

NAR 2021 Summary of Changes

Listings

Section 1.4.1 – Accuracy of Listing Data:

Participants and subscribers are required to submit accurate listing data and required to correct any known errors. (Adopted 11/19) (M)

Use of MLS Information

Section 13.4 – Customer Service and Tech Support:

The MLS must display customer service and technical support contact information on the MLS website. (M)

Distribution of Content

Section 18.1 - Right of Participant to MLS Data Feed of Listing Content:

A Multiple Listing Service must, upon request, promptly provide an MLS Participant (or the Participant's designee) a data feed containing, at minimum, all active MLS listing content input into the MLS by or on behalf of the Participant and all of the Participant's off-market listing content available in the MLS system. The delivery charges for the Participant's listing content shall be reasonably related to the actual costs incurred by the MLS. The data feed must be in compliance with the RESO Standards as provided for in MLS Policy Statement 7.90. Note: MLSs will not limit the use of the Participant's listing content by the Participant or the Participant's designee. (Adopted 5/20)

Compliance with Rules

Section 7 - Compliance with Rules/Authority to Impose Discipline:

Note: MLS participants and subscribers can receive no more than three (3) administrative sanctions in a calendar year before they are required to attend a hearing for their actions and potential violations of MLS rules, except that the MLS may allow more administrative sanctions for violations of listing information provided by participants and subscribers before requiring a hearing. The MLS must send a copy of all administrative sanctions against a subscriber to the subscriber's participant and the participant is required to attend the hearing of a subscriber who has received more than three (3) administrative sanctions within a calendar year. (Adopted 11/20) M

Enforcement of Rules or Disputes

Section 9 - Consideration of Alleged Violations:

When requested by a complainant, the MLS will process a complaint without revealing the complainant's identity. If a complaint is subsequently forwarded to a hearing, and the original complainant does not consent to participating in the process, the MLS will appoint a representative to serve as the complainant. (Amended 11/20) (M)

Real Estate Standards Organization

Section 21 - Real Estate Transaction Standards (RETS)

Web API data access provided to participants and subscribers must have no less than the same data available via data access methods such as RETS or FTP systems, and MLS fields that exist in the RESO Data Dictionary must be delivered in conformance with the standard. (Amended 11/20) M

Use of MLS Information

Section 13.4 – Customer Service and Tech Support:

The MLS must display customer service and technical support contact information on the MLS website. (M)

Restrictions to Listing Information

Section 1.18.1 – Fair Housing:

Multiple Listing Services are important tools for furthering fair housing because they facilitate the widespread distribution of accurate property information to all consumers. To that end, MLSs must implement a process for identifying potential violations of fair housing laws, advising participants and subscribers to remove or correct potential violations. (M)

Nature of the Standard Multiple Listing Service Mark:

Section 3 - Nature of the Standard Multiple Listing Service Mark:

The NATIONAL ASSOCIATION OF REALTORS® has approved a standard multiple listing service logo (the “Logo”) for use by authorized chartered associations of REALTORS®, members of such associations, and multiple listing services solely owned by such association(s) pursuant to the terms set forth herein, and as further described in the Membership Marks Manual. Downloadable files and additional information about the Logo may be found on nar.realtor. (Amended 11/20) (M)

Section 3.1 - Authorization to Use the Standard Multiple Listing Service Logo:

Authorization to use the Logo is limited to the following authorized licensees (“Authorized Licensees”):

- (a) Associations of REALTORS® that own or control multiple listing service, wholly owned by REALTOR® Associations, and that have certified that their governing documents comply with multiple listing policy of the National Association.
- (b) Multiple listing services owned and/or controlled solely by an association(s) of REALTORS®, and when the governing documents of the owning or controlling association(s) of REALTORS® and/or the MLS, if a separate legal entity with separate governing documents, have certified that their governing documents comply with multiple listing policy of the National Association.
- (c) Members of an association of REALTORS® that owns and/or controls a multiple listing service and that has certified that their governing documents comply with multiple listing policy of the National Association.

Authorized Licensees use of the Logo is subject to the following limitations:

- The Logo may not be modified.
 - The Logo may not be used as a lapel pin or jewelry.
 - The Logo may be used only on stationery, printed forms, websites and within promotional materials regarding multiple listing services.
 - Authorized Licensees acknowledge that the National Association is the exclusive owner of the Logo.
 - The multiple listing service must cease all use of the Logo in the event it is no longer solely owned and/or controlled by an association(s) of REALTORS®.
 - The association(s) of REALTORS® and multiple listing service must cease all use of the Logo in the event any governing documents of the association(s) of REALTORS® or the multiple listing service, if applicable, do not comply with multiple listing policy of the National Association.
- The National Association reserves the right to require Authorized Licensees to adhere to additional limitations on use of the Logo and to cease use of the Logo for any reason within its sole discretion.

Section 3.2 - Special Notes Concerning the Standard Multiple Listing Service Logo and the National Association’s REALTOR® Trademarks:

The NATIONAL ASSOCIATION OF REALTORS® does not permit any variation of the Logo design. Further, the National Association will not review and does not authorize any multiple listing service insignia to be used with the Logo other than the multiple listing service’s own logo. Further, the National Association’s REALTOR® trademarks may not, in any instance, be used in connection with any multiple listing service not owned and/or controlled solely by an association(s) of REALTORS®. (Amended 11/20) (M)

Section 3.3 - Use of the Standard Multiple Listing Service Logo by Nonmember Participants:

The Logo may not be used by non-association members of an MLS, including in any state where law requires that brokers (principals) who are not REALTORS® be admitted to the multiple listing service of an association of REALTORS®, or in any association which has voluntarily opened its MLS to nonmember brokers and/or appraisers. Such use would be a

misrepresentation and would violate the registration rights in the REALTOR® trademarks of the NATIONAL ASSOCIATION OF REALTORS®, the lawful owner of said collective marks. Where such non-association member advertises that they are a member of the multiple listing service of an association of REALTORS®, the multiple listing service may properly require that such participant of the service include in such advertisement that they are not a member of the association of REALTORS®. (Amended 11/20) (M)

Forms Listings

Section 1.1 – Listings

Maintaining accurate listing data is a critical necessity for achieving the defined purpose of the MLS. Participants and subscribers are required to submit accurate listing data and be required to correct any known errors.

Multiple listing services may not require participants to enter into listing agreements using a form other than the form a participant individually chooses to use. The MLS reserves the right to request any and all documentation pertaining to the listings filed with the MLS. Any documentation requested by the MLS shall be submitted within five business days upon request by the MLS. Any “Listing Agreement” may be accepted by the MLS, however, with advice of its Legal Counsel:

- (a) ~~Reserves the right to~~ **May** refuse to accept any Listing Agreement which fails to adequately protect either the interest of the Public or the Participants;
- (b) ~~Shall~~ **Will** refuse to accept any Listing Agreement which establishes, directly or indirectly, any contractual relationship between the MLS and the Client or Customer;
- (c) Shall refuse to accept any Listing Agreement which does not include the Seller’s authorization to submit the agreement to the MLS.

Distribution of Content

Right of Participant to MLS Data Feed of Listing Content:

Section 18.1 - A Multiple Listing Service must, upon request, promptly provide an MLS Participant (or the Participant’s designee) a data feed containing, at minimum, all active MLS listing content input into the MLS by or on behalf of the Participant and all of the Participant’s off-market listing content available in the MLS system. The delivery charges for the Participant’s listing content shall be reasonably related to the actual costs incurred by the MLS. The data feed must be in compliance with the RESO Standards as provided for in MLS Policy Statement 7.90.

Note: MLSs will not limit the use of the Participant’s listing content by the Participant or the Participant’s designee. (Adopted 5/20)

Compliance with Rules

Section 7.1 - Filing Complaints:

When requested by a complainant, MLSs must provide a process for processing complaints without revealing the complainant’s identity. If the complaint is forwarded to hearing, then the MLS Committee, Grievance Committee, MLS staff or other representative must serve as the complainant when the original complainant does not consent to participating in the process or the disclosure of his or her name.

Section 7.2 - Administrative Sanctions:

In any instance where a participant in an association multiple listing service is charged with a violation of the MLS bylaws or rules and regulations of the service, and such charge does not include alleged violations of the Code of Ethics or the Standards of Conduct for MLS participants, or a request for arbitration, administrative sanctions. Recipients of an administrative sanction may request a hearing before the professional standards committee of the association.

MLS participants and subscribers can receive no more than three (3) administrative sanctions in a calendar year before they are required to attend a hearing for their actions and potential violations of MLS rules, except that the MLS may allow more administrative sanctions for violations of listing information provided by participants and subscribers before

requiring a hearing. The MLS must send a copy of all administrative sanctions against a subscriber to the subscriber's participant and the participant is required to attend the hearing of a subscriber who has received more than three (3) administrative sanctions within a calendar year.

Section 7.3 - Appeals and Hearing Options:

If the participant refuses to accept any sanction or discipline proposed, the circumstances and the discipline proposed shall be appealed to the board of directors of the association of REALTORS® which shall, if it deems the finding of violation proper and the sanction appropriate to the offense, delay the effective date of sanction until final entry by a court of competent jurisdiction in a suit filed by the association for declaratory relief, except in those states where declaratory relief is not available, declaring that the disciplinary action and proposed sanction violates no rights of the multiple listing service participant. If the MLS committee has a procedure established to conduct hearings, the decision of the MLS committee may be appealed to the board of directors of the association of REALTORS®. If a separately incorporated MLS has an established procedure for the conduct of hearings, the decisions of the hearing tribunal shall be appealable to the board of directors of the MLS. (Amended 11/20) (M)