

DRAFT - Proposed Listing Exchange and Access Policy (LEAP)

Overview

The draft MLS policy statement, applicable policies and model MLS rules and regulations identified in this document are preliminary and provided for industry feedback.

The work from Sam DeBord and members of the industry who provided their feedback and insights in drafting the NOW policy provided an excellent starting point for the work we are currently undertaking in the CMLS Data Access Concepts work group. The Listing Exchange and Access Policy (LEAP) substantially references the NOW proposal, and we anticipate that LEAP will build on NOW in addressing broker pain points and MLS compliance implications.

The Data Access Concepts work group recommends to CMLS that LEAP replaces existing IDX policy.

This document is provided publicly for review for questions, concerns and refinement. Please utilize [this survey](#) to provide your feedback on the draft or contact Betsy Hanson at betsy.hanson@councilofmls.org or 877.505.8805.

DRAFT Listing Exchange and Access Policy (LEAP) - Policy Statement X.XX

(Note: The following is a preliminary proposal for feedback. While display rules are currently proposed to be somewhat duplicative of public facing advertisement in the IDX policy, LEAP is intended to provide a broader model that recognizes a needed update, and potentially replaces IDX, but leaves the VOW policy which is focused on client communication unchanged and in its current form.)

Listing Exchange and Access (LEAP) is a policy whereby participants are provided access to all MLS content for the purposes of display (where authorized), distribution (where allowed), valuation, internal organizational needs, and working with customers. LEAP governs delivery of all data and content that a real estate brokerage would require to run a technology enabled brokerage firm including public facing advertising, a vibrant client only accessible virtual office website, as well as providing data for internal and external brokerage functions.

LEAP is for the use of MLS participants only. The data feed can be accessed by participants and their technical designees which support their brokerage activities. LEAP does not alter or amend the use or rules of existing MLS data and content sets for the purposes of supplying technology vendors and advertising platforms with the content needed for non-participant authorized display.

LEAP gives MLS participants the ability to access MLS content for multiple uses and authorize limited electronic display and delivery of their listings by other participants via the following authorized mediums, including, but not limited to: business websites, mobile applications, audio devices, and additional technologies which support communication between participants and customers.

Associations of REALTORS® and their multiple listing services must enable MLS participants to display aggregated MLS listing information by specified electronic means in accordance with this policy. Requests under LEAP must be acted on by the MLS within three (3) business days from receipt, unless 1) there are extenuating circumstances related to an individual's qualification for MLS Participation, or 2) review of the participant's use of content consistent with the MLS rules is reasonably necessary as determined by the MLS. An estimated time of approval or denial must be issued within 3 business days of the request.

To comply with this requirement MLSs must, if requested by a participant, promptly provide any credentials necessary to accommodate basic downloading of all MLS content available to participants for real estate brokerage purposes, including all sold* listing data starting from January 1, 2012. MLSs may not exclude any listings from the information which can be accessed but may only limit the display under LEAP for 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.

This access shall be persistent for participants, though reasonable limiting of data download rates may be implemented where necessary due to substantially outsized data request loads from participants. "Downloading" means electronic transmission of data from MLS servers to participants' servers using a RESO certified or mutually agreed on transport method. The MLS's content publicly displayed must be refreshed to accurately reflect all updates and status changes no less frequently than every two (2) hours.

**Note: If "sold" information is not Publicly Accessible, sold price can be prohibited from public display via the MLSs' content. "Publicly Accessible" sold information as used in LEAP policy and rules, means data that is available electronically or in hard copy to the public from city, county, state, and other government records.*

Unless state law requires prior written consent from listing brokers, listing brokers' consent for display may be presumed unless a listing broker affirmatively notifies the MLS that the listing broker refuses to permit display on a blanket basis.

If a participant refuses on a blanket basis to permit display of that participant's listings, then that participant may not display the aggregated MLS data of other participants on any display controlled by the objecting participant. Even where participants have given blanket authority for other participants' display of their listings, such consent may be withdrawn on a listing-by-listing basis only if instructed by the seller to not display any listing information on the internet.

DRAFT LEAP Update to existing MLS Policy Statement 8.2, Customer Service and Tech Support.

MLS Policy Statement 8.2, Customer Service and Tech Support The MLS must display customer service and technical support contact information on the MLS website. Customer service and technical support contact information must be on a publicly accessible web page and must include, at minimum:

- Contact information for administrative approval, setup and technical support
- Data transport method (Name of Web API service and other transport service(s) defined)
- Links to MLS rules, policies, and regulations

Policies Applicable to Participants' LEAP displays

Participants must allow the MLS to view any display of LEAP data for purposes of monitoring/ensuring compliance with applicable rules and policies.

Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or property address from display on the Internet shall not be accessible via LEAP-powered displays.

Participants must refresh all MLS downloads and displays automatically fed by those downloads not less frequently than every two (2) hours.

Except as provided elsewhere in this policy or elsewhere in an MLS's rules and regulations, a LEAP-powered display or participant engaging in LEAP content display may not distribute, provide, or make any portion of the MLS database available to any person or entity.

When displaying listing content, a participant's or user's LEAP-powered display must clearly identify the listing brokerage firm in such a way that a reasonable member of the public understands who is the listing broker and who is the broker displaying the listing data (Advertising Broker).

Participants shall not modify or manipulate MLS content that is displayed through LEAP which relates to other participants' listings. The participant may, however, augment MLS listing information with additional information not otherwise prohibited by these rules or by other applicable MLS rules or policies, as long as the source of such other information is clearly identified in the immediate proximity to such data.

DRAFT - Model Rules and Regulations for REALTOR® Owned and Operated MLSs' Listing Exchange and Access Policy (LEAP) MLS Content

Rule XX Listing Exchange and Access Policy (LEAP) Defined

Within three business days of a completed request, MLS must deliver credentials to access a data feed that includes all MLS data and content that a real estate brokerage would require to any active Participant, or their Technical Designee. A Participant may use their own listings for any purposes. For another Participants' listing, only those portions of the MLS Content that are designated by the MLS for advertising purposes may be displayed by Participant to members of the public under these rules.

Rule XX LEAP Advertising Display Definitions

MLS participants may use the data feed to advertise listings in any digital medium, consistent with these rules ("Advertising display"). For purposes of this rule, any Participant, including any Subscriber affiliated with the Participant, that inputs a listing into the MLS consistent with the MLS rules is a "Listing Broker." An "Advertising Broker" means any Participant, including any Subscriber affiliated with that Participant, that uses the data feed to publicly display any information about a property filed with the MLS for which that Participant is not the Listing Broker.

Rule XX LEAP Authorization for Advertising display

All Listing Brokers grant permission for any Advertising Broker to display any listing submitted to the service by the Listing Broker only if:

1. The Participant, or its Technical Designee, has sufficient independent control to add, edit, and delete the advertised listing.
2. The listing display or advertisement is clear so that a reasonable real estate consumer understands:
 - a) who is the Listing Broker for the advertised property, and
 - b) how to contact that Listing Broker and
 - c) that the Advertising Broker is not the Listing Broker for the advertised property.

There is a rebuttable presumption that it is clear to a member of the public that the Advertising Broker is not the Listing Broker if the

advertisement includes all Advertising Attribution fields from the MLS.

The Advertising Attribution fields must include:

- a) Name of the Listing Broker;
- b) Contact details input by the Listing Broker into the MLS for use in all Advertising displays; and
- c) Any other field designated by the MLS as a requirement for Advertising Attribution.

3. Advertising does not include, and any limitations imposed by this rule do not apply to:

- a) Any communication between a Broker and their Client. Client is any individual or entity that has a valid Agency Agreement, or legally recognized non-agency relationship with the Participant that is in effect at the time of the communication; or
- b) Any communication or information facilitated by the MLS.

4. If there is a reasonable technical ability to establish a direct feed for updates to the Advertising display, then all information, statuses and the price contained in the Advertising display must be updated to be accurate and consistent with the MLS Data in the feed for the listing being advertised at least every 2 hours.

5. Advertising a listing shall not occur on any platform, website or other location that is offensive, vulgar, or inappropriate to a reasonable person. An Advertising Broker must immediately remove any advertised listing from any such platform, website, or location upon written notice of the Listing Broker that specifies the reasons for the objection to the advertisement on the objectionable platform, website, or location.

A Participant may opt out of granting their permission to allow their listings to be displayed under the LEAP Advertising display rules by providing a written instruction to the MLS that Participant will not be an Advertising Broker. By providing such an instruction Participant will not receive a data feed and the Participant agrees to not advertise any other Participant's listing in the MLS without first obtaining written permission from the Listing Broker for each specific listing prior to any advertisement.

Even where participants have given blanket authority for other participants to display their listings through LEAP, such consent may be withdrawn on a listing-by-listing basis where the seller has provided written instruction that the listing is not to be displayed on the Internet by anyone and notice is provided as part of the LEAP feed. Any such instruction shall include an

affirmative statement that the instruction to not display on the internet shall also apply to the Listing Broker.

Rule XX Monitoring of Participant displays

Participants must allow the MLS to view any Advertising display of data for purposes of monitoring compliance with applicable rules and policies.

Rule XX Prohibition on display of Seller and Occupant Information

Display of sellers' and/or occupants' names or their personal information is prohibited.

Rule XX Participant Technical Designee

Participant may designate any entity as their Technical Designee to assist Participant in managing and utilizing the data feed. Participant will have a written contract with the Technical Designee with terms at least as restrictive as these rules. Participant shall provide any such agreement to MLS within 2 business days of written request from the MLS. Notwithstanding designation of a Technical Designee, Participant is responsible for compliance with these Rules.

Rule XX MLS License Agreements

The MLS may require any Participant and/or Technical Designee to sign a licensing agreement, with terms consistent with these rules.

Rule XX Citing Source of MLS Content on displays

All displays shall include MLS source information.