

**Reciprocal & Equitable
Access to Listings (REAL)
Policy**

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This section is a separate proposed policy that works in concert with the REAL policy.

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This is a placeholder for the technical implementation guide that could accompany the policy.

Reciprocal & Equitable Access to Listings (REAL) MLS Policy Approach

Introduction

It's an incredibly exciting time to be in the real estate industry. Stakeholders with robust experience are identifying opportunities to improve the listing distribution model and creating innovative methods of delivering content in ways that benefit consumers, brokers, and agents. These conversations are not new, and the groundwork was laid in recent years by especially visionary proposals, including the NOW model. NOW opened the door to the next phase of listing data delivery when this conversation about challenges had yet to include clear solutions. The NOW model was exceptionally encouraging, and it is even more encouraging to see the strong interest in recent developments like LEAP. The coalition-building, and cross-industry collaboration that has informed the LEAP model is a clear example of what will be required to update, and future-proof, the current listing distribution design. It is an incredibly complex task to update standards for 2021 and beyond, and the most successful reorganization of data standards must be rooted in the actual data, built off the fantastic foundation provided by the current National Association of REALTORS® standards. With respect for this existing work, this document attempts to build upon the LEAP proposal, to help make its vision, and the original NOW vision, a reality. This is the **Reciprocal & Equitable Access to Listings (REAL) Policy Approach**.

Problem Statement

The current MLS data-licensing paradigm is the result of collaborative industry efforts during the early 2000s, and various legal enforcement actions.¹ In today's environment, there are significant resources wasted in managing up to four data licenses/sets of fields for each MLS membership, with high amounts of data duplication, and limited value created from the separation.

There is a belief that some parts of the listing catalog should be private, and that is accurate. There truly are fields that the public should not see. But four separate data licenses aren't required to protect confidential fields or implement the core tenets of policies like IDX or VOW. The NOW proposal made this point.

Additionally, the display rules that go with these data licenses often don't reflect the current digital-first industry reality. Many create unnecessary burdens on brokers to tailor their displays in ways that don't directly serve consumer interests, or limit data that may inform a consumer's understanding of a home.

¹ See David Kully, "Will Real Estate Go Back to the Dark Ages After 2018?," Inman (2017), <https://www.inman.com/2017/11/17/will-the-real-estate-industry-go-back-the-dark-ages-after-2018/>.

Value Proposition

Updating data display rules creates a better consumer experience, and potential for more streamlined broker tools and delivery of digital brokerage services. Streamlining data access may ultimately promote increased MLS memberships, when brokers see less downside to trying to optimize to more than one MLS standard in exchange for more listing coverage.

Better, more complete data (while still maintaining privacy of true confidential fields) also allows consumers to enter the relationship more informed, and there is less burden on brokers to provide basic information that isn't closely associated with getting a deal done, ultimately making their buyers and sellers higher-intent, and reducing time per transaction.

Proposed Implementation

Suggested Configuration

To represent all levels of confidentiality currently captured by IDX, VOW, and Back Office agreements, either three boolean fields, or a three-part single flag could be set for every field in the MLS, representing these tiers²:

- **Public** (i.e. IDX) - *fields available for public display*
- **Broker/Consumer** (i.e. VOW) - *fields requiring a broker/consumer relationship to be displayed*
- **Confidential** (i.e. Back Office) - *fields that are confidential/can only be viewed by the participant*

Any field would be required to be designated as one of the three, effectively capturing all possible categories, and making display rules endlessly dynamic.

Connecting Display Rules to the Right Data

Display rules have to be connected to the actual data being displayed. By standardizing on the data, at the field-level, the new paradigm is infinitely flexible and display rules remain connected to the actual thing being licensed.

The proposed REAL policy includes separate rules tailored to displays of public fields ("public displays") and displays of fields requiring broker/consumer relationship ("broker/consumer displays"). Notably, the policy also includes a combined [REAL Policy Display Rules](#) for elements of the rules particular to display which have traditionally been found in both IDX and

² It has been suggested that a fourth category of "MLS Only" be created for fields that can only be viewed by the MLS. REAL was not originally drafted with this fourth category in mind but could be updated to include it. Policy language incorporating MLS Only fields should include measures to avoid improper categorization of fields which should remain available to the participant, such as requiring that any field entered by a participant in a listing input form not be designated as "MLS Only."

VOW rules with heavy overlap. These rules are more effectively combined into one governing display rules policy when all data can be flagged for allowed use. Note that fields designated 'confidential' and only for participant use will remain confidential/for internal use only, and do not require display rules.

Technical Feasibility

The feasibility is already proven for row-level metadata to dictate end-use and display rights. This was a historical approach, where MLSs gave access to the full MLS database, and the end-user (usually an MLS data vendor) had to ensure compliance with the different data licenses signed (IDX, VOW, etc.) by making field-level determinations for what could be pushed to display, or only used for internal purposes. Most MLSs eventually migrated to separate "feeds" per data license (i.e. full data set is your Back Office feed, a separate smaller set of fields is an IDX feed), but some never made the move.

In short, history shows that both vendors and self-serve participants can differentiate between confidential/non-confidential fields and respect that metadata for display rights. So the transmission of one feed instead of 4 would not undermine a participant's ability to comply with display restrictions on certain fields that should remain confidential.³ The Real Estate Standards Organization (RESO) is currently developing technical implementation and standards which would be compatible with the REAL policy design, which may eventually be attached as a REAL Policy Technical Implementation Guide (see [Technical Appendix](#) placeholder).

Connecting Data Agreements to NAR Policy

Simply updating display rules at the National-Association-level will not fully address the issues with the current paradigm. This challenge exists today - NAR may outline some well-thought-out rules, but local IDX and VOW agreements may be in conflict with the rules or go well beyond what NAR outlined, creating barriers to innovation for participants, and widespread confusion.

The challenge with data licensing agreements which don't match a more holistic NAR data policy is that in the event of a conflict, most likely the agreement terms will govern. This means inconsistencies around things like permitted use or appropriate display will persist, and risks will remain unchanged even with the best NAR policy.

NAR model agreements are seen as directional, and not universally adopted by MLSs. MLS attorneys rightfully direct their clients in outlining agreements tailored to the local market and MLS needs. But mandatory NAR policies need to have legal effect for affiliated MLSs and their membership. MLSs should be able to continue to contract using their preferred terms and counsel. But NAR policies should also be enforceable, and not fail to have effect if an MLS contract incidentally has conflicting terms.

³ Note that modern APIs also provide some unique technical options to enforce the confidentiality of data, which can be used to implement this proposed three-tier paradigm.

To balance all interests, the most efficient solution is a short, NAR-promulgated model clause/addendum required to be added to any data access agreement an MLS chooses to use to license data under the REAL policy. It would allow an MLS to incorporate NAR's policy into their existing contract, and confirm that in the event of a conflict, NAR's policy governs. This process is simple to execute, and minimally disturbs the existing body of MLS data access agreements. This solution brings the policy into effect immediately, in a scalable way, consistent with NAR's original intent when implementing the policy, even in the event of a conflict.

A proposed model clause/addendum to achieve this result in either new or existing agreements is found [here](#).

Policy Adoption

The REAL policy (after suitable input and modification by industry stakeholders) may be adopted as a mandatory policy to consolidate and replace the following policy statements: Internet Data Exchange (IDX) Policy (Policy Statement 7.58), Virtual Office Websites (VOW) Policy (Policy Statement 7.91), Internet Data Exchange (IDX) Section 18 Model Rules, Virtual Office Websites (VOWs) Section 19 Model Rules.⁴ Many existing NAR policies can, and should, be preserved in this consolidation.⁵ The core tenets of these policies remain robust. But a reasonable reorganization is required, with a renewed connection between the policies and the specific listing content at issue, to solve inefficiencies with the current model, and ensure these policies both reflect current standards and can withstand future developments.

In support of participant and MLS choice, and in an effort to ease transition to a new standard, NAR may require MLSs to adopt and offer the REAL policy to participants on a stated timeline, but allow IDX and VOW policies to overlap for a period of transition (with set expiration) to allow participants to continue leveraging existing feeds if desired. For clarity, this process would enable the paradigms to run in parallel for an extended adoption period, but full transition to REAL would still be required by a certain established date.

[See next page for proposed policy.]

⁴ While the policy aims to preserve much of the IDX, VOW, and other existing policies, keeping the original policy language (i.e. referring to Public data as "IDX" instead) would result in widespread, and persistent confusion in implementation, which would undermine the effectiveness of the re-designed policies. New, simplified language connected to the data will enhance compliance in adoption, despite many clauses which originate from existing policy language. Additional MLS policy statements will need to be minimally amended to update terminology consistent with this new, unified standard, but the current Handbook on Multiple Listing Policy can be audited to identify where these minor updates would appear.

⁵ The following existing policies can remain in place in support of REAL: Policy Statement 7.79 ("Reproduction of MLS Information"), Policy Statement 7.87 ("Transmittal of Participants' Listings to Aggregators"), Policy Statement 7.85 ("Ownership of Listing and Listing Content"), Policy Statement 7.90 ("Real Estate Transaction Standards (RETS) and RESO Standards"), and Policy Statement 8.3 ("Right of Participant to MLS Data Feed of Listing Content").

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*[Drafting Note: Due to how many existing NAR policies are used here, existing NAR policy language has been **bolded** for reference for what will remain in place under the REAL policy.]*

Overview

The Reciprocal & Equitable Access to Listings (REAL) policy gives MLS participants the ability to access listing content, with understandable terms for approved data use and display for every field. When using listing content under the REAL policy, MLS participants have the right to access, use, and create derivative works from listing content, while MLSs maintain rights to monitor and control how and where listing content is used and displayed.

For the purposes of the REAL policy, every MLS field that exists in the RESO Data Dictionary falls into one of three categories, with applicable access, use, and display rules:

- **Public** - MLS fields available for public display (historically known as “Internet Data Exchange,” or “IDX”)
- **Broker/Consumer** - MLS fields which require a broker/consumer relationship to be displayed (historically known as “Virtual Office Website,” or “VOW”)
- **Confidential** - MLS fields that are confidential/can only be viewed by the participant (historically only available through direct participant access to the MLS database, or included in participant “Back Office”)

The REAL policy is meant to ensure proper access, use, and display of MLS listing content, while maintaining adequate controls and confidentiality of data. To use the REAL policy, MLSs must set the “*Permitted Use*” flag for each field that exists in the RESO Data Dictionary to one of the three categories. In turn, participants must respect the flags that have been set by the MLS and follow associated policy rules for fields in each category. Participants who use data in conflict with the policy terms may be subject to disciplinary action according to MLS rules. If a field does not have a category selected, participants may consider that field “public” until a flag is otherwise set by the MLS, at which point the participant must follow the rules for that category.

The National Association provides a recommended flag for every field in the RESO Data Dictionary for implementation of the REAL policy (see [Technical Appendix](#)). MLSs are urged to refer to this guide when technically implementing the policy. In the case an MLS converts a field recommended to be marked as “public” in the guide into one marked for “broker/consumer” display or as “confidential,” the National Association has the right to direct that field to return to public display if the restriction violates MLS rules, including the MLS Antitrust Compliance Policy.

To adopt the REAL policy, MLSs must ensure the terms are enforceable in connection with local MLS data access terms and policies. An MLS shall cause participants receiving data under the

REAL policy to comply with the REAL policy, using terms that conform to the [Model REAL Policy Clause/Addendum](#) in Appendix B.

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. Participant applications for REAL data feeds/downloads must be fulfilled by the MLS within five (5) business days from receipt. MLSs may review the participant's and vendor's use of the listing content information consistent with the MLS rules, in which case an estimated time of approval or denial must be issued at the time the participant application request is fulfilled.

MLSs must, if requested by a participant, promptly provide basic downloading of the complete MLS database, including all active listings, sold listing data starting from January 1, 2012, non-confidential pending sale listing data, and other listings authorized under applicable MLS rules. MLSs may not exclude any listings from the information which can be downloaded or displayed under this policy, but participants must respect field-level flags and follow appropriate policies for use of data with each flag. These include fields with flags indicating data is for public display, broker/consumer display, confidential use, or flags indicating that a seller has affirmatively directed that their listing or their property address not appear on the Internet or other electronic forms of display or distribution. For clarity, if "sold" information is not publicly accessible, "sold" fields can be marked by the MLS for broker/consumer display or confidential use as appropriate, and participants must follow the associated (non-public-display) policies. For purposes of this policy, "downloading" means electronic transmission of data from MLS servers to participants' servers on a persistent or transient basis, consistent with MLS rules. MLSs must offer downloading of data uniformly to all participants, without disenfranchising or targeting participants through restrictions on download rate, data quality, bandwidth, or refresh-rate, or other discriminatory practices. The MLS's data download must be refreshed to accurately reflect all updates and status changes no less frequently than every three (3) hours.

Participants receiving basic downloading may use the MLS database to inform or manage their brokerage operations and create supporting derivative works in compliance with the REAL policy. This may include using the database to support internal decision-making and business intelligence and/or generating analytics or valuations, including automated valuations. Participants must still respect field-level restrictions on display, including for derivative works like automated valuations. This policy does not exempt participants from complying with applicable display rules and state law requirements for broker valuations/professional opinions such as comparable market analyses (CMAs). Derivative works created by the participant, including, without limitation, those supporting brokerage decision-making or actual valuations, will remain the participant's property, whether currently receiving basic downloading or not. For clarity, this ownership right does not extend to the underlying MLS compilation, and MLSs retain ownership of the MLS compilation. For this reason, participants must comply with any MLS requests to remove or delete underlying MLS listing data if participation, or downloading, ends.

Participants may request timely review and approval of any method of accessing, using, displaying, delivering, or creating derivative works from listing content not described in the REAL policy by petitioning for review and approval under the [Future Uses Policy](#) (Policy Statement x.xx).

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 utilize appropriate security protection, such as firewalls, or employing reasonable efforts to monitor for and prevent scraping, provided that any security obligations imposed on participants may not be greater than those employed concurrently by the MLS. This policy does not require associations or MLSs to establish publicly accessible sites displaying participants' listings.

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

Alternatively, MLSs may require that participants' consent for public display of their listings by other participants be affirmatively established in writing. Even where participants have given blanket authority for other participants' public display of their listings, such consent may be withdrawn on a listing-by-listing basis if instructed by the seller using designated MLS methods for seller opt-out.

Under this policy, listing brokers who have not otherwise opted-out of sharing their participant listings on a blanket basis may **authorize limited electronic display and delivery of their listings by other participants via any medium under the participant's control. As used throughout this policy, "display" includes "delivery" of such listings.**

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 public displays of listings must (i) be under the actual control of the participant and (ii) clearly and conspicuously display the participant's brokerage firm name (or trade name, assumed name, or dba registered with the firm as required by applicable state laws), except as otherwise provided for in this policy (e.g., separately branded displays, or displays of minimal information). 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. However, this rule does not require that the brokerage firm name be displayed as prominently or more prominently as any other brand or trade name of the participant. All electronic display of public data conducted pursuant to this policy must comply with state law and regulations, and MLS rules. Any display of public data must be controlled by the participant, including the ability to comply with this policy and applicable MLS rules. A participant may operate

more than one display itself or through a vendor. A participant who operates a display itself shall not be precluded from also operating displays in conjunction with vendors.

Access to MLS databases may not be provided to any person or entity not expressly authorized such access under the MLS rules. For clarity, basic downloading may be shared across entities providing brokerage support services, including authorized vendors and wholly-owned subsidiaries supporting participant operations. Listing content marked “confidential” by the MLS may only be accessed and used by the participant and authorized users consistent with this policy, and is not allowed to be publicly displayed, or offered to consumers through a broker/consumer display.

Public Displays: Policy Governing Use of MLS Data in Public Displays

I. Policies Applicable to Participants’ Authorized Use and Display of Broker/Consumer Information

Participants may display data flagged as public on displays which they control, as defined by the REAL policy (these, “public displays”).

A participant’s public displays must follow the unified [REAL Policy Display Rules](#).

Participants’ Internet websites and other authorized public display mechanisms may also provide other features, information, or services in addition to public MLS data (including broker/consumer display functions, which are subject to broker/consumer display rules).

II. Additional Local Issues/Options for Public Displays

- 1. Where MLS participatory rights are available to non-member brokers or firms as a matter of law or local determination, the right to publicly display listing information received under this policy may be limited, as a matter of local option, to participants who are REALTORS®.**
- 2. MLSs may, but are not required to, limit the right to publicly display listing information available pursuant to this policy to MLS participants licensed as real estate brokers.**
- 3. MLSs may, but are not required to, limit the right to display listing information pursuant to this policy to MLS participants engaged in real estate brokerage.**
- 4. MLSs may, but are not required to, allow non-principal brokers and sales licensees affiliated with MLS participants to use information available for public display through this policy to populate their own websites or to use in other authorized public displays, pending a participant’s consent.**
Even if use of public information through this policy is provided to non-principal brokers and sales licensees affiliated with MLS participants, such use is subject to the affiliated participants’ consent and control and the requirements of state law and/or regulation, and MLS rules.

5. **MLSs may, as a matter of local option, charge the costs of adding or enhancing their downloading capacity to participants who will download listing information** where the MLS can demonstrate a measurable increase in costs for supporting a particular participant's download. **Assessment of such costs should** be uniformly applied across participants, and **reasonably relate to the actual costs incurred by the MLS.**

Broker/Consumer Displays: Policy Governing Use of MLS Data in Connection with Internet Brokerage Services Offered by MLS Participants

[Drafting Note: The VOW policy has robust provisions that have persisted over time, but it is possible to build off that strength to make reasonable updates in the following ways: 1) streamline language to incorporate into a unified data policy, 2) combine duplicative terms that also exist in IDX, to allow for one version of the language to govern both use-cases, including for display rules which heavily overlapped and 3) update the technical requirements for creating a broker-consumer relationship, particularly related to account registration. This final point is particularly important, as best practices for account registration and authorization have changed rather dramatically since 2008, to the extent that the VOW policy is now not only difficult to implement with full compliance, but also no longer aligned with security best-practices. The registration process also creates significant barriers to consumer access of digital brokerage services, and consumer confusion with emailed terms that raise concerns that the consumer can no longer work with their own agent. In light of the strong underpinnings of the policy, much of it can be kept, with these needed 2021 updates.]

I. Definitions and Scope of Policy

1. **MLS fields which require a broker/consumer relationship may be displayed on a participant's Internet website, or a feature of a participant's Internet website, through which the participant is capable of providing real estate brokerage services to consumers with whom the participant has first established a broker-consumer relationship (as defined by state law) where the consumer has the opportunity to search MLS data** or receive substantive brokerage services, including (without limitation) comparative market analysis ("CMAs"), broker price opinions ("BPOs"), or other reports involving professional opinion, **subject to the participant's oversight, supervision, and accountability** (these displays called "broker/consumer displays").
 - a. **A participant may designate a vendor to operate a broker/consumer display on behalf of the participant, subject to the participant's supervision and accountability and the terms of this policy.**
 - b. **A non-principal broker or sales licensee affiliated with a participant may, with the participant's consent, operate the broker/consumer display or have the broker/consumer display operated on its behalf by a vendor. Such a broker/consumer display is subject to the participant's supervision and accountability and the terms of this policy.**

- c. **Each use of the term “participant” in this policy shall also include a participant’s non-principal brokers and sales licensees. Each reference to broker/consumer displays herein refers to all broker/consumer displays, whether operated by a participant, by a non-principal broker or sales licensee, or by a vendor.**
2. MLS fields which require a broker/consumer relationship may also be accessed and used to create derivative works involved in offering substantive brokerage services. Such works include, but are not limited to, the following: comparative market analysis (“CMAs”), broker price opinions (“BPOs”), or other reports involving professional opinion in furtherance of a broker/consumer relationship. For clarity, participants retain ownership of these derivative works created off the listing content.
3. **Participants’ Internet websites, including those operated for participants by vendors, may also provide other features, information, or services, in addition to broker/consumer displays (including permitted public displays under this policy).**
4. **The display of listing information on a broker/consumer display does not require separate permission from the participant whose listings will be available on the broker/consumer display.**
5. **Except as otherwise provided in the REAL policy, MLSs may not adopt rules or regulations that conflict with this policy or that otherwise restrict the operation of broker/consumer displays by participants.**

II. Policies Applicable to Participants’ Authorized Use and Display of Broker/Consumer Information

1. **A participant may provide brokerage services via a broker/consumer display that include, but are not limited to, making MLS active listing data available, but only to consumers with whom the participant has first established a lawful consumer-broker relationship, including completion of all actions required by state law in connection with providing real estate brokerage services to clients and customers (hereinafter “Registrants”). Such actions shall include, but are not limited to, satisfying all applicable agency, non-agency, and other disclosure obligations, and execution of any required agreement(s).**
2. A participant’s broker/consumer displays (as described in this policy) must follow the unified [REAL Policy Display Rules](#).
3. **A participant’s broker/consumer display must** provide adequate user registration and authentication methods to protect any broker/consumer information displayed, provide any required disclosures, and ensure a direct relationship between the Registrant and the services rendered. An MLS may review the display to ensure these requirements have been fulfilled by the broker/consumer display using REAL policy review processes, and a participant may show compliance by fulfilling all of the following requirements:
 - a. Registration and authentication methods which require username and password, including industry-standard sign-in methods such as “single sign-on,” which enable users to securely authenticate with multiple applications or websites using one set of credentials, including established social-network or email credentials.

Registration credentials may be the same credentials used for other sections of the participant's display, including public display, so long as the broker/consumer display can only be viewed by a Registrant who is currently signed in.

- b. Display of any required disclosures or terms in the broker/consumer display registration process (as appropriate) or proximate to broker/consumer data or professional opinion on the display (where required, particularly by state law).
- c. Broker/consumer data terms in the registration process which establish the following (full terms not required for display, but may be condensed and clickable, or scrollable, and assented to via a click in registering for the service):
 - i. By registering, the Registrant agrees to view confidential listing data offered by the broker through a limited relationship established to offer digital brokerage services
 - ii. This relationship is limited to the service, and does not mean the participant is representing the Registrant in a transaction, or that the participant will otherwise interfere with an existing representation agreement with another brokerage
 - iii. This confidential data is intended only for the Registrant's personal, non-commercial use, and cannot be copied or redistributed except to assist in the Registrant's pursuit of purchasing, selling or leasing real estate
 - iv. The Registrant acknowledges the MLS's ownership of and copyright in the data
 - v. MLSs and MLS participants or representatives may also register to verify compliance with MLS rules or monitor display of listings.
 - vi. (Include any state-based agency, non-agency, or other disclosures)
- d. The broker/consumer data terms **may not impose a financial obligation on the Registrant or create any representation agreement between the Registrant and the participant.**

III. Broker/Consumer Display Policies Applicable to Multiple Listing Services

[Drafting Note: Many rules in this section are now found in the [REAL Policy Overview](#) or the [REAL Policy Display Rules](#), to avoid duplication with overlapping IDX rules.]

1. **A multiple listing service shall permit MLS participants to operate broker/consumer displays or to have broker/consumer displays operated for them by vendors, subject to the requirements of state law and this policy.**
2. **An MLS may not prohibit or regulate the participant's display of advertising or the identification of third-party or affiliated entities on broker/consumer displays (branding or co-branding), except with respect to deceptive or misleading advertising or co-branding as prohibited by the NAR Code of Ethics.**
3. **Except as provided in this policy, an MLS may not prohibit participants from enhancing their broker/consumer displays by providing information obtained from sources other than the MLS, additional technological services (such as mapping functionality), or information derived from non-confidential MLS data (such as an**

estimated monthly payment derived from the listed price), or regulate the use or display of such information or technological services on any broker/consumer display.

4. **Except as provided in generally applicable rules or policies (such as the REALTORS® Code of Ethics or [REAL Policy Display Rules](#)), an MLS may not restrict the format of data display on a broker/consumer display or regulate the appearance of broker/consumer display.**
5. **An MLS may not prohibit, restrict, or impede a participant from referring Registrants to any person or from obtaining a fee for such referral.**

Draft Model REAL Policy Display Rules

Displays of MLS data through public displays or broker/consumer displays must adhere to the following policies (Note: For the purposes of this policy, singular reference to a 'display' incorporates both public displays and broker/client displays):

1. **Participants must notify the MLS of their intention to display MLS data (either on a public display or broker/consumer display) and give the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies.** The method of direct access may be determined by the participant, so long as access is sufficient to review the display for compliance with applicable rules and policies. After initial approval from the MLS authorizing participant display of public or broker/consumer data, a publicly accessible authorized display will suffice for MLS monitoring of continued compliance.
2. **Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or property address from display on the Internet (including, but not limited to, publicly accessible websites or broker/consumer displays) shall not be accessible via a participant's display. Notwithstanding the foregoing, a participant who operates a broker/consumer display may provide to consumers via other delivery mechanisms, such as e-mail, fax, or otherwise, the listing or property address of a seller who has determined not to have the listing or address for its property displayed on the Internet.**
3. **A participant who lists a property for a seller who has elected not to have the property listing or the property address displayed on the Internet shall cause the seller to execute a document that conforms to the form attached to this policy as Appendix A. The participant shall retain such forms for at least one (1) year from the date they are signed.**
4. **Participants may select the listings they choose to display based only on objective criteria including, but not limited to, factors such as geography or location ("uptown", "downtown", etc.), list price, type of property (e.g., condominiums, cooperatives, single family detached, multi-family), cooperative compensation offered by listing brokers, type of listing (e.g., exclusive right-to-sell or exclusive agency), or the level of service provided by the listing firm.**

Selection of listings to be displayed must be independently made by each participant.

5. **Participants must refresh all MLS downloads and displays automatically fed by those downloads not less frequently than every twelve (12) hours.**
6. **When displaying listing content, a participant's display must clearly identify the name of the participant's brokerage firm** (or any trade name, assumed name, or dba duly registered for the firm under applicable state laws) **in a readily visible color and typeface.** In the event the brokerage firm operates more than one brand or separately branded display of listing content, the most prominent name on the display may be the particular brand, so long as the brokerage firm name (or trade name, assumed name or dba of the firm), is available on every page of the display as required by this policy.
7. **Participants shall maintain a means (e.g., e-mail address, telephone number, or other online customer-service function) to receive comments about the accuracy of any data or information that relates to a specific property.** A participant is not required to correct or remove information if supplied by the MLS, but may choose to prevent display of data, including listing photos, in the event such content violates MLS rules, fair housing standards, or is otherwise the subject of a consumer complaint or quality concern. Issues with active MLS listing content requiring correction or removal should be reported to the MLS by the participant using preferred methods indicated by the MLS. Issues with content not supplied by the MLS, but provided **by or on behalf of the participant** which relates to a **specific property** may require correction or removal by the participant in the case **the listing broker or listing agent for that property** notifies the participant that **the data or information is false. However, the participant shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment.**
8. **An MLS participant (or where permitted locally, an MLS subscriber) may commingle the listings of other brokers received from the MLS and authorized for display with listings available from other sources, provided all such displays are consistent with the REAL policy rules, and the MLS participant (or MLS subscriber) has authorization to display listings from those other sources, including holding participatory rights in other MLSs, if required. As used in this policy, "commingling" means that consumers are able to execute a single property search of multiple data sources resulting in the display of information from each of the data sources or MLSs on a single search results page; and that participants may display listings and data from each source on a single webpage or display.** Under this rule, listings or data permitted to be co-mingled include, without restriction: (i) unrepresented listings, including for-sale-by-owner listings or spec home listings; (ii) pre-construction listings and data, including buildable plans; (iii) distressed and bank-owned properties, including foreclosure and auction listings; and (iv) any listings or presentations of listing data sourced through third-party sources which would expand or improve a consumer's search experience.
9. Except as otherwise provided for in this policy, **participants shall not modify or manipulate information relating to other participants' listings. MLS participants may augment their public displays of MLS data with applicable information from**

other sources to appear on the same webpage or display, so long as the separate source is **clearly** identified or referenced in immediate proximity as different **from the data supplied by the MLS**. This requirement does not restrict the format of **MLS data display or display of fewer than all of the available listings or fewer authorized fields**.

10. **An MLS participant's display** of a full listing (i.e. not a minimal display) **must identify the** following fields if available for that particular display (i.e. marked for public display or broker/consumer display):
 - a. listing firm
 - b. listing agent
 - c. co-listing firm (if applicable)
 - d. co-listing agent (if applicable)

The fields must be displayed **in a readily-visible color and typeface not smaller than the median used in the display of other listing data** fields.

11. **Participants displaying listings obtained from other sources**, including **other MLSs, non-participating brokers**, or other sources, **shall display the source from which each such listing was obtained**. In the event a participant displays listings sourced from an MLS consortium, data share, or other collaborative listing arrangement, the participant is only required to provide attribution to the original source of the data, when attribution is required (i.e. the actual MLS where the listing was input, listing broker who input the listing, etc.).
12. Participants must include a disclaimer on public displays and broker/consumer displays stating the following: "MLS information is provided exclusively for personal, non-commercial use, and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing. Information is deemed reliable but not guaranteed." MLSs may require other disclaimers, but in the case of additional disclaimers of more than 250 characters, participants are not required to include the additional disclaimer on every display of that MLS's listing content and may instead link to a separate page displaying the full disclaimer text. MLSs may also require display of logo, MLS name, and time stamp of last refresh in the disclaimer text, according to the following format:
 - a. Logo has a maximum width of 50 pixels and is allowed to be scaled down for mobile displays to preserve consumer experience.
 - b. MLS name as provided by the MLS, without additional formatting requirements
 - c. Time stamp is in a HH:MM format, with the phrase "Last checked:" [HH:MM].
13. MLSs may request use of a single designated MLS logo to be supplied by the MLS to the participant for attribution reasons. Logos for general (non-disclaimer) use must adhere to the following rules:
 - a. Logo has a maximum width of 50 pixels and is allowed to be scaled down where required on displays (including mobile displays) to preserve consumer experience.
 - b. Logo may be removed from displays of minimal information
 - c. MLSs may require display of a logo in (i) one position on each search result, and (ii) one position on a detailed listing display, but MLSs may not require logos to

appear in multiple places across a single display. A disclaimer block on a display does not count toward this limit.

14. Displays which a participant controls (either public display or broker/consumer display) **must display a link to a privacy policy that informs consumers of the ways in which information obtained from them will be used.**
15. **This policy acknowledges that the disclosures required under Subsections 6,7, 10, 11, 12, 13, 14 (above) may not be possible in displays of minimal information (e.g., thumbnail displays fewer than 50 pixels wide, “map hovers”, text messages, “tweets,” push notifications, or certain minimal mobile displays, including emerging displays like smart watches) or for audio delivery of listing content. Minimal displays are exempt from the disclosure requirements established in this policy but only when linked directly to a display that includes all required disclosures. Audio delivery of listing content is exempt from disclosure requirements only when all required disclosures can be provided in one the following ways at a consumer’s request: (i) subsequently delivered electronically to the consumer performing the property search, or (ii) linked to through the device’s application.**
16. This policy acknowledges that mobile displays of listing content are prevalent and include unique considerations in presenting listing content in an understandable way, in a small format. In the case any of these display rules are unable to be implemented on a mobile or limited display according to the rule as-written, a participant may request timely review and approval of the proposed alternative implementation by petitioning for review under the [Future Uses Policy](#) (Policy Statement x.xx).

Vendor Operation of Displays: Policies Applicable to Vendors Operating Displays on behalf of Participants

[Drafting Note: This policy was originally combined in the overall VOW policy, but it works well as governing MLS/vendor relationships serving all types of displays under the REAL policy. It can be maintained but should be re-framed to apply across all vendor-operated displays.]

Vendors may operate displays of listing content on behalf of participants, including both public displays and broker/consumer displays. References to operating displays in this policy shall incorporate both public and broker/consumer displays.

1. **Subject to the provisions below, an MLS shall make MLS listing data available to a vendor for the exclusive purpose of operating a display on behalf of a participant. An MLS shall make MLS listing data available to a vendor under the same terms and conditions as those applicable to participants. No vendor has independent participation rights in the MLS by virtue of its right to receive data on behalf of a participant or the right to use MLS data, except in connection with operation of a display for a participant. vendor access to MLS data is derivative of the rights of the participant on whose behalf the vendor is downloading data.**
 - a. **A participant, non-principal broker or sales licensee, or vendor may establish the vendor’s right to receive and use MLS data by providing to the**

MLS a writing in which the participant acknowledges its or its non-principal broker's or sales licensee's selection of the vendor to operate a display on its behalf.

- b. **An MLS may not charge a vendor, or a participant on whose behalf a vendor operates a display, more than a participant that chooses to operate a display itself (including any fees or costs associated with a license to receive MLS data, as described in Subsection g., below), except to the extent that the MLS incurs greater costs in providing listing data to the vendor than the MLS incurs in providing listing data to a participant.**
- c. **An MLS may not place data security requirements or restrictions on use of MLS listing data by a vendor that are not also imposed on participants.**
- d. **An MLS must permit a vendor to download listing information in the same manner (e.g., via a "Real Estate Transaction Standard" [RETS] feed, "Application Programming Interface" [API], or via a "File Transfer Protocol" [FTP] download), at the same times and with the same frequency that the MLS permits participants to download listing information.**
- e. **An MLS may not refuse to deal directly with a vendor in order to resolve technical problems with the data feed. However, the MLS may require that the participant on whose behalf the vendor is operating the display participate in such communications if the MLS reasonably believes that the involvement of the participant would be helpful in order to resolve the problem.**
- f. **An MLS may not condition a vendor's access to a data feed on the financial terms on which the vendor provides the site for the participant.**
- g. **An MLS may require participants and vendors to execute a license or similar agreements sufficient to ensure that participants and vendors understand and agree that data provided by the MLS may be used only to establish and operate a display on behalf of the participant and not for any other purpose.**
- h. **An MLS may not:**
 - i. **prohibit a vendor from operating displays on behalf of more than one participant, and several participants may designate a vendor to operate a single display for them collectively,**
 - ii. **limit the number of entities that participants may designate as vendors for purposes of operating broker/consumer displays, or**
 - iii. **prohibit participants from designating particular entities as vendors, except that, if a vendor's access has been suspended or terminated by an MLS, that MLS may prevent an entity from being designated a vendor by another participant during the period of the vendor's suspension or termination.**
- i. **Except as stated below, an MLS may not suspend or terminate a vendor's access to data:**
 - i. **for reasons other than those that would allow an MLS to suspend or terminate a participant's access to data, or**

- ii. **without giving the vendor and the associated participant(s) prior notice and the process set forth in the applicable provisions of the MLS rules for suspension or termination of a participant's access.**

Notwithstanding the foregoing, an MLS may immediately terminate a vendor's access to data.

- i. **if the vendor is no longer designated to provide display services to any participant,**
- ii. **if the participant for whom the vendor operates a display ceases to maintain its status with the MLS,**
- iii. **if the vendor has downloaded data in a manner not authorized for participants and that hinders the ability of participants to download data, or**
- iv. **if the associated participant or vendor has failed to make required payments to the MLS in accordance with the MLS' generally applicable payment policies and practices.**

Appendix A

Seller Opt-out Form

1. Check one.

- I have advised my broker or sales agent that I do not want the listed property to be displayed on the Internet.**
- I have advised my broker or sales agent that I do not want the address of the listed property to be displayed on the Internet.**

- 2. I understand and acknowledge that if I have selected Option a., consumers who conduct searches for listings on the Internet will not see information about the listed property in response to their searches.**

Initials of Seller

Appendix B

Model Reciprocal & Equitable Access to Listings (REAL) Policy Clause/Addendum

The parties hereby incorporate the National Association of REALTORS® MLS Policy Statement x.xx ("REAL Policy") into this agreement. In the event of a conflict between this agreement and the REAL Policy, the REAL Policy shall govern.

Draft Future Uses Policy (MLS Policy Statement x.xx)

Multiple listing is an evolving concept, and technology is rapidly developing to offer new methods of participant delivery of listing content to consumers. In light of the current speed of this evolution, and a desire to provide consumers the best property search experience to facilitate connection with participants, a review process is available to facilitate innovation by MLSs and participants.

In the event a method of accessing, using, displaying, delivering, or creating derivative works from listing content is not anticipated in current MLS Policy Statements or MLS Rules, a participant may petition their MLS to allow this new method. The request must be responded to by the MLS within five (5) business days from receipt, at which point an estimated time of approval or denial must be issued. Approval shall not be withheld, unless an MLS can demonstrate (provided in writing) that the proposed new method harms consumers or restricts competition within multiple listing/membership. The proposed new method may be escalated to the National Association for review using the same process in the case of either a denial of a participant request, or, if a use is approved and either the participant or the MLS would like to petition the National Association to approve the new method for all members. If provisionally approved, the method will be immediately allowed upon provisional approval, and then incorporated into the National Association rulemaking process for adoption at the next opportunity into a new policy statement or amended policy statement.

Technical Appendix

Technical Implementation Guide

RESO is addressing technical implementation and development of standards that would be compatible with the REAL policy design, through work in the Transport and R&D workgroups. Resources such as a technical implementation guide and recommended permitted use flags for Data Dictionary fields may grow out of this work, at which point they can be added here to support the policy.