

## MLS POLICY UPDATE

Effective 7/2024



The MLS Committee would like to update our members of the following MLS policy change(s). The change(s) will go into effect on July 1<sup>st</sup>, 2024. Please familiarize yourself with the information below:

- Social Media Advertising 12.8.2, 12.8.3
- Listing Attribution Clarification 12.16e, 12.19.18

### **CAR MLS Model Rules: Social Media Advertising 12.8.2, 12.8.3**

TCMLS will be adopting CAR's MLS Model Rule 12.8.2 and 12.8.3. 12.8.3c will NOT be adopted.

**12.8.2 Permission to Advertise a Participant's Listing in Digital and Social Media.** Participants and Subscribers must have permission from the listing broker or agent before advertising a listing in social or digital media. Listing brokers and agents are encouraged to discuss displays of listing information by other MLS Participants and Subscribers (including social media posts) with their seller clients to determine if the seller clients wish to provide permission for such displays. If the seller client consents, the listing broker or agent may provide blanket permission for other MLS Participants and Subscribers to advertise a listing online in the listing's private remarks. Consent for digital display of a listing pursuant to Rules 12.16 and 12.19 is presumed but can be revoked as provided for in those Rules.

**12.8.3 Listing Attribution in Digital and Social Media Advertising.** When publicly presenting or marketing another Participant's listing in digital and/or social media, Participants and Subscribers must identify the listing firm and listing agent in the advertisement. The listing attribution language must meet all of the requirements subsequently stated in this Rule (except for advertising done pursuant to Rules 12.16 and 12.19, which must follow the listing attribution requirements stated in those Rules):

(a) **Contact Information.** Any listing advertised by a Participant or Subscriber must include the listing agent's contact information. However, the listing broker has the option of providing different contact information in the MLS if the listing broker wishes to do so.

(b) **Prominence.** Listing attribution language must be clear and legible, and it must not be hidden by the use of small font size, non-contrasting font color, or other means that would make it hard for a consumer to discern who the listing agent and broker are. Listing attribution information must appear on the first screen that a viewer sees for a listing or with the property description information (i.e., in close proximity to the bedroom and bathroom count).

~~(c) **Calls to Action.** Any "call to action" near an advertised listing, such as a button permitting the viewer to contact an agent, must clearly identify whether the action (e.g., clicking the button) will put the viewer in contact with the listing agent or broker or with an advertising agent.~~

(d) **Proper Phraseology.** Any listing attribution must use the phrase "Listed by" or "Listing [brokerage/agent]" instead of "Presented by" or other phraseology that does not clearly distinguish between identification of the listing broker and agent and identification of the advertising agent, if any. Listing attribution on social media advertising must follow one of the following three formats: (1) "Listed by [agent]"

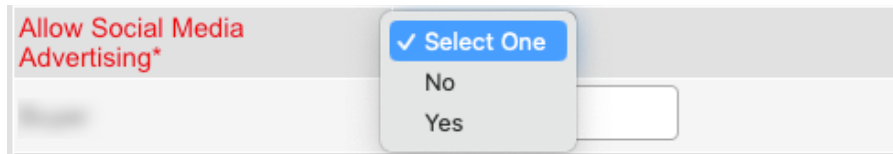
of [brokerage]” followed by contact information (name or phone number); (2) “Listed by [tag listing agent]; or (3) “Listed by [link to and IDX or VOW display of the listing].”

(e) **Displays of Minimum Listing Information.** Displays of minimum listing information (e.g., a one-line or thumbnail search result, text messages, “tweets”, audio, etc. Of two hundred (200) characters or less) must, when practicable, link directly to an IDX or VOW display of the listing.

### What is the change?

When a listing is submitted to the service, the listing agent will now indicate if other members are allowed to market the listing agent’s listing on social media platforms (Facebook, Instagram, Twitter, etc).

- If ‘No’ is selected, other members CANNOT advertise the listing agent’s listing on social media.
- If ‘Yes’ is selected, other members CAN advertise the listing agent’s listing on social media (NOTE: Listing attribution still required as per MLS Rules)



A screenshot of a web form. On the left, the text "Allow Social Media Advertising\*" is displayed in red. To its right is a dropdown menu with a blue button labeled "Select One". The dropdown menu is open, showing two options: "No" and "Yes".

### How will I know if social media advertising is allowed on a listing?

An ‘Allow Social Media Advertising’ field that is visible only to members will be available in the MLS listing detail report.

### Will the ‘Share’ button in the MLS be removed?

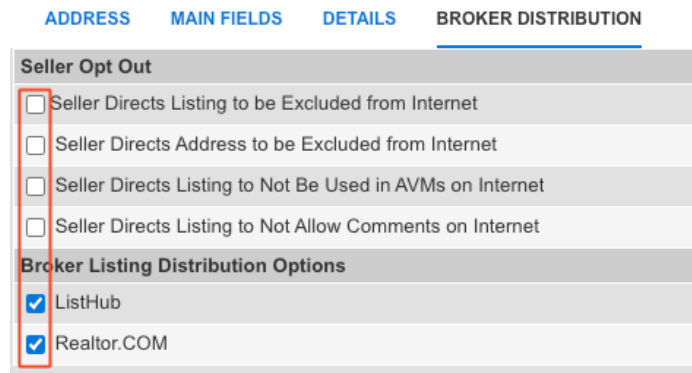
The ‘Share’ button in the MLS will remain visible to allow the listing agent and other members to share the listing but other members must check the ‘Allow Social Media Advertising’ field FIRST if they want to market the listing agent’s listing on social media platforms.

### Can the listing agent still market their listing on social media even if ‘No’ is selected for other agents?

Similar to other marketing (eg. IDX, neighborhood market reports), the listing agent controls marketing permission for the listing and may advertise and/or limit the public display of the listing as directed by the seller.

### Will IDX agent/office and syndication websites (Realtor.com, Lithub) advertising be affected?

Members will continue to use the ‘Broker Distribution’ menu if they want to manage the public display of the listing at agent/office and syndication websites.



A screenshot of a web interface showing the "BROKER DISTRIBUTION" tab. The page has four tabs: "ADDRESS", "MAIN FIELDS", "DETAILS", and "BROKER DISTRIBUTION". The "BROKER DISTRIBUTION" tab is active. Below the tabs, there are two sections: "Seller Opt Out" and "Broker Listing Distribution Options". The "Seller Opt Out" section has four checkboxes, all of which are unchecked. The "Broker Listing Distribution Options" section has two checkboxes, both of which are checked. A red box highlights the first four checkboxes in the "Seller Opt Out" section.

### CAR MLS Model Rules: Listing Attribution Clarification 12.16e

TCMLS will be adopting CAR’s MLS Model Rule 12.16e and 12.19.18. 12.16(r), 12.19.21 will NOT be adopted.

**12.16(e) Listing Attribution.** All IDX listing displays shall identify the name of the listing firm, and the email or phone number provided by the listing Participant, and the name of the listing agent in a manner designed to easily identify such listing firm or agent. Such identification shall be in a reasonably prominent location and provide clear, conspicuous written or verbal identification of the name of the listing firm and listing agent, and the email or phone number provided by the listing Participant. Listing attribution language must be clear and legible, and it must not be hidden by the use of small font size, non-contrasting font color, or

other means that would make it hard for a consumer to discern who the listing agent and broker are. Listing attribution information must appear on the first screen that a viewer sees for a listing or with the property description information (i.e., in close proximity to the bedroom and bathroom count). Any listing attribution must use the phrase "Listed by" or "Listing [brokerage/agent]" instead of "Presented by" or other phraseology that does not clearly distinguish between identification of the listing broker and agent and identification of the advertising agent, if any. Displays of minimum information (e.g. a one-line or thumbnail search result, text messages, "tweets", etc of two hundred (200) characters or less) are exempt from this requirement but only when linked directly to a display that includes all required disclosures. Audio delivery of listing content is exempt from this disclosure requirement only when all required disclosures are subsequently delivered electronically to the registered consumer performing the property search or linked to through the device's application.

**12.16(r) Advertising.** Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the Broker Participant's and/or R.E. Subscriber's logo and contact information is larger than that of any third party. ~~Any "call to action" near an advertised listing, such as a button permitting the viewer to contact an agent, must clearly identify whether the action (e.g., clicking the button) will put the viewer in contact with the listing agent or broker or with an advertising agent.~~

**12.19.18** A Participant shall cause any listing that is displayed on his or her VOW to identify the name of the listing firm and the listing broker or agent, and the email or phone number provided by listing Participant, in a readily visible color, in a reasonably prominent location, and in typeface not smaller than the median typeface used in the display of listing data. Listing attribution information must appear on the first screen that a viewer sees for a listing or with the property description information (i.e., in close proximity to the bedroom and bathroom count). Any listing attribution must use the phrase "Listed by" or "Listing [brokerage/agent]" instead of "Presented by" or other phraseology that does not clearly distinguish between identification of the listing broker and agent and identification of the advertising agent, if any.

12.19.21 A Participant may display advertising and the identification of other entities ("co-branding") on any VOW the Participant operates or that is operated on his or her behalf. However, a Participant may not display on any such VOW deceptive or misleading advertising or co-branding. For purposes of this Section, co-branding will be presumed not to be deceptive or misleading if the Participant's logo and contact information (or that of at least one Participant, in the case of a VOW established and operated on behalf of more than one Participant) is displayed in immediate conjunction with that of every other party, and the logo and contact information of all Participants displayed on the VOW is as large as the logo of the AVP and larger than that of any third party. ~~Any "call to action" near an advertised listing, such as a button permitting the viewer to contact an agent, must clearly identify whether the action (e.g., clicking the button) will put the viewer in contact with the listing agent or broker or with an advertising agent.~~

Do not hesitate to contact the board/MLS office (559-627-1776, support@tcmils.org) with any questions.