

Controversial proposal to require addresses on MLS listings is back

NAR will also consider Redfin proposal to allow MLSs in non-disclosure states to exclude the display of sales prices from listing feeds, but not sold listings as a whole



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At its [midyear conference](#) starting next week, the [National Association of Realtors](#) will consider a controversial proposal to require listings submitted to Realtor-affiliated [multiple listing services](#) to include a property address that would be visible to other subscribers.

NAR will also consider a policy requiring sold listings in data feeds in non-disclosure states and guidance on MLS best practices.

The 1.4-million-member trade group's Multiple Listing Issues and Policies Committee [previously shelved the address proposal](#) at NAR's annual conference in November after a spirited debate for and against the mandate. Now, after consideration by committee's MLS Technology and Emerging Issues Advisory Board, the proposal is back.



Greg Zadel

“We talk about location, location, location when it comes to real estate and if you don’t know the location, it’s not very useful information,” Greg Zadel, chair of the advisory board and broker-owner of Zadel Realty, told attendees at a virtual event held by the Council of MLSs on Thursday called CMLS Brings It To The Table.

“You need to know where the property is and if there’s a privacy issue where somebody doesn’t want to tell anybody about the property, then you’ve got other avenues to market that property that have already existed in the MLS.”

‘Must include a property address where one exists’

The policy as currently proposed reads: “Residential listings filed with the MLS must include a property address where one exists at the time the listing is filed. If a property address is unavailable, then the parcel identification number must be submitted at the time the listing is filed. If no address or parcel identification number is available at the time the listing is filed, the listing must, at a minimum, contain a legal description of the property sufficient to describe the location of the property. This information shall be available to participants and subscribers at the time of filing.”

The rationale for the proposal in the upcoming [committee meeting agenda](#) emphasizes that property location is needed by brokers and agents to serve the interests of their clients. Moreover, disclosing the information when a listing is submitted to the MLS “is consistent with the MLS’s three tenets of: efficiency, transparency, and collaboration,” the agenda says.

Rodney Gansho, NAR's director of engagement, who also spoke at the CMLS event, urged those interested in sharing their feedback on the proposal to attend the MLS Forum that will be held during the NAR midyear conference, the Realtors Legislative Meetings, which will be held virtually May 3-14 and is free for NAR members to attend. The MLS Forum will be held Thurs. May 6 from 1 p.m. to 2 p.m. Central.



Rodney Gansho

The MLS Committee will meet and vote on the policy proposals on Friday, May 7 from 10 a.m. to 12 p.m. Central. If approved, the proposals will go forward to the NAR board of directors for a final vote at their meeting on Friday, May 14 from 10 a.m. to 1 p.m. Central. The board meeting will be open to NAR members and press.

Sold listings in non-disclosure states

Another policy proposal, suggested to the advisory board by real estate brokerage Redfin, would no longer allow MLSs in non-disclosure states to exclude sold listings from IDX and VOW listing data feeds for agent and broker websites, but would allow MLSs to exclude the display of sales prices. Non-disclosure states are Alaska, Idaho, Kansas, Louisiana, Mississippi, Montana, New Mexico, North Dakota, Texas, Utah, Wyoming and some counties in Missouri.

“These changes will allow MLSs to prohibit the display of the sales price when desired but allow MLS participants and subscribers to display other MLS sales data,” such as property location, square footage and number of bedrooms, according to the rationale for the proposal.

“As provided under existing policy, MLSs will still retain an ability to adopt local MLS rules around the use and access to property listing photos after a property sells.”

Non-disclosure state status does not preclude the display of all sold listing data and this is reflected in the inconsistent policies that MLSs in such states have, Redfin said in its proposal to NAR.

“Some MLSs allow display of sold listing content on IDX with sales price hidden, some allow VOW display of sold listing content, and some do not provide any sold listing content in data feeds whatsoever,” the brokerage wrote.

At the same time, Redfin argued that not displaying sold listings at all is making brokers look bad in comparison other listing sites that don’t have to follow NAR’s rules.



Caitlin McCrory

“We submitted the proposal because we continually hear from consumers and agents who are frustrated about our inability to display sold listings in some non-disclosure states,” Caitlin McCrory, Redfin’s head of industry relations, told Inman via email.

“Consumers use this information to learn about the market and brokerages and vendors use this data to power proprietary CMA products. Current MLS rules that restrict the display of sold listing information put broker participant websites at a disadvantage to some portal sites, which are not bound by the same rules.

“Many of these portal sites already display sold listing information, which they receive through brokerage feeds directly.”

She added, “After approaching local MLSs and finding inconsistent rules and interpretations of national policy, going through the NAR policy process felt like the right way to build consensus and find a solution. This is a common sense policy change that will give consumers access to more transparent data and create more consistent rules for MLS members.”

Guidance on MLS governance, tech, training and engagement

The MLS committee will also consider proposals regarding MLS best practices that will not be mandatory, but whose adoption will be encouraged in order to “deliver a high level of service and engagement to [MLS] participants and subscribers, while ensuring that MLS leadership and staff have a clear understanding of their responsibilities and duties to the MLS.”

They are:

The MLS should provide participants and subscribers annual updates (in-person or through written materials) that explain the changes in MLS policy and local MLS rules.

Starting January 1, 2022, the MLS should offer the RESO Web API as its primary data access method, and move to retire all other data feed mechanisms (e.g. RETS) in the future.

Prior to serving on the MLS, officers, directors, and committee members should complete training that will assist them in serving in their positions. Each position of the MLS should include an explanation of its essential duties and responsibilities.

MLSs should have a Board of Directors that is unique from the Association, and if operated as a Committee of the Association, the Association should move to create a separate legal entity for the MLS.

MLSs should engage with their participants and subscribers on an ongoing and consistent basis.

MLS executives and key MLS staff should fulfill a minimum of 12 hours of training every two years covering: MLS policy, technology, customer

service, or other MLS-related topics. Attendance at industry events and conferences is an acceptable way to receive education/training.

DOJ update

Lastly, Charlie Lee, NAR's senior counsel and director of legal affairs, offered attendees at CMLS event a small update regarding the rule changes expected as a result of a [settlement](#) between NAR and the U.S. Department of Justice in November. Some of the anticipated rule changes would allow public display of [commissions](#) and universal lockbox access for non-Realtors.



Charlie Lee

NAR said in November that the trade group would be working with the DOJ to agree on exact rule changes within 45 days and then hold a special, virtual meeting of the NAR board of directors to approve the new rules. NAR anticipated the new rules would take effect in the first quarter of 2021.

But in March [NAR told Inman](#) that the trade group was continuing to work through the details of the rule changes with the DOJ, "which is a process that can take months."

On Thursday, Lee clarified that the 45-day deadline was when NAR had to submit draft rules to the DOJ, "which we promptly did." NAR is currently waiting for feedback from the DOJ on those proposed rules, according to Lee.

"There's no timing in the agreement where the DOJ has to respond by and for when the proposed rules have to be finalized for the board of directors' approval," Lee said.

"You're dealing with the government and so there's also some legislative regulatory procedural requirements where they have to address comments, and then we can't ignore the fact that there was an administration change and that also affects timing as well."

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