



Carolina Multiple Listing Services, Inc.

November 4, 2010

Cliff Niersbach, vice president
Board Policy and Programs
cniersbach@realtors.org

Re: IDX Policy regarding RSS feeds, social media, mobile devices and other electronic means

Dear Mr. Niersbach:

On Nov. 6, the Multiple Listing Issues and Policies Committee will consider a proposal that the IDX policy should be enhanced to permit display of IDX information not only on participants' "public websites," but also using RSS feeds, social media, mobile devices and other electronic means.

The proposed policy leaves many unanswered questions and raises some concerns.

1. The proposed policy indicates participants must notify the MLS of their intention to display IDX information and give the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies.

The Carolina Multiple Listing Services, Inc. (CMLS) requires participants and subscribers to sign a contract for each website where they display IDX information. The thought of requiring each participant and subscriber to sign a contract for each social media website where he or she plans to post listings, and then to monitor those sites for compliance is mind-boggling.

2. The term "other electronic means" is vague. Would this include Craigslist, eBay, participants' and subscribers' non-IDX-websites, etc.?
3. If a participant tweets about or displays an IDX listing on Facebook that is not his or her own listing, is that considered to be based on "objective criteria?"

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4. The IDX Policy requires MLS data to be refreshed at least every three days. Tweets and Facebook posts live forever. How is it possible to comply with this rule in the context of social media?
5. The proposed policy provides an exemption from the disclosure requirements in displays of minimal information as long as they are linked directly to a detailed display that includes all required disclaimers. However, there are no minimum or maximum limits imposed for such displays. It is conceivable that almost all information could be displayed (at least on Facebook), and the consumer would have no need to click the link to view the display that includes the required disclosures. At a minimum, all displays should include the MLS#, listing status, name of the listing brokerage (if required by the MLS) and the date of the post.
6. RSS feeds are typically used for articles, not listings. Why would a broker use an RSS feed for listings? Wouldn't a more practical tool be to utilize a search mechanism that automatically notifies the consumer when a property matches his or her search criteria? RSS might work to deliver listings in a small or niche market, but in a market where thousands of listings are modified every day, an RSS feed would likely violate other MLS rules that limit the amount of listings that can be distributed.
7. Some MLSs prohibit co-branding, or require that the participant's logo and contact information be larger than that of any third party. It is likely that the Twitter and Facebook logos will be larger than those of the participant and that this rule impedes the ability to use Facebook or Twitter in a compliant manner.

Social media experts often coach real-estate professionals to use social media to build relationships, to share knowledge about the market that potential consumers find useful, and that posts of specific listings via Facebook and Twitter should be used sparingly, or else they are regarded as annoying.

Participants and subscribers of CMLS who use social media to post listings are able to do so in the current environment which is governed by the existing MLS rules and the Code of Ethics. Brokers are taught that they must obtain consent from the listing broker in order to post other brokers' listings on social media sites. One broker stated that for the purpose of attracting consumers to his Facebook page, just a few listings posted per day is sufficient, and he has

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obtained written consent from a few listing brokerages to post their listings, or he advertises his own listings.

Conversely, we have received and processed many complaints from upset brokers whose listings were advertised by other brokers without permission on Facebook, Craigslist, and other participant or subscriber non-IDX websites. Implementing this proposed policy could make a lot of brokers very angry and cause them to opt-out of the IDX program.

It is only a matter of time until someone develops an application for Facebook that allows IDX data to be posted in a way that complies with the current IDX rules. For example, CMLS has an IDX vendor who developed an iPhone application that complies with our IDX rules, and there was no need for concessions.

Sincerely,

Debbie Wey
Assistant Director CMLS Policy

cc: Gay Dillashaw, Multiple Listing Issues and Policies
Committee member, N.C. representative
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Committee member

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