

Committee Roster by Committee and Last Name

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Appendix 8

OWNERSHIP DISCLOSURE AND CONFLICT OF INTEREST POLICY

Ownership Disclosure Policy

1. When NAR has an ownership interest in an entity and a member has an ownership interest* in that same entity, such member must disclose the existence of his or her ownership interest prior to speaking to a decision making body on any matter involving that entity.
2. If a member has personal knowledge that NAR is considering doing business with an entity in which a member has any financial interest**, or with an entity in which the member serves in a decision-making capacity, then such member must disclose the existence of his or her financial interest or decision making role prior to speaking to a decision making body about the entity.
3. If a member has a financial interest in, or serves in a decision-making capacity for, any entity that the member knows is offering competing products and services as those offered by NAR, then such member must disclose the existence of his or her financial interest or decision-making role prior to speaking to a decision making body about an issue involving those competing products and services.

After making the necessary disclosure, a member may participate in the discussion and vote on the matter unless that member has a conflict of interest as defined below.

Conflict of Interest Policy

A member of any of NAR's decision making bodies will be considered to have a conflict of interest whenever that member:

1. Is a principal, partner or corporate officer of a business providing products or services to NAR or in a business being considered as a provider of products or services ("Business"); or
2. Holds a seat on the board of directors of the Business unless the person's only relationship to the Business is service on such board of directors as NAR's representative; or
3. Holds an ownership interest of more than 1 percent of the Business.

Members with a conflict of interest must immediately disclose their interest at the outset of any discussions by a decision making body pertaining to the Business or any of its products or services. Such members may not participate in the discussion relating to that Business other than to respond to questions asked of them by other members of the body. Furthermore, no member with a conflict of interest may vote on any matter in which the member has a conflict of interest, including votes to block or alter the actions of the body in order to benefit the Business in which they have an interest.

*Ownership interest is defined as the cumulative holdings of the member, the member's spouse, children, siblings and to any trust, corporation or partnership in which any of the foregoing individuals is an officer or director, or owns, in the aggregate, at least 50% of the (a) beneficial interest (if a trust), (b) stock (if a corporation) or (c) partnership interests (if a partnership).

**Financial interest means any interest involving money, investments, credit or contractual rights.