

November 6, 2019

Mr. Greg Zadel, Chair, Multiple Listing Issues and Policies Committee
Mr. Sam DeBord, Committee Liaison, Multiple Listing Issues and Policies Committee
Mr. Rodney Gansho, Staff Executive, Multiple Listing Issues and Policies Committee
NATIONAL ASSOCIATION OF REALTORS®
430 North Michigan Avenue Chicago, IL 60611

Dear Mr. Zadel and Multiple Listing Issues and Policies Committee Members,

Please accept this letter on behalf of the Council of Multiple Listing Services (CMLS) regarding the Clear Cooperation Proposal recommendation from the MLS Technology and Emerging Issues Advisory Board. Before commenting further, we would like to acknowledge the difficult task and the excellent work completed by the Advisory Board and this Committee.

Cooperation between competitors is not a new concept and is one worth fighting for. We commend NAR for addressing this issue and standing strong behind our shared belief that broker cooperation through the MLS is vital to serving consumers. We will not sacrifice the core value of cooperation that facilitates the orderly, efficient marketplace and ultimately ensures that the consumer has fair and complete access to housing opportunities.

As the organization that serves to advance the multiple listing service industry, we appreciate the opportunity to further support organized real estate. CMLS believes that cooperation between real estate professionals on a shared platform creates the confidence, connections and community necessary for an efficient, consumer-friendly marketplace. Withholding listings from the MLS for the purpose of marketing them privately pulls our industry, and the consumers we serve, backward toward the world of inside deals, inefficiency and uncertainty from which we emerged decades ago.

Since the release of the Advisory Board recommendation, CMLS members have participated in robust debate, including at our annual conference in October and recently on a webinar hosted by CMLS. This letter represents the culmination of those discussions.

CMLS is in full support of the Advisory Board recommendation to adopt the proposed new MLS Policy Statement 8.0. We urge the Committee and the NAR Board of Directors to pass this proposal. Several leading MLSs have already implemented local policies like the one proposed that address the business objectives of brokers while maintaining the consumers' right to choose and preservation of privacy. These policies are both pro-consumer and pro-competitive facilitating an orderly marketplace.


We appreciate the November 1 proposal change that updated the turn-in timeline to one business day due to member feedback. We've also considered member feedback and recommend a longer implementation window than proposed. While some MLSs have existing policies, some MLSs may not have mechanisms in place to effectively implement on a short time frame. CMLS commits to working with our members, NAR, brokers and stakeholders to identify best practices and publish resources for MLSs to ensure successful policy adoption. Whether MLSs opt to adopt Policy 8.0 with no additional changes, whether they add a delayed showing form, a delayed showing status or a combination of policies - we believe MLSs will benefit from additional time to consider options through engagement of members and evaluation of their local market.

For this reason, CMLS proposes that the Committee adopt the following amendment to the current proposal:

Within one business day of marketing a property to the public, the listing broker must submit the listing to the MLS for cooperation with other MLS participants. Public marketing includes, but is not limited to, flyers displayed in windows, yard signs, digital marketing on public facing websites, brokerage website displays (including IDX and VOW), digital communications marketing (email blasts), multi-brokerage listing sharing networks, and applications available to the general public. Multiple Listing Services must implement this policy no later than May 1, 2020.

Thank you for allowing CMLS to bring these comments to the Multiple Listings Issues and Policy Committee. We appreciate the comment period afforded to the community prior to the November meetings and respectfully request that these comments be considered by the Committee along with others that you have received.

Sincerely,



Denée M. Evans, Chief Executive Officer
Council of Multiple Listing Services