

## FAQs for the 2022 MLS Policy Changes

There were eight (8) approved changes to NAR MLS policy that went into effect on January 1, 2022. Below are FAQs to help understand and implement these changes locally.

For additional information go to:

- [Summary of 2022 MLS Changes](#)
- [Agenda and Minutes for the Multiple Listing Issues and Policies Committee](#)
- [MLS Governing Document Compliance Process](#)

Questions can be sent to [narpolicyquestions@nar.realtor](mailto:narpolicyquestions@nar.realtor).

The questions are presented in the order of the Policy Changes as appearing in the 2022 Handbook on Multiple Listing Policy.

### 1. **MLS Policy Statement 8.9, Property Addresses (Section 1.16, NAR Model MLS Rules.)**

#### **FAQs:**

- a) **Why is it important for MLSs to require a property address, parcel identification number, or legal description of the location at the time the listing is filed with the MLS?**

Answer: The property's location is a key piece of listing content that Participants and Subscribers use to serve the interests of their clients and customers. Disclosure of this information at the time of filing the listing is consistent with the MLS's core tenets of efficiency, transparency, and collaboration.

- b) **Must the new policy apply to commercial MLSs or to the submission of commercial property types in MLSs that accept both residential and commercial listings?**

Answer: No. The new policy statement is specifically required to apply to residential listings. It is within an MLS's local discretion to require a commercial property listing have an address, parcel identification or legal description of the location at the time of filing.

c) **What is an example of a legal description?**

Answer: A legal description is a written way to identify the property location. This description can usually be found in legal documents such as the property deed, tax records, or mortgage documents. For reference, here is an example of what a legal description may look like:

*LEGAL DESCRIPTION OF PROPERTY. LOT 9, IN THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 30 SOUTH, RANGE 16 EAST, ACCORDING TO THE PLAT OF PINELLAS GROVES, INC., RECORDED IN PLAT BOOK 1, PAGE 55, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THE WEST 150 FEET THEREOF AND ALSO LESS THAT PART LYING WITHIN 120 FEET OF THE SURVEY LINE OF STATE ROAD S-688, SECTION 15120, AS DESCRIBED IN CLERK'S INSTRUMENT No. 260901B, OFFICIAL RECORDS BOOK 2081, PAGE 593, PINELLAS COUNTY RECORDS.*

Source: <https://www.lawinsider.com/clause/legal-description-of-property>

**2. MLS Policy Statement 8.5, No Filtering of Listings (Revisions to various Sections of the NAR Model MLS Rules)**

**FAQs:**

a) **What does it mean to “filter out” a listing?**

Answer: Filtering out listings per the new policy means to remove or block other Participants' listings that are obtained from the MLS based on the amount of compensation offered to the cooperating broker or based on the listing firm or listing agent. As stated in the NAR Code of Ethics, Standard of Practice 3-10 and pursuant to fiduciary duties owed to a client, Participants and Subscribers must share information about any MLS listing when it serves the best interests of their client or consumer. This prohibition does not apply to listings obtained from other sources.

b) **Is “ranking” or “sorting” different from “filtering out” listings?**

Answer: Yes, “ranking” or “sorting” listings is the ability to organize a list of MLS listings in a particular order. Examples of criteria that may be used to rank or sort may be the property sales price, the number of bathrooms or bedrooms, the property location, the Participant's own listings, etc. When listings data is gathered from the MLS, ranking or sorting must not involve the removal or the blocking of property listings based on the amount of compensation offered to buyer agents or on the listing firm or listing agent, which prevents those listings being shown to the client or consumer.

- c) **Can the MLS have a function within its system that automatically pushes out emails to clients about available properties hitting the market and allows the Participants to filter out listings based on the offer of compensation, the listing firm, or the listing agent?**

Answer: No. Just like the inability of Participants to withhold listings based on that criteria in IDX and VOW displays, MLSs cannot enable that same ability within other MLS functions that provide listing data to clients or consumers.

- d) **Does this policy apply to listings data not obtained from the MLS?**

Answer: No, this policy does not apply to any listings information that a Participant or Subscriber obtains from other sources. For example, a listing agent is free to separately compile her own listings without using MLS listings data and then circulate those listings to her mailing list.

- e) **Can a Participant or Subscriber promote their own listings on their website?**

Answer: Yes, the Participant or Subscriber can choose to promote their own listings on their website if it does not involve filtering out other Participants' listings received from the MLS. However, Participants and Subscribers should ensure that their clients and consumers understand that they are not viewing all the property listings available on the MLS that may fit their criteria.

- f) **Does this policy prohibit a Participant from receiving a data feed of her own listings from the MLS (Policy Statement 8.3) to display on the brokerage's non-IDX or non-VOW site?**

Answer: A Participant is entitled to receive from the MLS a data feed containing all her active and off-market listing content available in the MLS system. The Participant can use this feed to display, share or promote to their clients or customers because it does not involve filtering or blocking the listings of other Participants from the MLS.

### **3. Revisions to listing broker attribution in MLS Policy Statement 7.58, Internet Data Exchange; and MLS Policy Statement 7.91, Virtual Office Website (Sections 18.2.12 and 19.18 of the NAR Model MLS Rules).**

#### **FAQs:**

- a) **Who decides which email or phone number to use?**

Answer: The policy calls for the listing Participant (i.e., principal broker/MLS Participant), to provide the email address or phone number that they wish to have displayed as part of the listing attribution in IDX and VOW.

- b) **If the MLS already displays an email address or phone number that the listing Participant had provided to be displayed with their listings, would this comply with policy?**

Answer: Yes, but the listing Participant is entitled to change this information if they wish. Ultimately, the listing Participant will decide which email address or phone number to use and if that will be the same or different for each of the brokerage's listings. The email or phone number provided can be that of the firm, the broker, the agent, or other source to obtain property information.

The intent is to ensure that the listing Participant can provide consumers the best contact information for the listing(s).

- c) **Is this a mandatory requirement when displaying properties under the IDX rules?**

Answer: Yes. Existing policy requires disclosure of the listing brokerage. This expands it to also require an email address or phone number as provided by the Listing Participant.

- d) **Is this a mandatory requirement when displaying properties under the VOW rules?**

Answer: No. This is a voluntary requirement for VOW display that needs to be determined by the local MLS, including any disclosure of the listing brokerage or listing agent.

- e) **If a licensee has waived subscription to an MLS, would display of that licensee's phone number or email in the MLS invalidate the waiver?**

Answer: It could. A local MLS can preclude the contact information of waived licensees from appearing in an MLS listing as a condition of the local MLS's waiver agreement. NAR's sample waiver agreement is available at <https://www.nar.realtor/about-nar/policies/changes-to-mls-policy-statements-742-and-743-mls-of-choice/waiver-example>.

- f) **Can the MLS establish a picklist of emails and phone numbers for the listing Participant to choose from?**

Answer: Yes, as long as the listing Participant is not restricted from choosing the email address or phone number that they wish to have displayed with their listing.

- g) **Is the listing Participant required to provide an email or phone number?**

Answer: No. The listing Participant can choose not to provide an email or phone number at their discretion.

**4. Revisions to the display of sold data in MLS Policy Statements 7.58, Internet Data Exchange; and MLS Policy Statement 7.91, Virtual Office Website (Sections 18.3.12 and 19.15 of the NAR Model MLS Rules)**

**FAQs:**

- a) **Can an MLS preclude the display of all sold data in nondisclosure areas as part of IDX and VOW?**

Answer: No. This change allows MLSs to preclude only the display of the **sales price** in IDX and VOW. All other sales data must be available for display at Participant discretion.

- b) **Can MLSs allow MLS Participants to display even the sales price in nondisclosure areas?**

Answer: Yes. It is a matter of local discretion whether the sales price will be available for IDX and VOW display in nondisclosure areas.

**5. MLS Policy 8.4, Services Advertised as “Free” (Section 4.5, NAR Model MLS Rules)**

**FAQs:**

- a) **Are MLS Participants and Subscribers prohibited from offering free CMAs, BPOs or other valuations and services to consumers?**

Answer: No. MLS Participants and Subscribers can continue to offer services for free if they do not receive compensation from any source for those services. Even though a broker or agent may not charge a client or customer, they cannot represent those services as free if they will receive compensation from another source such as their listing broker.

- b) **Why was this Policy adopted?**

It reinforces Participants and Subscribers' ethical duty to be truthful and accurate in their advertising, marketing, and other representations.

c) **How can the MLS enforce the obligations of Section 4.5?**

Answer: Section 9.1, Violations of the Rules and Regulations, establishes the process for determining violations of the MLS rules. An MLS can first issue an administrative sanction if a violation is determined, provided the recipient of that sanction can request a full due process hearing and a potential appeal. Hearings for violations of the MLS Rules are often handled by the Professional Standards Committee of the REALTOR® Association that owns or operates the MLS. However, there is also an option in NAR's Model MLS Rules for hearings to be conducted by the MLS itself.

**6. MLS Policy Statement 8.6, One Data Source**

**FAQs:**

a) **Can the MLS still offer multiple data feeds?**

Answer: Yes. The MLS can still provide multiple data feeds for instances in which a particular data feed would be outside the licensed authorized use or where the Participant or their vendor prefers to receive a separate data feed.

b) **Does this change put the MLS data at greater risk of misuse by vendors, MLS Participants, and others?**

Answer: No. This policy is intended to address concerns with efficiency, stopping Participants and vendors from having to work with multiple MLS data feeds when a single data feed would better serve their needs. As with any MLS data feed, the MLS can establish and require that recipients of the data sign a license agreement outlining the allowable uses and establishing the terms and conditions to prohibit misuse. This can also include concerns with derivative works.

c) **Can the MLS require vendors to sign a specific third-party license agreements for specific MLS data they intend to use on behalf of MLS Participants?**

Answer: Yes. There can be an IDX specific license agreement, a VOW specific license agreement, etc.

- d) **Must the MLS offer a One Source Data Feed that includes the broker's own listing data per MLS Policy Statement 8.3, Right of Participant to MLS Data Feed of Listing Content?**

Answer: No. An MLS may continue to offer the listing broker a separate feed of their own data. The intent of the One Data Source Policy is to create efficiencies with multi-Participant data feeds received from the MLS, like IDX, VOW, BBO, etc.

## **7. MLS Policy Statement 8.7, Brokerage Back Office (BBO) Data Feed**

### **FAQs:**

- a) **Can the MLS restrict the use of roster information?**

Answer: Yes. MLSs may restrict the use of roster information for purposes such as to preclude it from being used for recruitment.

- b) **Our local MLS already offers a Back Office Data Feed. Do we need to adjust our existing policy to comply with this new policy?**

Answer: Yes, if the existing Back Office Data Feed does not provide the same rights and privileges as provided for in the new BBO Data Feed Policy. However, MLSs have local discretion to expand their local Back Office Data Feed to create greater access to and use of MLS data.

- c) **How can the MLS protect the BBO Data from misuse, or to stop the creation of derivative works?**

Answer: The MLS may use license agreements, signed by the Participant and Participant's vendors, to establish the terms of use, address any areas of potential misuse, and establish consequences for the misuse of the BBO Data.

## **8. MLS Policy Statement 8.8, Display of Listing Broker's Offer of Compensation (Model MLS Rule 5.4)**

### **FAQs:**

- a) **Why was this policy adopted?**

Answer: This policy reinforces transparency for clients and consumers working with MLS participants and subscribers in a real estate transaction.

- b) **What is an MLS consumer-facing website?**

Answer: An MLS consumer-facing website is a website that the MLS makes available to consumers to access MLS listing content. Some MLSs operate or

provide a consumer-facing website as a member service or benefit. It is at the MLS's sole discretion on whether to operate or provide a consumer-facing website

c) **Does the policy apply to any additional compensation that is being offered by the Participant?**

Answer: Yes, if the additional compensation is predicated on the receiving cooperating broker being the procuring cause of the resulting successful transaction. The information about the offer of compensation must be as accurate to what appears in the MLS.

d) **Can an MLS craft its own disclaimer?**

Answer: Yes, the MLS can come up with its own disclaimer that clearly states that the offer of compensation is made only to the Participants of the MLS where the listing is filed. This model/sample disclaimer can also be used or adjusted as the MLS deems appropriate:

**Disclaimer**

*The listing broker's offer of compensation is made only to participants of the MLS where the listing is filed.*

e) **If a Participant or Subscriber does not have a website or use IDX or VOW display, do they now have to?**

No, the policy accounts for the fact that all brokers and agents do not have websites or use IDX or VOW display. Participants and subscribers can determine how to best provide compensation information to their clients and consumers.