

**MLS OF
MONTGOMERY AREA ASSOCIATION OF REALTORS®
IDX GUIDELINES/RULES**

APPROVED BY MLS BOARD OF DIRECTORS & REVIEWED BY LEGAL COUNSEL

The National Association of REALTORS passed a policy enabling MLS's to facilitate Internet Data Exchange (IDX), also referred to as "Broker Reciprocity", which has been adopted by the Multiple Listing Service of Montgomery Area Association of REALTORS. IDX is the next stage in the evolution of MLS as the primary means of enhancing cooperation between REALTORS to promote the purchase and sale of real property and gives MLS Participants the tool they need to display each other's listings on their Internet websites. Under Broker Reciprocity, brokers exchange consent to display each other's listings on the Internet.

NAR's policy statement is as follows:

Associations of REALTORS® and their Multiple Listing Services are encouraged to immediately, and must by January 1, 2002, enable MLS Participants to display on Participants' public websites aggregated MLS active listing information subject to the requirements of state law and regulation. To comply with this requirement MLSs must, if requested by a Participant, promptly provide basic "downloading" of current listing information. Associations and MLSs can also offer alternative display options including framing of Board, MLS, or other publicly-accessible sites displaying Participants' listings (with permission of the framed site). For purposes of this policy, "downloading" means electronic transmission of data from MLS servers to Participants' servers. This policy does not require associations or MLSs to establish publicly accessible sites displaying Participants' listings.

Unless state law requires prior written consent from listing brokers, listing brokers' consent for such display may be presumed unless a listing broker affirmatively notifies the MLS that the listing broker refuses to permit display. If a Participant refuses on a blanket basis to permit the display of that Participant's listings, then that Participant may not download or frame the aggregated MLS data of other Participants

(End of NAR Policy Statement)

Other brokers' listings can be displayed by downloading data and photos from Net.MLS and publishing it on a member's website via a datalink created by MLS. Each Participant/Subscriber must adhere to IDX rules. **Anyone desiring a datalink to accomplish downloading data and photos will pay \$100 (one-time charge) for a datalink.** If a datalink is created, three free changes may be made to the datalink, after which there is a \$25 fee per change.

Guidelines for IDX:

- 1) *Display of confidential information fields intended for cooperating brokers rather than consumers is prohibited.*
- 2) *All listings must include the identity of the listing firm.*
- 3) *Information displayed may not be modified.*
- 4) *IDX sites may download only actives and pendings.*
- 5) *Participants are required to refresh all downloads and refresh all data at least once every 14 days.*
- 6) *The IDX website must include the following and must be on each viewable or printable page in which other MLS listings are displayed under IDX:*
 - A. *Fair Housing and MLS logos*
 - B. *Disclaimer that "Information herein is believed to be accurate and timely, but no warranty as such is expressed or implied"*
 - C. *The statement: "Listing information copyright "YEAR" Multiple Listing Service, Inc. of Montgomery Area Association of REALTORS®, Inc."*
 - D. *The statement: "The information being provided is for consumers' personal, non-commercial use and will not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing."*
 - E. *Any display of other Participants' listings must indicate the source of the information being displayed: "The data relating to real estate for sale on this web site comes in part from the IDX Program of the Multiple Listing Service, Inc. of Montgomery Area Association of REALTORS®. Real*

estate listings held by brokerage firms other than <Website Owner> are governed by MLS Rules and Regulations and detailed information about them includes the name of the listing companies.

7) MLS prohibits sharing of the MLS database with any unauthorized third party and will require Participants to indicate on their websites that the information being provided is for consumers' personal, non-commercial use and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing.

8) The amount of data/number of listings that consumers may retrieve or download in response to an inquiry is limited to 25 listings.

9) IDX is not a grandfathered rule and is effective on the date of adoption by the MLS Board of Directors. All IDX sites have 30 days to bring site into compliance with MLS Rules and Policies.

10) Broker and their consultant(s) must execute the MLS Data Download Agreement to participate in IDX.

11) Only "Required" and "Optional" fields will be downloaded to Broker Reciprocity sites. No other fields shall be included in the field layout.

12) By reference, the "Downloading Agreement" and "Sample IDX Web Page" become part of these rules.

FINES

The Multiple Listing Service establishes the following penalties for infractions of the rules by Members:

Level 1 – Warning notification to broker—if site not brought into compliance within ten consecutive calendar days, a fine of \$25 per day will be incurred, with a maximum of \$200.

Level 2 - \$250—Same or similar infraction start at Level 2. Correct within five consecutive calendar days. (NOTE: If Level 1 not corrected, automatic imposition of Level 2 fine goes into effect.)

Level 3- \$500—Third infraction start at Level 3. Correct within five consecutive calendar days. (NOTE: If Level 2 not corrected, automatic imposition of Level 3 fine goes into effect.)

Level 4-Access to Datalink Immediately Discontinued by MLS and Net.MLS/Passport access terminated. If data source is not Datalink, fine schedule will skip from Level 3 to 5.

Level 5-MLS Committee initiates an ethics violation complaint for forwarding to MAAR Grievance Committee, who can take the matter to the Professional Standards Committee and MLS Board of Directors for action. MLS Rules and Policies Committee and Board of Directors retain the right to impose fines at any level they deem appropriate.

The MLS Rules & Policies chairman will appoint a “policing” task force to review websites for compliance. It shall be in the sole discretion of the MLS Board of Directors to discontinue access to Datalink immediately, without notice in the event of any egregious or serious violation of these rules pending further investigation by the Board of Directors.

Questions and answers to amplify important points about IDX:

Q. Do I have to allow other Participants to display my listings on their websites?

A. No, Participants are free to withhold authority for such display.

Q. What happens if I won't allow other Participants to display my listings on their websites?

A. If you prohibit the display of your listings by other Participants, you may not display their listings on your website. Other Participants may give you permission to display their listings but you would have to seek and obtain permission separately from each Participant.

Q. What happens if a Participant doesn't declare a blanket prohibition to prevent other Participants from displaying their listings but instead indicate each time they submit a new listing to the MLS, that their authorization to display that listing is being withheld. Since they haven't issued a "blanket" prohibition against display by other Participants (but is constructively doing

just that incrementally), are they entitled to display other Participant's listings?

A. No. A Participant cannot do indirectly what they cannot do directly. Since any Participant can opt out of IDX on a blanket basis, it can be presumed that those Participants who don't opt out are willing to allow other Participants to display their listings - except in those infrequent instances where a seller specifically prohibits the listing broker from allowing the listing to be displayed by other Participants. This correlates with Participants accepting "office exclusive" listings in cases where a seller requests that their listing not be included in the MLS system.

Q. If I don't participate in IDX but give another Participant permission to display my listings on their website, can the MLS (with my permission) transfer my listings to that Participant?

A. Yes. MLS may, but is not required, to transmit your listing information to any destination you authorize.

Q. If I want to authorize other Participants to display my listings under IDX, how do I do it?

A. You don't need to do anything. The way the IDX program is structured, the consent of each Participant to permit display of their listings is assumed. If you choose not to permit display of your listings by other Participants, you simply notify the MLS that your consent is being withheld.

Q. Can the MLS refuse to accept my listings if I do not permit other Participants to display them on their websites?

A. No. Participants cannot be required to consent to display of their listings on other Participants' websites as a condition of participation in the MLS.

Q. Can the MLS refuse to transfer my listings to REALTOR.COM or to another aggregator of real property ads if I do not permit other Participants to display them on their websites?

B. No.

Q. Can I authorize some, but not all, Participants to display my listings on the Internet?

A. If you consent to the display of your listings by other Participants under the IDX program, then any other Participant in the MLS may display your listings. If you prefer to authorize some, but not all, Participants to display your listings, this can be accomplished - though not under the IDX program.

Q. Why should we let our listings be displayed on our competitors' website?

A. Letting other Participants display listings on the Internet is a business decision each Participant must make, taking into account their duty to promote the best interests of their clients; to cooperate with other REALTORS; and the opportunity to use the Internet to better serve their clients and customers.