

MINUTES

CHAIR	Shad Bogany (Houston, TX)
COMMITTEE LIAISON	Sam DeBord (Bellevue, WA)
STAFF EXECUTIVE	Rodney Gansho (Chicago, IL)

CALL TO ORDER:

The meeting of the MLS Technology and Emerging Issues Advisory Board was called to order at 8:30 a.m. by Advisory Board Chair Shad Bogan.

APPROVAL OF PREVIOUS MEETING MINUTES:

The minutes of the August 2018 Advisory Board meeting were approved as written.

TECHNOLOGY:

Predictive Analytics

Dr. Aleksander Velkoski, Director, Data Science, NAR, talked about: 1) analytics, 2) the role of predicative analytics, 3) strategic challenges, 4) NAR's use cases, and 5) the steps to enhance analytic maturity. The group then discussed the applicability of this information to the MLS industry and better serving brokers, agents, clients, and customers.

RESO (Real Estate Standards Organization) update

New RESO CEO, Sam DeBord, reviewed the latest numbers for RESO membership. He also discussed the current versions of the Data Dictionary and Web API, including that 450/550 MLSs are certified under the Data Dictionary and 400+ MLSs for Web API. RESO currently has 10 different Workgroups covering mature standards and cutting edge technologies. The Spring Technology Summit for RESO is April 29 through May 2, in Boise, ID.

EMERGING ISSUES:

Ibuyer Platforms / Services

Josh Team, President, Keller William explained KW's approach to iBuying and its recent activities in this space. The group also received results from a recent telephone survey conducted by NAR about iBuying. The current interest and success of iBuying appears to be a small segment of the industry, and targeted to

several niche markets with favorable conditions. This is a practice and business model that the brokerage community should stay abreast of as it evolves and market conditions change.

Real Estate Trends

Marilyn Wilson from the WAV Group discussed her views on the following MLS Trends: 1) lack of consumer centricity, 2) broker challenges in obtaining and using MLS data, 4) the value proposition of MLSs, and more.

Legal Update

Katie Johnson, General Counsel and Chief Experience Officer, discussed the recent class action lawsuits filed against NAR and several brokerage companies. NAR's outside counsel was also in attendance.

RPR Update

Jeff Young, Chief Operating Officer/General Manager, RPR, explained the latest usages and adoption rates, strategic goals, product integrations, market engagement, and RPR2 platform enhancements.

MLS Public Portals, data sharing, and more

The Advisory Board received updates from representatives of: 1) the MLS GRID, 2) HAR's public website, 3) the Broker Public Portal, and 4) MLS Aligned. While each of these initiatives are outside the purview of NAR's governance and policy, they have the potential to serve the brokerage community with better data aggregation across markets for use by brokerage firms and display of property information to the public.

POLICY ISSUES:

Fair attribution practices in IDX, VOW and third party aggregation / NAR's discussions with Google

The Advisory Board received an update on efforts to increase listing broker attribution for online displays of listed property. To date, NAR is discussing potential alternatives to policy changes recommended by the Advisory Board with representatives of Google. When available, those alternatives will be shared with the Advisory Board and Committee at a future meeting for possible action.

MLS fees, dues, and charges assessed to brokers and licensees who do not hold local REALTORS® membership

Moved, seconded and carried:

Motion: That NAR MLS policy be revised so that MLSs may, at local option, charge participants and subscribers not holding primary or secondary membership in a REALTOR® association that owns the MLS, a different amount than charged to members of the association provided that such charge(s) are reasonably related to the actual costs of serving those members. (Underlining indicates additions, strikethroughs indicate deletions)

MLS Policy Statement 7.9, Definition of MLS Participant (in pertinent parts):

The universal access to services component of Board of Choice is to be interpreted as requiring that MLS participatory rights be available to REALTOR® principals, or to firms comprised of REALTOR® principals, irrespective of where primary or secondary membership is held.

The MLS may charge participants and subscribers not holding primary or secondary membership in a REALTOR association that owns the MLS a different amount than charged to members of the association provided that such charge is reasonably related to the actual costs of serving those members. This does not preclude an MLS from assessing REALTORS® not holding primary or secondary membership locally fees, dues, or charges that exceed those or, alternatively, that are less than those charged participants holding such memberships locally or additional fees to offset actual expenses incurred in providing MLS services such as courier charges, long distance phone charges, etc., or for charging any participant specific fees for optional additional services.
(Amended 4/96 5/19)

CMLS (Council of Multiple Listing Services) IDX/VOW Proposal

The Advisory Board members discussed the CMLS Proposal to combine existing IDX and VOW rules into one single set of simplified “Listing Exchange” rules that would govern electronic displays and delivery of MLS listing data by other MLS Participants.

The Advisory Board had first received the CMLS Proposal at its last meeting and agreed to defer consideration of the changes until after the expiration of the settlement agreement between NAR and the U.S. Department of Justice, which is the basis of NAR’s current VOW policy. That agreement expired November 2018.

After extensive discussion, the Advisory Board decided to support the Proposal. In addition to standardizing elements between IDX and VOW, these changes will help participants, subscribers, and their software vendors understand the applicable display and delivery rules. Further, even though the Settlement Agreement between NAR and the U.S. Justice Department is no longer in effect, NAR’s Legal Affairs Team suggested, and the Advisory Board concurred, that the new Listing Exchange rules will be provided to the U.S. Department of Justice for review and approval prior to consideration by the Multiple Listing Issues and Policies Committee. The Proposal will be discussed during the Midyear Meetings only for informational purposes.

Back office MLS data feeds

Cameron Paine, SVP of Industry Relations for eXp Realty, discussed the challenges some brokers experience when attempting to obtain MLS listing data for their internal use, or to display consistent with the IDX and VOW rules. These challenges involve the broker’s own listing information or listings of other brokers, and can include outright denial by an MLS to provide a datafeed, exorbitant fees, or a prolonged application process to get a datafeed.

The comments and experiences shared were similar to comments made by Bill Flower, Senior Director of Industry Relations at Compass at the Advisory Board’s last meeting.

The Advisory Board discussed the need for “bests practices” for MLSs to follow when responding to requests for MLS data feeds. A framework with areas of concentration to effectively respond to requests for data feeds was reviewed, and will be used to draft a new best practices resource. Representatives of the Advisory Board and CMLS will be called upon to help refine this resource. The resulting resource will be posted to nar.realtor.

Derivative works of MLS data

The Advisory Board reviewed concerns expressed by REALTOR® Louis Pinnoni, State College, PA, explaining activities by local appraisers to post MLS information in a manner that appears inconsistent with local MLS rules and MLS data license agreement. This appears to be an issue with the business practices of an outside company. Representatives from that company will be contacted and asked to participate in the Advisory Board’s August 2019 meeting to explain how property information and possible MLS content is being used.

Advisory Board Topics from the HUB

Four discussion topics submitted by the Advisory Board members via the HUB were discussed. No action was taken. However, the group supported additional resources and information on these topics to better educate brokers and licensees on the applicable business practices and policies. If there is time, the MLS Forum Chair will raise these topics during the Forum in Washington D.C.

Topics included:

- Capturing video and voice recordings during home showings
- Soliciting withdrawn listings and owners who no longer intend to sell their property
- Canceling a listing prior to expiration to receive a new MLS listing number or to restart the days on market
- MLS “open houses” and 24/7 showing services and applications

GENERAL DISCUSSION:

“MLSs of the Future”

The MLS has proven to promote competition among real state professionals, while also delivering valuable efficiencies to consumers. The MLS is pro-competative and pro-consumer. The MLS of the future must maintain these same pro-competative and pro-consumer objectives.

The Advisory Board discussed where MLSs should be in five years, and how that would affect participation by brokers, subscription by licenees, and more. It was the belief of some that the MLS maintaining and collecting information beyond properties for sale is key, and that services should be tailored to out-of-area brokers and licensees. To stay relavent, MLSs must consistently review and determine what their broker needs are and how those needs can be better served.

Updates

The MLS MAP

Advisory Board Liaison, Sam DeBord, discussed “The MLS MAP” he developed earlier this year using MLS data collected from several different sources. The results reveal trends and insights that can be used by MLSs, NAR and others to help with various industry initiatives. Tim Dain also shared his own local map of MLS data and how it could be parsed in different ways.

The Advisory Board supports the use of these maps and information to help with the MLS PAG recommendations and other NAR strategic initiatives.

MLS PAG

Rene Galicia, MLS Director of Engagement, NAR, discussed the status and progress to realize the four recommendations provided in the 2018 MLS PAG Report.

Other Business

The Advisory Board discussed association-wide standards for MLSs. The following recommendation was moved, seconded, and carried.

Recommendation:

That a Work Group be convened to explore the development and enforcement of service standards for multiple listing services owned and operated by REALTOR® Associations. This group will report its findings back to the MLS Technology and Emerging Issues Advisory Board for further consideration and potential adoption by the Multiple Listing Issues and Policies Committee and NAR Board of Directors.

Adjournment

There being no further business to come before the Committee, the meeting was adjourned at 12.00 p.m. on Friday, April 12, 2019.

Members Present:

Cindy Ariosa
Robert Bailey
Tom Berge Jr.
Brad Bjelke
Shadrick Bogany (Chair)
Chris Carrillo
Jonathan Coile
Matthew Consalvo

Tim Dain
Shawn Daupine
Sam DeBord (Liaison)
Bonnie Fitzgerald
Tina Grimes
David Howe
Rebecca Jensen
Michelle Kitzman
Brad Monroe
Veronica Mullenix
Cary Sylvester

Members Excused:

John Mosey

Staff:

Charlie Dawson
Rene Galicia
Rodney Gansho
Katie Johnson
Ashley Labanics
Diane Mosley
Aleksandar Velkoski
Jeff Young
Jack Berig (outside counsel)

Participants via conference call:

Josh Team
Marilyn Wilson
Teresa Kinney
David Abernathy
Cameron Paine
Greg Zadel