

Summary of 2022 MLS Policy Changes

This Summary highlights changes in NAR MLS policy adopted in 2021, including changes to the Model MLS Rules and Regulations, and changes to the MLS Policy Statements, both found in the 2022 *Handbook on Multiple Listing Policy*. Shaded portions in the Handbook highlight all areas that have changed. All changes become effective January 1, 2022, unless indicated otherwise.

For comprehensive background information and additional detail, the Multiple Listing Issues and Policy Committee agenda and minutes can be found at <http://nar.realtor/natmeet.nsf>.

Throughout the Summary, underscoring indicates additions and strikeouts indicates deletions. At the end of each policy change, the compliance classification category is noted by the letters:

- M** Mandatory*
- R** Recommended
- O** Optional
- I** Informational

**Adoption is necessary to ensure compliance with mandatory policies and ensure coverage under the NAR's insurance policy for associations and MLSs. Unless indicated otherwise, local adoption is required by March 1, 2022.*

Changes to Model MLS Rules and Regulations

- **(New) Section 1.16, Property Addresses**

At the time of filing a listing, participants and subscribers must include a property address available to other participants and subscribers, and if an address doesn't exist a parcel identification number can be used. Where an address or parcel identification number are unavailable, the information filed with the MLS must include a legal description of the property sufficient to describe its location. **M**

- **(New) Section 4.5, Services Advertised as "Free"**

MLS participants and subscribers must not represent that their brokerage services to a client or customer are free or available at no cost to their clients, unless the participant or subscriber will receive no financial compensation from any source for those services. **M**

- **(New) Section 5.4, Display of Listing Broker's Offer of Compensation**

Participants and subscribers who share the listing broker's offer of compensation for an active listing must display the following disclaimer or something similar.

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

- **Section 18.2.4**

Participants may select the listings they choose to display through IDX based only on objective criteria including, but not limited to, factors such as geography or location ("uptown," "downtown," etc.), list price, or type of property (e.g., condominiums, cooperatives, single-family detached, multi-family), ~~cooperative compensation offered by listing brokers, or~~ type of listing (e.g., exclusive right-to-sell or exclusive agency), ~~or the level of service being provided by the listing firm.~~ Selection of listings displayed through IDX must be independently made by each participant. **M**

- **Section 18.2.12**

(While the typical implementation deadline is March 1, 2022 for local adoption of MLS policy changes, the deadline for implementation for the following has been extended to September 1, 2022.)

All listing displayed pursuant to IDX shall identify the listing firm, and the email or phone number provided by the listing participant 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. **M**

- **Section 18.3.1**

Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS participants and users (e.g., ~~cooperative compensation offers~~, showing instructions, and property security information; etc-) may not be displayed. **O**

- **Section 18.3.12**

Display of expired, and withdrawn, ~~and sold~~ listings ~~**~~is prohibited. (Amended 11/15) **O**

~~**Note: If "sold" information is publicly accessible, display of "sold" listings may not be prohibited. (Adopted 11/14)~~

- **Section 19.12.** A participant's VOW may exclude listings from display based only on objective criteria, including, but not limited to, factors such as geography, list price, or type of property. ~~cooperative compensation offered by listing broker and whether the listing broker is a REALTOR®.~~ **M**

- **Section 19.15**

A participant's VOW may not make available for search by or display to Registrants any of the following information: ...

e. Sales price if sold information is not publicly accessible in the jurisdiction of the MLS ~~Sold information~~ **O**

Note: If sold information is publicly accessible in the jurisdiction of the MLS, Subsection 19.15 e must be omitted. (Revised 11/15) **M**

- **Section 19.18**

(While the typical implementation deadline is March 1, 2022 for local adoption of MLS policy changes, the deadline for implementation for the following has been extended to September 1, 2022.)

A participant shall cause any listing that is displayed on his or her VOW to identify the name of the listing firm, ~~and the listing broker or agent,~~ and the email or phone number provided by the listing participant in a readily visible color, in a reasonably prominent location, and in typeface not smaller than the median typeface used in the display of the listing data. **O**

Changes to Multiple Listing Policy Statements

- **MLS Policy Statement 7.3, Statistical Reports**

MLSs may, as a matter of local determination, make statistical reports, sold information, and other informational reports derived from the MLS available to REALTORS® who do not participate in the MLS but who are engaged in real estate brokerage, management, appraising, land development, or building. Additional expenses incurred in providing such information to REALTORS® who do not participate in the MLS may be included in the price charged for such information. Any information provided may not be transmitted, retransmitted, or provided in any manner to any individual, office, or firm, except as otherwise authorized in the MLS rules and regulations.

MLSs may, as a matter of local determination, provide statistical reports, sold information, and other informational reports derived from the MLS to government agencies. MLSs may, as a matter of local discretion, require that such agencies (or representatives of such agencies) hold an appropriate form of membership in the MLS or in the association of REALTORS® as a condition of such access.

~~It is strongly recommended that any irrelevant information such as the names of current or former owners, or information concerning the sales commission or the compensation offered or paid to cooperating brokers be deleted. (Revised 11/04) M~~

- **MLS Policy Statement 7.85, Internet Data Exchange (IDX) Policy**

... To comply with this requirement MLSs must, if requested by a participant, promptly provide basic downloading of 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 IDX except those listings for which 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.

*Note: If “sold” information is not publicly accessible, ~~sold listings can be removed from the MLSs’ IDX feeds/downloads~~ display of sales price may be prohibited. “Publicly accessible” sold information as used in IDX policy and rules, means data that is available electronically or in hard copy to the public from city, county, state and other government records. MLSs must provide for its participants’ IDX displays publicly accessible sold information maintained by the MLS starting January 1, 2012. (Amended 5/17) M ...

Polices Applicable to Participants’ IDX Websites and Displays...

4. Participants may select the IDX 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, or type of property (e.g., condominiums, cooperatives, single family detached, multi-family), ~~cooperative compensation offered by listing brokers, or type of listing (e.g., exclusive right-to-sell or exclusive agency), or the level of service provided by the listing firm.~~ Selection of IDX listings to be displayed must be independently made by each participant. M...

(While the typical implementation deadline is March 1, 2022 for local adoption of MLS policy changes, the deadline for implementation for the following has been extended to September 1, 2022.)

12. An MLS participant’s IDX display must identify the listing firm, and the email or phone number provided by the listing participant 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.

M...

Note: While the typical implementation deadline is March 1, 2022 for local adoption of MLS Policy Changes, the deadline for implementation of this policy has been extended to September 1, 2022.

Policies Applicable to Multiple Listing Services

MLSs must designate compensation fields as non-confidential and make them available for display via participants' and subscribers' IDX and VOW displays.

The following guidelines are recommended but not required to conform to National Association policy. *MLSs may:*

1. ~~prohibit display of expired, or withdrawn, ~~or sold~~ listings*~~ (Amended 11/15)

**Note: If "sold" information is not publicly accessible, display of "sold" listings may not be prohibited. sales price of completed transactions may 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, and property security information, etc...~~

- **MLS Policy Statement 7.91, Virtual Office Websites (VOW) Policy**

II. Policies Applicable to Participants' VOWs...

5. *A participant's VOW must comply with the following additional requirements...*

h. A VOW may exclude listings from display based only on objective criteria, including, but not limited to, factors such as geography, list price, or type of property, ~~cooperative compensation offered by listing broker or whether the listing broker is a REALTOR®.~~ ○ ...

III. Policies Applicable to Multiple Listing Services ...

2. *An MLS shall, if requested by a participant, provide basic downloading of all MLS non-confidential listing data, including, without limitation, address fields, listing types, photographs, and links to virtual tours. Confidential data includes only that which participants are prohibited from providing to customers orally and by all other delivery mechanisms. They include fields containing the information described in Section IV.1. of this policy, provided that ~~sold data (i.e., listing information relating to properties that have sold) shall be deemed confidential and withheld from a download only if the actual sales prices of completed transactions are not accessible from public records,~~ sales prices may be deemed confidential and withheld from display. ...*

IV. Requirements that MLSs May Impose on the Operation of VOWs and Participants

1. *An MLS may impose any, all, or none of the following requirements on VOWs, but may impose them only to the extent that equivalent requirements are imposed on participants' use of MLS listing data in providing brokerage services via all other delivery mechanisms.*

- a. A participant's VOW may not make available for search by or display to Registrants the following data, intended exclusively for other MLS participants and their affiliated licensees:
- i. expired, withdrawn, or pending listings
 - ii. sales price on sold data if the actual sales price of completed transactions is not accessible from public records. ~~sold data, unless the actual sales price of completed transactions is accessible from public records.~~
 - iii. ~~the compensation offered to other MLS participants...~~

(While the typical implementation deadline is March 1, 2022 for local adoption of MLS policy changes, the deadline for implementation for the following has been extended to September 1, 2022.)

d. Any listing displayed on a VOW shall identify the name of the listing firm, and the email or phone number provided by the listing participant in a reasonably prominent location and in typeface not smaller than the median typeface used in the display of listing data. **O**

- **(New) MLS Policy Statement 8.4, Services Advertised as “Free”**
MLS participants and subscribers must not represent that their brokerage services to a client or customer are free or available at no cost to their clients, unless the participant or subscriber will receive no financial compensation from any source for those services. **M**
- **(New) MLS Policy Statement 8.5, Non-filtering of Listings**
MLS participants and subscribers must not, and MLSs must not enable the ability to, filter out or restrict MLS listings that are searchable by and displayed to consumers based on the level of compensation offered to the cooperating broker or the name of a brokerage or agent. **M**
- **(New) MLS Policy Statement 8.6, One Data Source**

(While the typical implementation deadline is March 1, 2022 for local adoption of MLS policy changes, the deadline for implementation for the following has been extended to September 1, 2022.)

MLSs must offer a participant a single data feed in accordance with a participant's licensed authorized uses.

At the request of a participant, MLS must provide the single data feed for that participant's licensed uses to that participant's designee. The designee may use the single data feed only to facilitate that participant's licensed uses on behalf of that participant. **M**

Note: While the typical implementation deadline is March 1, 2022 for local adoption of MLS Policy Changes, the deadline for implementation of this policy has been extended to September 1, 2022.

- **(New) MLS Policy Statement 8.7, Brokerage Back Office Feed**
That participants are entitled to use, and MLSs must provide to participants, the BBO Data, for BBO Use subject to the Terms below:

“BBO Data” means all real property listing and roster information in the MLS database, including all listings of all participants, but excludes (i) MLS only fields (those fields only

visible to MLS staff and the listing participant), and (ii) fields and content to which MLS does not have a sufficient license for use in the Brokerage Back Office Feed.

“BBO Use” means use of BBO Data by participant and subscribers affiliated with the participant for the following purposes:

- Brokerage management systems that only expose BBO Data to participant and subscribers affiliated with participant.
- Customer relationship management (CRM) and transaction management tools that only expose the BBO Data to participant, subscribers affiliated with participant, and their bona fide clients as established under state law.
- Agent and brokerage productivity and ranking tools and reports that only exposes BBO Data to participant and subscribers affiliated with participant.
- Marketplace statistical analysis and reports in conformance with NAR MLS Policy Statement 7.80, which allows for certain public distribution.

BBO Use may only be made by participant and subscriber affiliated with participant, except that at the request of a participant, MLS must provide BBO Data to that participant’s designee. The designee may use the BBO Data only to facilitate the BBO Use on behalf of that participant and its affiliated subscribers.

There is no option for participants to opt-out their listings from the Brokerage Back Office Feed Use as defined.

“Terms” mean the following:

- MLSs may impose reasonable licensing provisions and fees related to participant’s license to use Brokerage Back Office Feed Data. MLSs may require the participant’s designee to sign the same or a separate and different license agreement from what is signed by the participant. Such provisions in a license agreement may include those typical to the MLS’s data licensing practices, such as security requirements, rights to equitable relief, and dispute resolution terms. (The foregoing examples are not a limitation on the types of provisions an MLS may have in a license agreement.)
 - Use of roster information may be limited by the MLS participation agreement and license agreements.
 - Brokerage Back Office Feed Use is subject to other NAR MLS policies and local rules.
 - MLSs in their reasonable discretion may expand the definition of Brokerage Back Office Feed Use in conformance with other NAR MLS policies, such as Policy Statement 7.85, which provides that “Use of listings and listing information by MLSs for purposes other than the defined purposes of MLS requires participants’ consent.” **M**
- **(New) MLS Policy Statement 8.8, Display of Listing Broker’s Offer of Compensation**
MLSs must include the listing broker’s offer of compensation for each active listing displayed on its consumer-facing website(s) and in MLS data feeds provided to participants and subscribers and must permit MLS participants or subscribers to share such information though IDX and VOW displays or through any other form or format provided to clients and consumers. The information about the offer of compensation must be accompanied by a disclaimer stating that the offer is made only to participants of the MLS where the listing is filed. **M**
 - **(New) MLS Policy Statement 8.9, Property Addresses**

Residential listings filed with the MLS must include a property address where one exists at the time the listing is filed. If a property address is unavailable, then the parcel identification number must be submitted at the time the listing is filed. If no address or parcel identification number is available at the time the listing is filed, the listing must, at a minimum, contain a legal description of the property sufficient to describe the location of the property. This information shall be available to participants and subscribers at the time of filing. **M**