

Guidelines for REALTOR® Associations Providing Products and Services to Non-Members

These guidelines for state and local associations outline what products and services associations may sell to non-members. **These guidelines do not impact existing NAR policy regarding participation in MLSs, as non-member participation in MLSs is determined at the local level, not by NAR.**

In general, state and local REALTOR® associations may offer certain products and services to non-members (e.g., legal forms, education). However, those non-member products and services cannot be offered in a manner that explicitly or implicitly functions as a membership in a local or state REALTOR® association or otherwise violates NAR's Constitution, Bylaws, or policies. In assessing a potential violation, NAR considers:

- **Membership.** NAR's Constitution and Bylaws expressly set forth the types of membership that local and state associations may offer. Associations may not offer non-REALTOR® memberships, unless in a form expressly permitted by NAR's Constitution and Bylaws.
 - [NAR Bylaws](#) Art. III, Sec. 3(C) ("Jurisdiction of a Member Board is hereby defined to mean: . . . The authority to accept as a REALTOR®, REALTOR-ASSOCIATE® or Institute Affiliate Member any person engaged in the real estate business . . ."); *see also* [NAR Constitution](#) Art. III, Sec. 1 (describing eight classes of membership).
 - State and local REALTOR® associations may have other classes of membership (e.g., Institute Affiliate Members, Affiliate Members, Student Members, Honorary Members, etc.), but these are limited and still must be in a form as allowed by NAR. These are not a substitute membership class for real-estate professionals who otherwise meet the qualifications of REALTOR® membership.
- **Three-Way Agreement.** Members of a local REALTOR® association must also be members of NAR and the state/territorial REALTOR® association.
 - [NAR Constitution](#) Art. XV, Sec. 1(D) ("Such association shall agree that after a specified date all of its Member Boards and Individual Members, as a condition of continued membership, shall hold membership in the National Association.").
- **Non-Member Products and Services.** Non-member products and services may not be offered in a manner that explicitly or implicitly functions as a membership in a state or local REALTOR® association only. Whether an offering functions as a membership will be evaluated on a case-by-case basis. NAR considers several factors in determining whether an offering effectively functions as a membership or is otherwise in violation of NAR's Constitution and Bylaws. These include, but are not limited to, whether the non-member products or services are:
 - Advertised and marketed explicitly or implicitly as a membership;
 - Available in exchange for annual dues (rather than for purchase or at a fee);
 - Available in an aggregated bundle of products and services similar to a REALTOR® membership rather than individually (à la carte) or in a limited offering. For example, NAR will evaluate if there is sufficient differentiation in the products or services available to members and the products and services available for purchase by non-members;
 - Associated with attributes of membership rather than related to MLS participation;
 - Offered in a manner that seeks to circumvent the Three-Way Agreement and the requirement for membership in the national and state associations;
 - Offered in a manner that results in trademark infringement, could create market and consumer confusion, or may dilute the REALTOR® brand;
 - Offered in a manner that involves false, deceptive, or misleading practices or representations.

These guidelines focus on REALTOR® associations contemplating the sale of products and services to non-members. These guidelines do not address MLS participation for non-members. Association-owned MLSs may allow non-members to participate in an MLS. This is determined at the local level (not by NAR). **Local and state associations with compliance-related questions may contact narpolicyquestions@nar.realtor.**