

This summary highlights changes in MLS rules adopted in 2017. All changes became effective January 1, 2018, unless indicated otherwise.

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 National Association master professional liability insurance policy.*

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## Changes to Model MLS Rules and Regulations (all types):

**Section 1.12 ~~Jurisdiction~~ Service Area** Only listings of the designated types of property located within the ~~jurisdiction service area~~ of the MLS are required to be submitted to the service. Listings of property located outside the MLS's ~~jurisdiction service area~~ will (or will not) be accepted if submitted voluntarily by a participant, but cannot be required by the service. (Amended 11/17) **M**

**Note:** Associations must choose whether the service will accept listings from beyond its ~~jurisdiction~~ service area into the MLS compilation. (Amended 11/17)

### Section 6, Service Fee and Charges

#### Service Charges

The following services charges for operation of the multiple listing service are in effect to defray the costs of the service and are subject to change from time to time in the manner prescribed:

**Initial Participation Fee:** An applicant for participation in the service shall pay an application fee of \$ \_\_\_\_\_ with such fee to accompany the application.

**Note:** The initial participation fee shall approximate the cost of bringing the service to the participant.

**Recurring Participation Fee:** The annual participation fee of each participant shall be an amount equal to \$ \_\_\_\_\_ times each salesperson and licensed or certified appraiser who has access to and use of the service, whether licensed as a broker, sales licensee, or licensed or certified appraiser who is employed by or affiliated as an independent contractor with such participant. Payment of such fees shall be made on or before the first day of the fiscal year of the multiple listing service. Fees shall be prorated on a monthly basis.

However, MLSs must provide participants the option of a no-cost waiver of MLS fees, dues, and charges for any licensee or licensed or certified appraiser who can demonstrate subscription to a different MLS where the principal broker participates. MLSs may, at their discretion, require waiver recipients and their participants to sign a certification for nonuse of its MLS services, which can include penalties and termination of the waiver if violated.\* (Adopted 11/17) **M**

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\* Mandatory waiver provision is effective no later than July 1, 2018.

**Note 1:** A multiple listing service may elect to have such fees payable on a quarterly or even on a monthly basis. However, added administrative services are necessitated by increased frequency of such payments.

**Note 2:** Multiple listing services that choose to include affiliated unlicensed administrative and clerical staff, personal assistants, and/or individuals seeking licensure or certification as real estate appraisers among those eligible for access to and use of MLS information as subscribers may, at their discretion, charge recurring fees. (Amended 11/17) **R**

**Listing Fees:** Refer to Appendix A - Fees

**Section 17 Orientation** Any applicant for MLS participation and any licensee (including licensed or certified appraisers) affiliated with an MLS participant who has access to and use of MLS-generated information shall complete an orientation program of no more than eight (8) classroom hours devoted to the MLS rules and regulations and computer training related to MLS information entry and retrieval and the operation of the MLS within thirty (30) days after access has been provided. (Amended 11/04) **M**

Participants and subscribers may be required, at the discretion of the MLS, to complete additional training of not more than four (4) classroom hours in any twelve (12) month period when deemed necessary by the MLS to familiarize participants and subscribers with system changes or enhancements and/or changes to MLS rules or policies. Participants and subscribers must be given the opportunity to complete any mandated orientation and additional training remotely. (Amended 11/17) **M**

**Section 18, IDX Defined** IDX affords MLS participants the ability to authorize limited electronic display and delivery of their listings by other participants via the following authorized mediums under the participant's control: websites, mobile apps, and audio devices. As used throughout these rules, "display" includes "delivery" of such listings. (Amended 5/17) **M**

**Section 18.1, Authorization Option #1:** Participants' consent for display of their listings by other participants pursuant to these rules and regulations is presumed unless a participant affirmatively notifies the MLS that the participant refuses to permit display (either on a blanket or on a listing-by-listing basis). If a participant refuses on a blanket basis to permit the display of that participant's listings, that participant may not download, frame or display the aggregated MLS data of other participants.\* (Amended 05/17)

**Section 18.2.3 of the Internet Data Exchange (IDX) Rules** Listings, including property addresses, can be included in IDX displays except where a seller has directed their listing broker to withhold their listing or the listing's property address from all display on the Internet (including, but not limited to, publicly-accessible websites or VOWs) or other electronic forms of display or distribution. (Amended 05/17) **M**

**Section 18.2.4 of the Internet Data Exchange (IDX) Rules** Participants may select the listings they choose to display ~~on their~~ through IDX sites based only on objective criteria including, but not limited to, factors such as geography or location ("uptown," "downtown," etc.), list price, type of property (e.g., condominiums, cooperatives, single-family detached, multi-family), cooperative compensation offered by listing brokers, 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 ~~on any~~ through IDX site must be independently made by each participant. (Amended 05/17) **M**

## Section 18.2.12 of the Internet Data Exchange (IDX) Rules

All listings displayed pursuant to IDX shall identify the listing firm 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.\* (Amended 05/17) **M**

\* Displays of minimal information (e.g., text messages, “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only when linked directly to a display that includes all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently delivered electronically to the registered consumer performing the property search or linked to through the devices application. (Amended 5/17)

## Section 18.3.9 of the Internet Data Exchange (IDX) Rules

The data consumers can retrieve or download in response to an inquiry shall be determined by the MLS but in no instance shall be limited to fewer than five hundred (500) listings or fifty percent (50%) ~~one hundred (100) listings or five percent (5%)~~ of the listings available for IDX display, whichever is fewer. (Amended 11/17) **O**