

Reciprocal & Equitable Access to Listings (REAL) Overview

The Reciprocal & Equitable Access to Listings (REAL) policy is a proposed framework to update MLS data rules to match current consumer expectations, while promoting increased industry innovation. 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 clarity, we do not view REAL to be an alternative to LEAP/NOW. Rather, we view it as providing the specific policy language to make the LEAP objectives a reality.

Technical Design

The REAL policy is based on one feed, rather than multiple feeds, with permitted use defined on a field-by-field basis. For the purposes of the REAL policy, every field that exists within the MLS falls into one of three¹ categories, with applicable access, use, and display rules:

- **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*

The policy includes separate rules tailored to displays of public fields (“public displays”) and displays of fields requiring broker/consumer relationship (“broker/consumer displays”). The policy also includes one set of display rules, effectively combining and updating IDX and VOW rules.

One Feed, and Updated Display Rules

In today’s environment, significant resources are wasted in managing up to four data licenses for each MLS membership, with limited value created from the separation. Importantly, display rules also don’t reflect the current digital-first reality—preventing participants from innovating. The REAL policy is based on one feed for all participant data access, with data connected to display rules, while still enabling the MLS to keep sensitive fields confidential or restricted to participants actively working with a client.

¹ 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.”

Clear and Standardized Attribution Across Markets

REAL Policy Display Rules require listing agent and listing firm (or co-listing agent/co-listing firm) attribution on listing displays, source attribution for non-MLS data displayed next to MLS data, standardization of logo size and implementation, standard disclaimers + additional optional unique disclaimers up to 250 characters, set format for time stamps of last data refresh, and source attribution for all listings with rules that reasonably accommodate and anticipate inter-MLS data shares.

Display Rules that Match Consumer Expectations

Today, savvy consumers conduct much of their home search online with an expectation that they can browse all listings and recent sales and understand estimated home values throughout their search. For this reason, the REAL policy re-shapes the concept of commingling to allow robust, multi-sourced displays with listing search results from any source, without mandated separation based on data source (MLS or non-MLS), though source attribution remains required. The policy also allows AVMs to appear on listings throughout the listing lifecycle, for a consistent home-shopping experience, in line with consumer expectations. Finally, with the advent of so many related services to assist consumers while searching for a new home, the policy removes restrictions on advertisements next to MLS data, allowing a more comprehensive display, and additional participant opportunities. In this way, participants can promote ancillary services like mortgage, moving, and concierge services to further enhance the consumer experience.

Mobile-First and Modern Design

Current displays use technology (and screen sizes) never anticipated when the current IDX/VOW policies were drafted. The REAL policy provides modest updates to reflect current standards, including updates to the VOW registration process to make it more secure and consumer-friendly, and mobile-first improvements to the “thumbnail” definition and certain attribution standards. The REAL policy also reflects modern approaches for electronic listing display, and allows for online customer-service functions (instead of only phone number/email for contact) and immediate take-down methods for MLS content that violates fair housing/MLS standards, while still requiring reporting to the MLS for full remediation.

Industry-Standard Data Usage Terms

MLS data agreements vary widely in the language used to describe allowed use of the data. But if you talk to enough MLSs (and their participants), there are core concepts that garner widespread agreement about data rights, despite contract language that sometimes conflicts with that stated intent. The REAL policy brings these core concepts into the policy, to clarify and standardize in line with MLS, participant, and consumer expectations. Terms reflect the MLS's recognized ownership in the MLS database, including requiring participant deletion of MLS data if a participant's data license is terminated. The policy also recognizes participant rights to create and own their own derivative works, such as CMAs and market trend reports.

Clear Path for Future Innovation

When the IDX policy was first adopted, only 43% of the U.S. population was online. When the current VOW policy was drafted, the iPhone was less than a year old. These policies could not have anticipated our current mobile-first reality, and any policy drafted today cannot anticipate how electronic display and delivery of listings will transform over the next 20 years. In light of that fact, and in the spirit of promoting innovation across the industry, a separate “Future Uses Policy” is attached to the REAL policy (but separate from the REAL policy itself) that creates a path for approval of new types of listing display and use, not yet anticipated by existing policies. The policy creates pathways for local MLS approval, and National Association approval, of new uses, enabling the industry to keep pace with advancement and changing consumer expectations.

Easily Incorporated into Local Agreements

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 should also be enforceable, and not fail to have effect if an MLS contract incidentally has conflicting terms. The REAL policy includes a NAR-promulgated two-sentence 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 existing 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.

Robust Enough to Replace IDX, VOW, & Back Office

The IDX and VOW policies have persisted this long not only because of their strength, but because of the high bar required to replace policies which were drafted at the national level in the context of legal scrutiny. Any policy to replace them needs to be robust, and in line with the original intent of IDX and VOW. Instead of attempting to draft something wholly new, the REAL policy works within the IDX and VOW policies, leveraging existing language to unify and make sense of it with updates that maximize benefit to the industry, while optimizing for passage by NAR’s Board of Directors, and the ability to withstand any future legal review.

Conclusion

The real estate industry is at a tipping point, where brokerages, MLSs, and franchisors are energized and motivated to streamline data access through modernized policies. The REAL policy provides clear updates to data display rules to create a better consumer experience, and faster innovation to benefit all competitors in the industry.