

DRAFT Listing Exchange and Access Policy (LEAP) - Policy Statement X.XX

Purpose

The Listing Exchange and Access Policy (LEAP) provides Participants (as defined in Policy Statement 7.9) with access to all MLS listing content for the purposes of electronic display (where authorized herein), distribution (where allowed), valuation, internal organizational needs, and working with customers. LEAP provides access to all MLS listing content that a real estate brokerage would require to run a technology enabled brokerage firm including electronic display, as well as providing MLS listing content to be used for any and all brokerage functions in a manner consistent with NAR Policy.

Uses

LEAP is for the use of MLS Participants only. The data feed can be accessed by Participants and their Designees which support their brokerage activities. LEAP does not alter or amend existing NAR policy related to non-Participant display.

A Participant may use their own listings for any purposes.

LEAP gives MLS Participants the ability to access MLS listing content for permitted uses and authorizes limited electronic display and delivery of their listings by other Participants via the following authorized mediums, including, but not limited to: websites, mobile applications, audio devices, and additional technologies.

Associations of REALTORS® and their multiple listing services shall enable MLS Participants to display aggregated MLS listing content by electronic means in accordance with this policy. MLSs may not impose any limitations, restrictions or conditions on the use or display of the MLS listing content other than as specified in this policy.

Except as provided elsewhere in this policy or in an MLSs rules and regulations, a Participant may not distribute, provide, or make any portion of the MLS listing content available to any person or entity.

Access

Within three (3) business days of receiving a completed request from a Participant, MLSs must deliver credentials to access a data feed that includes all MLS listing content that a real estate brokerage would require to any active Participant, or their Designee, unless 1) there are extenuating circumstances related to an individual's qualification for

MLS participation, or 2) review of the Participant's use of MLS listing content consistent with the MLS rules is reasonably necessary as determined by the MLS. An estimated time of approval or denial must be issued within three (3) business days of receipt of a completed request.

To comply with this requirement MLSs must, if requested by a Participant, promptly provide any credentials necessary to accommodate basic downloading of all MLS listing content available to Participants for real estate brokerage purposes, including all sold* listing data starting from January 1, 2012. MLSs may not exclude any listings from the information which can be accessed but may restrict the display under LEAP for those listings for which a seller has affirmatively directed that their listing or their property address not appear on the Internet.

"Downloading" means electronic transmission of data from MLS servers to Participants' servers on a persistent basis using a RESO certified or mutually agreed on transport method.

**Note: If confirmed sales price information is not a matter of Public Record, sold price can be prohibited from public display via the MLSs' listing content. "Publicly Accessible" confirmed sales price information as used in LEAP policy and rules, means sales price information that is submitted in electronically or in hard copy format to the Publicly Accessible records for the city, county, state government agencies.*

Participant may designate any individual or entity as their Designee to assist Participant in managing and utilizing the data feed. Participant will have a written contract with the Designee with terms at least as restrictive as these rules. Participant shall provide any such agreement to MLS within two (2) business days of written request from the MLS. Notwithstanding designation of a Designee, Participant is responsible for compliance with these Rules.

The MLS may require any Participant and/or Designee to sign a licensing agreement, with terms consistent with this policy.

The MLSs LEAP download must be refreshed to accurately reflect all updates and status changes no less frequently than every two (2) hours.

Display

MLS Participants may use the data feed to advertise listings in any digital medium, consistent with this policy ("Advertising display"). For purposes of this policy, any participant, including any Subscriber affiliated with the Participant, that inputs a listing into the MLS consistent with the MLS rules is a "Listing Broker." An "Advertising Broker" means any Participant, including any Subscriber affiliated with that Participant, that uses the data feed to electronically

display any information about a property filed with the MLS for which that Participant is not the Listing Broker.

Unless state law requires prior written consent from Listing Brokers, Listing Broker's consent for electronic display is presumed unless a Listing Broker affirmatively notifies the MLS that the Listing Broker refuses to permit electronic display on a blanket basis.

All Listing Brokers grant permission for any Advertising Broker to display any listing submitted to the service by the Listing Broker only if:

1. The Participant, or its Designee, has sufficient independent control to add, edit, and delete the advertised listing.
2. The listing display or advertisement is clear so that a reasonable real estate consumer understands:
 - a) Who is the Listing Broker,
 - b) Who is the Advertising Broker and
 - c) How to contact that Listing Broker.

There shall be a rebuttable presumption that it is clear to a reasonable real estate consumer that the Advertising Broker is not the Listing Broker if the advertisement includes all Advertising Attribution fields from the MLS. The Advertising Attribution fields must include:

- a) Name of the Listing Broker;
- b) Contact details input by the Listing Broker into the MLS for use in all Advertising displays; and
- c) Any other field designated by the MLS as a requirement for Advertising Attribution.

Advertising does not include, and any limitations imposed by this rule do not apply to:

- a) Any communication between a Broker and their Client. Client is any individual or entity that has a valid Agency Agreement, or legally recognized non-agency relationship with the Participant that is in effect at the time of the communication; or
- b) Any communication solely between a Participant and their affiliated subscribers; or
- c) Any communication or information facilitated by the MLS.

If there is a reasonable technical ability to establish a direct feed for updates to the Advertising display, then all information, statuses and the price contained in

the Advertising display must be updated to be accurate and consistent with the MLS listing content in the feed for the listing being advertised at least every 2 hours.

Advertising a listing shall not occur on any platform, website or other location that is offensive, vulgar, or inappropriate to a reasonable person, or that violates fair housing standards. An Advertising Broker must immediately remove any advertised listing from any such platform, website, or location upon written notice of the Listing Broker that specifies the reasons for the objection to the advertisement on the objectionable platform, website, or location.

A Participant may opt out of granting their permission to allow their listings to be displayed under the LEAP electronic display rules by providing a written instruction to the MLS that Participant will not be an Advertising Broker. By providing such an instruction Participant will not receive a LEAP data feed and the Participant agrees to not advertise any other Participant's listing in the MLS without first obtaining written permission from the Listing Broker for each specific listing prior to any advertisement.

Even where Participants have given blanket authority for other Participants to display their listings through LEAP, such consent may be withdrawn on a listing-by-listing basis only where the seller has provided written instruction that the listing is not to be displayed on the Internet by anyone and notice is provided as part of the LEAP feed. Any such instruction shall include an affirmative statement that the instruction to not display on the Internet shall also apply to the Listing Broker.

All electronic displays shall include MLS source information.

Display of showing access instructions, occupancy status, sellers' and/or occupants' names or their personal information is prohibited.

Participants shall not modify or manipulate MLS listing content that is displayed through LEAP which relates to other Participants' listings. The Participant may, however, augment MLS listing information with additional information not otherwise prohibited by these rules or by other applicable MLS rules or policies, as long as the source of such other information is clearly identified in the immediate proximity to such data.

MLS may prohibit the display of the status of expired, withdrawn or canceled from appearing on any off-market property display.

Participants must provide the MLS access to any display of LEAP data for purposes of monitoring/ensuring compliance with applicable rules and policies.

On Advertising Broker's website and when technologically practicable in any other display, Advertising Broker shall 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.

DRAFT LEAP Update to existing MLS Policy Statement 8.2, Customer Service and Tech Support.

MLS Policy Statement 8.2, Customer Service and Tech Support the MLS must display customer service and technical support contact information on the MLS website. Customer service and technical support contact information must be on a publicly accessible web page and must include, at minimum:

- Contact information for administrative approval, setup and technical support
- Data transport method (Name of Web API service and other transport service(s) defined) by which MLS data is made available
- Links to MLS rules, policies, and regulations

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