

April 3, 2009

Notice of Change in San Diego MLS's Listing Input Form Resulting from VOW Settlement; Seller's Right to Opt Out of the Internet; Description of a VOW

Effect of VOW Settlement on San Diego MLS's Listing Input Form.

A settlement between the U.S. Department of Justice and the National Association of Realtors has prompted San Diego MLS to make some changes to the listing input function on its listing input form. San Diego MLS is providing you with a basic Q&A to address some of the changes and definitions as set forth by the settlement. Please feel free to contact San Diego MLS's Rules and Regulations Department or Technical Support with any additional questions you may have.

What impact does the settlement have on the display of property listings on the Internet?

The settlement has given your sellers the option of including or excluding their properties from Internet dissemination outside of the Tempo MLS system. Sellers may "opt-out" of having their property listing displayed on any Internet sites. Sellers may not opt out of having their listings shown on some, but not all, VOW sites. This means that if a seller opts out of having his listing displayed on VOWs, the listing cannot be displayed on IDX sites, third-party aggregators' sites or elsewhere on the Internet.

How does my seller elect to exclude their property from the Internet? C.A.R. is modifying two of its standard forms: The Residential Listing Agreement (RLA) and the Seller Instruction to Exclude Listing from the MLS (SEL). Both of these forms will reference an Internet opt-out option. The seller may opt out of having their property displayed on the Internet by completing the applicable information, signing the RLA or SEL and delivering such form to the listing broker.

Note: As of April, 2009 (the publication date of this Q&A), C.A.R. has informed San Diego MLS that the new versions of the RLA and SEL should be available at the next forms revision date in April, 2009.

If my seller's property is displayed on the Internet, will my seller have control over any of the Internet features associated with such display? Yes. The revised RLA and SEL include optional paragraphs allowing the seller to choose among the following: (1) no property address on Internet displays; (2) no blogging or comment feature on Internet display of seller's property; and (3) no automatic valuation feature on Internet display of seller's property. The seller may make such election by completing the applicable information, signing the RLA or SEL and delivering such form to the listing broker. In addition, the seller may elect to opt out of having their property displayed on Internet syndication sites, as discussed in greater detail below.

How do I inform San Diego MLS that my seller has elected to exclude their property from the Internet? If the seller has elected not to have their listing on the Internet, you should select the "No" in the "VOW" field during listing input. By checking "no", the listing will be excluded from all Internet sites (including IDX sites), except the Tempo MLS system. In all other cases, you should select "Yes" in the "VOW" field during listing input.

My seller has chosen not to opt out of the Internet, and I answered “Yes” in the “VOW” field. Tempo is now prompting me with additional fields. The first field prompt is “Internet Syndication”. What does that mean? Listings that are to be included in VOWs are also available for Internet syndication. Internet syndication includes the following sites: REALTOR.COM, SignonSanDiego.com, North County Times and Cyberhomes.com. Answering “Yes” to “Internet Syndication” exposes the listing to ALL of the aforementioned sites.

Can my seller pick and choose among Internet syndication sites they want their listing to appear on? No. By answering “Yes” to Internet Syndication, the listing is disseminated to all of the San Diego MLS-approved syndication sites.

My seller desires that their property be disseminated through the Internet and I have answered the Internet Syndication prompt. Now I’m being prompted to select “Full Address”, “Partial Address” and “No Address”. What do those fields mean? As noted above, a seller can elect whether to have their property’s address displayed on the Internet. “Full Address” means that the property address will appear where applicable on Internet syndication sites, VOW sites and IDX sites. “Partial Address” means only the street name, city, state, and zip code will appear, and “No Address” means only the city, state and zip code will appear.

The next question prompted in the listing input form is “Auto Valuation Model”. What does that mean? Auto Valuation Model (AVM) is a computer-generated estimate of residential property value. Most often valuations are calculated using computer software models and recent sales of similar homes. The seller can elect to be excluded from this feature.

The last question prompted in the listing input form is “Comments/Review”. This question is also included on CAR’s SEL form. How do I explain that to my seller? Comments/Review is also sometimes referred to as a BLOG. Some broker sites include an open forum, as part of their website, for agents and members of the public to write comments about properties on the MLS. By answering “Yes” to this field, the seller has agreed to allow their property to be discussed in this forum.

Definition of a Virtual Office Website (VOW)

What is a VOW?

NAR’s Definition: The term Virtual Office Website (“VOW”) refers to a Participant’s Internet website, or a feature of a Participant’s Internet website, through which the Participant is capable of providing real estate brokerage services to consumers with whom the Participant has first established a broker-consumer relationship (as defined by state law) where the consumer has the opportunity to search MLS data, subject to the Participant’s oversight, supervision, and accountability.

CAR’s Definition: Virtual Office Websites (“VOWs”) are Internet sites operated by MLS Participants (or Subscribers of the MLS, with the consent of their Participant) through which Participants conduct online brokerage, enabling them to establish relationships and work with clients and customers in cyberspace in ways similar to real estate professionals interacting with clients and customers in a “brick and mortar” environment. Consumers accessing VOWs can

search and view MLS listing information after registering and providing their name and email address. A VOW can be a website or a page on a website.

In addition, a Participant may designate an Affiliated VOW Partner (“AVP”) to operate a VOW on behalf of the Participant, subject to the Participant’s supervision and accountability and the terms of the NAR Policy on VOWs.

A non-principal broker or sales licensee, affiliated with a Participant, may, with the Participant’s consent, operate a VOW or have a VOW operated on its behalf by an AVP. Such a VOW is subject to the Participant’s supervision and accountability and the terms of the NAR Policy on VOWs.

Definition of Internet Data Exchange (IDX) can be found in the San Diego MLS Rules and Regulations. (For a easy reference Q&A, please refer to the following link available on San Diego MLS’s website:

https://docs.google.com/viewerng/viewer?url=https://s3.amazonaws.com/static.organiclead.com/Site-6ef096f0-07cf-47c5-99c0-f4636ba633c4/Rules_and_Regulations_2019_v2.pdf

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IDX Minimum Requirements

The following checklist outlines the compliance requirements set forth by **SAN DIEGO MLS**. Use this checklist to review your website. Noncompliant sites will delay your request for the IDX display solution.

1. The **SAN DIEGO MLS public disclaimer language must be added to the IDX homepage of the Agent's website and any website featuring the **San Diego** MLS IDX data.**

"This information is deemed reliable but not guaranteed. You should rely on this information only to decide whether or not to further investigate a particular property. BEFORE MAKING ANY OTHER DECISION, YOU SHOULD PERSONALLY INVESTIGATE THE FACTS (e.g. square footage and lot size) with the assistance of an appropriate professional. You may use this information only to identify properties you may be interested in investigating further. All uses except for personal, non-commercial use in accordance with the foregoing purpose are prohibited. Redistribution or copying of this information, any photographs or video tours is strictly prohibited. This information is derived from the Internet Data Exchange (IDX) service provided by **San Diego** MLS. Displayed property listings may be held by a brokerage firm other than the broker and/or agent responsible for this display. The information and any photographs and video tours and the compilation from which they are derived is protected by copyright. Compilation © 2019 **San Diego** MLS."

Please note: Each year, you must update the "[Compilation © 2019 San Diego MLS](#)" to the current year.

2. The site must be finished and must have a location where it can be viewed (active URL)

Prior to submitting your application for IDX access to **SAN DIEGO** MLS data, the site must be completed and viewable by **SAN DIEGO** MLS to verify for compliance. If the website has not been published on the internet at the time of your submittal, please provide us with the temporary URL to the Agent's website.

3. The use of the acronym, "MLS", in the URL or on the site's search tab, is not acceptable.

Using the acronym, "MLS" is considered misleading to the public, as they are not actually searching the MLS, but a specific set of data from the MLS. If you have verbiage such as, "search every/all listing(s) in the MLS" you will need to change that. There is a small percentage of Broker's that have opted-out of IDX, those listings are not going to be found in any IDX solution.

(Refer to **San Diego** MLS Rules & Regulations. 12.18)

4. The California DRE license number of any Agent/Broker must be listed on the website.

Your Broker's DRE license number must be on the homepage of your website. The DRE has now specified a criteria for display: The DRE number must include ALL 8 digits of the license number (including any leading 00's) and it must include the state of the license: (example: CA DRE #00123456). The rule goes on to say, "*the type size of the license identification number shall be no smaller than the smallest size type used in the solicitation material.*"

12.16.4 Website Name and Status Disclosure. MLS Participants' firm websites shall disclose the firm's name and state(s) of licensure in a reasonable and readily apparent manner. Websites of Subscribers affiliated with a Participant's firm shall disclose the firm's name and the Subscriber's state(s) of licensure in a reasonable and readily apparent manner.

5. The brokerage/firm name must be prominently displayed on the website's homepage.

If you have a team or division logo it must be clear which brokerage/firm you are affiliated with. This can be done by making sure that the brokerage/firm logo is **larger** than your own and/or stating that your team is a part of said brokerage.

6. The brokerage/firm contact information must be displayed on the website's homepage.

This includes the phone number, physical address, and name of your brokerage/firm.

7. The brokerage/firm logo must be displayed on the website's homepage.

SAN DIEGO MLS requires that the logo of your brokerage/firm is prominently displayed on the homepage of your site. It must be clearly identifiable and placed in a location where the consumer can easily view it.

8. The name of the agent who owns the site must be prominently displayed on the homepage.

The full name of the Agent who owns or sponsors the website must be prominently displayed on the homepage. This means, that you will not be able to create a stealth or masked site that does not seem to be affiliated with an Agent.

NOTE: If this is a corporate site, add the Broker's (who is applying for IDX) name & contact information on the homepage, under the "About Us" or "Contact Us".

9. The applicant must be an active member of **SAN DIEGO MLS – No RECIPROCAL Agents**

To qualify for an IDX feed, the applicant and any Agent(s) on your must be an active subscriber with the **SAN DIEGO MLS**. Agents who are part of the Reciprocal network cannot obtain the feed unless they become a full subscriber to **SAN DIEGO MLS**.

If you are not a full member, please email idx@sdmls.com to obtain information on becoming a member.

10. If you are including an Agent roster on your site (showing agents on your team/in your office),

You must make sure that any person listed on your site are **ACTIVE San Diego MLS** members. Those who are not active members of **SAN DIEGO MLS**, are noted with their official job title (i.e. Office Assistant/Transaction Coordinator, etc.). This is to ensure that there is no confusion over whether they are a member of your brokerage as an active **SAN DIEGO MLS** subscriber. Also, please make certain that you display their **DRE** license numbers along w/their contact information.

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