**Sections 1 and 6:**  During the 2017 REALTOR® Conference and Expo, the NAR Board of Directors approved amendments that affect MLS billing structures (MLS Policy Statements 7.42 and 7.43).  Corresponding changes were made to Sections 1 and 6 of the NAR Model MLS Rules and Regulations (all types), found in the *Handbook on Multiple Listing Policy*. These amendments change the definition of MLS jurisdiction, and update billing structures MLSs must use when assessing fees to their participants and subscribers. You may view additional resources, including sample waiver forms and a FAQ here <https://www.nar.realtor/about-nar/policies/changes-to-mls-policy-statements-742-and-743-mls-of-choice>

The following changes are required (underscoring indicates additions, strikeouts indicate deletion):

***Section 1.12, ~~Jurisdiction~~ Service Area:***

*Only listings of the designated types of property located within the ~~jurisdiction~~ service area of the MLS are required to be submitted to the service. Listings of property located outside the MLS’s ~~jurisdiction~~ service area will (or will not) be accepted if submitted voluntarily by a participant, but cannot be required by the service. (Amended 11/17)* ***M***

***Note:*** *Associations must choose whether the service will accept listings from beyond its jurisdiction into the MLS compilation. (Amended 11/88)*

**Section 6, Service Fee and Charges**

***Service Charges***

*The following services charges for operation of the multiple listing service are in effect to defray the costs of the service and are subject to change from time to time in the manner prescribed:*

***Initial Participation Fee:*** *An applicant for participation in the service shall pay an application fee of $\_\_\_\_\_ with such fee to accompany the application.*

***Note:*** *The initial participation fee shall approximate the cost of bringing the service to the participant.*

***Recurring Participation Fee:*** *The annual participation fee of each participant shall be an amount equal to $\_\_\_\_\_ times each salesperson and licensed or certified appraiser who has access to and use of the service, whether licensed as a broker, sales licensee, or licensed or certified appraiser who is employed by or affiliated as an independent contractor with such participant. Payment of such fees shall be made on or before the first day of the fiscal year of the multiple listing service. Fees shall be prorated on a monthly basis.*

*However, MLSs must provide participants the option of a no-cost waiver of MLS fees, dues, and charges for any licensee or licensed or certified appraiser who can demonstrate subscription to a different MLS where the principal broker participates. MLSs may, at their discretion, require waiver recipients and their participants to sign a certification for nonuse of its MLS services, which can include penalties and termination of the waiver if violated.\* (Adopted 11/17)* ***M***

*\* Mandatory waiver provision is effective no later than July 1, 2018.*

***Note 1:*** *A multiple listing service may elect to have such fees payable on a quarterly or even on a monthly basis. However, added administrative services are necessitated by increased frequency of such payments.*

***Note 2:*** *Multiple listing services that choose to include affiliated unlicensed administrative and clerical staff, personal assistants, and/or individuals seeking licensure or certification as real estate appraisers among those eligible for access to and use of MLS information as subscribers may, at their discretion, charge recurring fees. (Amended 11/17)* ***R***

***Listing Fee:*** *A participant shall pay a monthly listing fee in an amount equal to the number of listings he filed with the service during the previous month, multiplied by the listing fee of $\_\_\_\_\_ per listing.*

***Note:*** *An alternative provision for the listing fee is: “For filing a new listing or renewal of a listing with the service, a fee of $\_\_\_\_\_ shall accompany each listing when   filed with the service.”*

***Optional:*** *It is a matter of agreement between the listing and selling brokers as to whether or not the cooperating broker shall reimburse the listing broker for the listing fee. The multiple listing service shall not be concerned because this is an arrangement between cooperating brokers, and the multiple listing service rules do not dictate the compensation offered to cooperating brokers by the listing broker. (Amended 4/92)*

***~~Subscription Fees:~~*** *~~One complete set of current listings shall be supplied to the participant upon payment of the application fee and the participation fee, and the participant shall be responsible for a subscription fee of $\_\_\_\_\_ for each additional set of listings to be supplied to each individual, employed by or affiliated as an independent contractor (including licensed or certified appraisers) with the participant who has access to and who utilizes the service.~~*

***~~Note 1:~~*** *~~This should be a minimal charge based on actual costs of producing and distributing the information.~~*

***~~Note 2:~~*** *~~Any combination of charges may be used if they are in accordance with the National Association’s MLS Antitrust Compliance Policy Point No. 3, which prohibits a fee that is contingent on the sale of a listed property.~~*

***~~Note 3:~~*** *~~Financing from the multiple listing service should be adequate but not in such amounts as to be the source of financing the association’s operation. The multiple listing service should pay its own way and allow for a reasonable operating reserve, but it is merely another service of the association and not the principal activity or reason for the association’s existence. As long as it is able to restrict its services exclusively or primarily to association members, the service is not properly an association profit center.~~*

***~~Note 4:~~*** *~~Multiple listing services that choose to include affiliated unlicensed administrative and clerical staff, personal assistants, and/or individuals seeking licensure or certification as real estate appraisers among those eligible for access to and use of MLS information as subscribers may, at their discretion, amend Section 6, recurring participation fee and subscription fees, as necessary to include such individuals in the computation of MLS fees and charges. (Adopted 4/92)~~*