



CMLS
Council of Multiple Listing Services

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November 2, 2011

Pat Callan, Chairman
NAR Multiple Listings Issues and Policies Committee
National Association of REALTORS, Inc
430 North Michigan Ave
Chicago, IL 60611

Via email to: Cliff Niersbach

Dear Chairman Pat and MLS Issues and Policy Members,

Please accept this letter on behalf of the Council of Multiple Listing Services (CMLS) regarding the recommendations included in the "Report and Recommendations of the IDX PAG". Before commenting further, we would like to acknowledge the difficult task and the excellent work completed by the PAG.

The membership of CMLS is very diverse and includes Associations and MLS organizations from small to very large – REALTOR® owned to regional to broker owned to private. While we do not profess to speak on behalf of our entire membership, we feel it is prudent to share the feedback we have received from our members. Since the release of the PAG report, CMLS members have participated in discussions at our annual conference, in off-line and email conversations, on the NAR call and recently on a call hosted by CMLS. This letter represents the culmination of those discussions.

IDX and Franchisors

CMLS fully supports the recommendation of the PAG to rescind the current rules allowing for the use of IDX by national franchisors. Additionally, we fully support the recommendation that access to listing content for Franchisors and other like groups be received via listing syndication. We would like to emphasize that we also support the right for each broker to select the individual sites that they choose to display their listings on – just as they currently do via listing syndication.

Regarding Social Media

In our letter in May of this year, we expressed several concerns regarding the use of IDX on social media sites. Our comments then, as they are now, revolve around our desire to provide a framework that provides accurate and timely information for consumers and offers clear guidance for our Participants under the IDX Rules. As a recap, we asked that the committee consider the following (still valid) concerns:

- The challenge: making certain that the content distributed is kept current to avoid conflict with the IDX Rules as well as to reduce the opportunity for a consumer to encounter stale or outdated listing information. The Question: At what point is the broker relieved of the responsibility to make sure the information is current and accurate, i.e. under his/her control?
- The challenge: monitoring compliance as control of the content is easily lost once it appears on a site such as Facebook or is distributed via Twitter, etc. The Question: How far must the MLS go in tracking listing data distributed via IDX to ensure compliance with the rules?
- The challenge: ensuring that the distribution of listings can be properly filtered for compliance with the seller(s) preferences as they relate to the display of an AVM or the ability to comment on a property. With this comes the unanswered question: At what point is the broker relieved of the responsibility for honoring the seller(s) preferences?

CMLS recognizes that the PAG considered a separate Social Media Policy and rejected that option as opening the door to individual policies for multiple display scenarios. However, some CMLS member Participants have expressed reservations that expanding the current IDX rules and policies to include Social media takes away their choice about whether to allow their listings to appear in social media venues. To address this specific concern at the local level, would creating a local MLS option for Participants to opt into the traditional (website) IDX and a separate option to opt into IDX via Social Media be allowed under the new policy if adopted? This is one suggestion that was made to accommodate those brokers who are currently IDX Participants but do not want their listings distributed via Social Media. Some MLSs fear a mass exodus by brokers if they are offered only the all inclusive IDX- Yes or No choice.



MLS Issues and Policy Committee

November 2, 2011

Page 2 of 2

Regarding RSS

CMLS respectfully requests that RSS be removed from the recommendations as a display option for IDX. We firmly believe that while RSS can serve as a display option, it is a transport/delivery mechanism for data in its purest form and the lack of security in the specification causes many problems. In our opinion, there is absolute loss of control when listing information is retrieved via RSS. CMLS member and MLS Listings CEO Jim Harrison explains this problem eloquently, as follows:

If MLS data is distributed to persons or entities unknown who do not have explicit data use agreements with the data source (i.e. the MLS or the Broker) these entities can manipulate or re-purpose the content with impunity. RSS technology opens the door for savvy users or websites to essentially export any IDX data; aggregate, store, and manipulate that data without any consent from the broker or MLS. In the hands of technology providers unaccountable to IDX data policies, the persons or entities receiving the data have no obligation to present or use the content in a manner defined by the policies. Without this agreement, the MLS cannot assert any governance or corrections. Any abuse or other use will have to be suffered in silence.

One of our CMLS Board members, who also serves on the MLS Issues and Policy Committee, will make a motion recommending that the language regarding RSS be struck from the proposed changes. We will provide that motion and recommendation to NAR staff in advance of the meeting.

Defining "Control" of Display

Another area of concern is the interpretation of the word "control" as it relates to listing data under the control of a Participant. This definition is open to interpretation and needs to be defined. A definition will assist brokers as well as MLSs in understanding their responsibilities to keep IDX data under their "control". We will submit a proposed definition of "control" for consideration of the Committee in advance of the meeting in Anaheim.

Separation of Display and Transport

Currently NAR has structured IDX data use and display policies to ensure that the application display technologies (such as HTML, Mobile Apps, Flash) present information in a way consistent and governed by IDX rules. That information is delivered in bulk by standardized transport mechanisms (such as FTP and RETS) by the MLS and Broker community to authorized parties. Additional transport mechanisms (such as RSS and XML) may provide specific advantages and disadvantages; therefore CMLS supports discussion of these and other additional transport mechanisms as they relate to IDX, how they may change the requirements that a Participant retain control of the data, as well as how to incorporate options that may enable Participants to continue retaining control of the data. Additionally CMLS feels that Transport is a topic that is being served very well by the Real Estate Standards Organization (RESO). As NAR has provided policy that requires MLS's to adhere to the latest specification of RETS, the standard as published by RESO should be relied upon to frame data transport mechanisms, not the IDX policy.

Thank you for allowing CMLS to bring these comments to the MLS Issues and Policy Committee. Our motion on removing the RSS component of the proposed policy changes will follow shortly, along with our draft definition of "control". We respectfully request that these comments be considered by the MLS Issues and Policy Committee along with others that you have received.

Sincerely,

Merri Jo Cowen, 2011 CMLS President
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