

CODE COMPREHENSION

ARTICLE 12

Display of Competitor's Listings on Social Media



QUESTION:

I want to advertise newly listed properties on my Facebook and other social media profiles. **May I do that even though I am not the listing broker for those properties?**

ANSWER:

Linking to another broker's website doesn't require specific authority. However, copying and publishing another broker's listing information is considered advertising and does require specific authority from the listing broker. The NAR Code of Ethics and several NAR MLS policies impact this practice. State licensing laws may also apply.

CODE OF ETHICS

Reproduced below are excerpts from several areas of the Code of Ethics that likely will be applicable.

STANDARD OF PRACTICE 12-4

“ REALTORS® shall not offer for sale/ lease or advertise property without authority. When acting as listing brokers or as subagents, REALTORS® shall not quote a price different from that agreed upon with the seller/ landlord. (Amended 1/93) ”

Note that decisions on whether someone has advertised without authority, as with any alleged violation of the Code of Ethics, are made after a full due-process hearing by a local association's professional standards committee.

CASE INTERPRETATIONS

12-15, Links to Other Websites; and 12-16, Copying and Publishing other Brokers' Listings.

[nar.realtor/code-of-ethics-and-arbitration-manual/case-interpretations-related-to-article-12](https://www.nar.realtor/code-of-ethics-and-arbitration-manual/case-interpretations-related-to-article-12)

MLS POLICIES:

In addition to the Code of Ethics, several NAR MLS Policies apply. The first is model MLS rule Section 2.7, reproduced below.

SECTION 2.7: ADVERTISING OF LISTINGS FILED WITH THE SERVICE

“ A listing shall not be advertised by any participant other than the listing broker without the prior consent of the listing broker. ”

As with alleged violations of the Code of Ethics, decisions on whether someone has violated this locally adopted rule, would be a decision made by the appropriate tribunal, per the process in the local MLS rules.

QUESTION:

May I display an IDX feed on my social media profiles?

ANSWER:

Yes, provided your display conforms to the IDX rules. Pay particular attention to these three key factors:

1. IDX displays of listing information must automatically update not less frequently than every 12 hours. (IDX Rule Section 18.2.5). Note that there are software companies with proprietary products that facilitate IDX compliant displays within a social media platform.
2. The MLS Participant must have “control” of the IDX display. For purposes of this policy “control” means actual and apparent control of the participant, and must be presented to the public as being the participant’s display.
 - a. Actual control requires that the participant has developed the display, or caused the display to be developed for the participant pursuant to an agreement giving the participant authority to determine what listings will be displayed, and how those listings will be displayed.
 - b. Apparent control requires that a reasonable consumer receiving the participant’s display will understand the display is the participant’s, and that the display is controlled by the participant. Factors evidencing control include, but are not limited to, clear, conspicuous, written or verbal identification of the name of the brokerage firm under which the participant operates.

Note: All electronic display of IDX information conducted pursuant to this policy must comply with state law and regulations, and MLS rules. (MLS Policy Statement 7.58)

3. Local MLSs may prohibit any advertising (or cobranding) on pages displaying IDX-provided listing information. (IDX Rules, Section 18.3.16)

ADDITIONAL LOCAL OPTIONS:

Pursuant to [MLS Policy Statement 7.98](#), MLSs may authorize displays of listing information outside of IDX. This is a matter of local discretion and must also include the specific consent of the listing broker. This policy authorizes a local MLS to create other display options at local discretion with listing information beyond IDX and VOW.

For a discussion of the factors brokers should consider when deciding where to advertise their listings, view NAR's resource [Internet Display of Listings: Broker Considerations for Syndication](#).

