

## SWMLS CHANGES ON AUGUST 1ST

- Eliminate Compensation Fields** Remove all offers of compensation from brokers and sellers to buyer brokers or representatives ON MLS.
- Require Non-MLS Mechanism** MLS cannot create, facilitate, or support any listing information to a website or other entity which lists compensation.
- Prohibit Data Links** No direct feed to a platform of offers of compensation from multiple offices. Results in data feed termination.
- Off-MLS Compensation** Cooperative compensation is still allowed off-MLS
- Enter Into Written Agreement** MLS users required to enter into a written agreement with buyer prior to touring.



**RULES & REGULATIONS W/ CHANGES**



## BENEFITS OF NAR MEMBERSHIP

### Release of Liability

Being a member resolves claims against **YOU**, Greater Albuquerque Association of REALTORS®, SWMLS, NMAR, and nearly all Brokerages in the NAR Settlement.

### Advocacy Principles

- Protects the rights of 1.5 million REALTORS® & 86 million property owners
- Supports policy initiatives that strengthen the ability of Americans to own, buy, and sell real property
- Commitment to uphold fair housing laws and remove barriers to homeownership
- Advance policies and candidates that build strong communities, protect property rights, and promote a vibrant business community

### Specifically in 2023:

- Opposed the FHFA's proposed loan level pricing adjustment upfront fee on borrowers with debt-to-income ratios greater than 40 percent.
- Supported ADUs as a means to create housing inventory
- Fought to eliminate proposed FHA fee hikes to LLPAs
- Fought to lower FHA MIPs by 30 basis points to help new & lower income buyers
- Fought costly bank rules that would raise the cost of borrowing
- Supported \$2.9 billion increases in DOH & HUD's voucher program
- Advocated for raising the Capital Gains Exclusion
- Supported commercial conversions to residential
- Supported increasing Borrower Eligibility
- Advocated to reduce foreclosures with 40-year loan modification
- Challenged environmental regulatory overreach on private land

### NAR ADVOCACY HISTORY



### Resources

Educational resources, additional accreditations, national conferences and committees, research and statistics, discounts with NAR REALTOR Benefit® partners, and robust REALTOR® marketing.

## MLS RULES REVAMP

# Are You Ready?

CHANGES BEGIN AUGUST 1



Morgan Cannaday • Tego Venturi • Jenn Cody Martin • Christine Marin-Taylor



*facts.realtor*

## SETTLEMENT 101

- Release of Liability** Resolves claims against NAR, Associations, MLSs, and provisions for nearly all Brokerages. Independent contractors are also covered.
- MLS** New rule prohibiting offers of compensation on the MLS. Cooperative compensation is still allowed off-MLS.
- Written Agreements** Realtors working with buyers must enter into written agreements prior to "touring home." (58 vi-x)
- Settlement Payment** \$418 million over approximately four years. No increase in NAR dues for 2024 & 2025.
- Denial of Wrongdoing** NAR continues to deny any wrongdoing in connection with the MLS cooperative compensation model rule that was introduced in the 1990s in response to calls from consumer protection advocates for buyer representation.

## COMPENSATION

**Compensation would continue to be negotiable and should always be negotiable.**

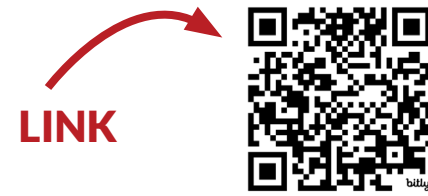
Types of compensation available:

- Fixed-fee commission paid directly by consumers
- Concession from the seller
- Portion of the listing broker's compensation

**LINK TO GAAR'S 1-PAGE RESOURCES FOR BUYERS & SELLERS**



# ANTITRUST COMPLIANCE POLICY



## NAR SETTLEMENT

### Section 18 Released Parties

“Released Parties” means:

b. Any REALTORS® (members of the National Association of REALTORS®), REALTOR-Associate® Members, and REALTOR® Member Boards that do not operate an unincorporated multiple listing service, and all of their respective past and present, direct and indirect, predecessors, successors (all as defined in SEC rule 12b-2 promulgated pursuant to the Securities Exchange Act of 1934), and all of their officers, directors, managing directors, employees, agents, contractors, independent contractors, attorneys, legal or other representatives, accountants, auditors, experts, trustees, trusts, heirs, beneficiaries, estates, executors, administrators, insurers, and assigns, that (i) is a member of the National Association of REALTORS® on the date of Class Notice; and (ii) complies with the practice changes reflected in Paragraphs 58(vi)-(x) of this Settlement Agreement and agrees to provide proof of such compliance if requested by Co-Lead Counsel; and (iii) does not assert any claims in the time period specified in Paragraph 59 they may have against the National Association of REALTORS®, any REALTOR® Member Boards, or any REALTOR® MLS based on any or all of the same factual predicates for the claims alleged in the Actions or the practice changes in this Settlement Agreement. Any Settlement Class Member shall have the right to inquire of the National Association of REALTORS® as to whether a Person is a REALTOR®, REALTOR-Associate® Member, or REALTOR® Member Board and has satisfied the conditions for being a “Released Party,” and the National Association of REALTORS® shall promptly provide this information.

### Section 34-36

What Released Parties Receive

- Comprehensive Release: Released Parties are protected from all current and future claims related to the lawsuit.
- Unknown Claims Covered: Even claims discovered later cannot be brought against the Released Parties.
- Specific Exclusions: The release does not affect unrelated legal.

Released Parties gain significant legal protection, related to the settled claims.

### Section 58 (vi)-(x)

- vi. Written Agreement Before Home Tours
  - a. amount or rate of compensation
  - b. objectively ascertainable (not open ended)
  - c. may not receive comp that exceeds the amount agreed upon
- vii. Prohibition on Misrepresentation of Free Services
- viii. Seller Disclosures and Approval of Payments
- ix. Disclosure of Negotiability of Commissions
- x. No Filtering of MLS Listings

### Section 58 MLS Requirements

- 58(i): Eliminate Compensation Requirements
- 58(ii): Prohibit Compensation Offers on MLS
- 58(iii): Remove Compensation Fields from MLS
- 58(iv): No Comp Requirements for MLS Membership
- 58(v): No Non-MLS Mechanisms for Comp Offers
- 58(xi): Rescind Inconsistent Rules
- 58(xii): Develop Consistent Educational Materials
- 58(xiii): Not prevent Off-MLS Compensation Offers



**LINK TO FULL  
NAR SETTLEMENT AGREEMENT**

## ACCESS THESE NMAR FORMS

- 1 - Visit [nmrealtor.com](http://nmrealtor.com)
- 2 - Go to ‘Member Login’
- 3 - Enter your Username (your NRDS #) & your Password (last name in lowercase)
- 4 - Go to the top menu & select ‘Legal Resources’
- 5 - Scroll down to ‘New & Revised Forms’

**NEW & REVISED  
FORMS**



### Seller Forms:

- Form 1106 – Listing Agreement – Exclusive Right to Sell (2024 Jul) – REVISED
- Form 1820 – Information Sheet – Multiple Listing Service (2024 Jul) – REVISED
- Form 1208 – Notice to Unrepresented Buyer (2024 Jul) – REVISED
- Form 1101 – Seller Notice of MLS Rule Changes (2024 Jul) – NEW
- Form 1108 – Compensation and Co-op – Broker to Broker (2024 Jul) – REVISED

### Buyer Forms:

- Form 1206 – Buyer Broker Agreement (2024 Jul) – REVISED
- Form 1206A – Buyer Broker Agreement – Short Form (2024 Jul) – REVISED
- Form 1102 – Buyer Notice of MLS Rule Changes (2024 Jul) – NEW
- Form 5115 – Buyer Broker Agreement Termination Addendum (2024 Mar) – NEW
- Form 5116 – Buyer-Broker Compensation Addendum (2024 Jul) – NEW

### Transaction Related Forms:

- Form 1208A – Unrepresented Party Use of Forms (2024 Jul) – NEW
- Form 2301 – Buyer Broker Comp Third Party Beneficiary (2024 Jul) – REVISED
- Form 4660 – Seller’s Compensation to Buyer’s Broker (2024 Jul) – REVISED
- Form 2001 – Broker Notification of Compensation (2024 Jul) – NEW (use when under contract)

## ASHLEY STRAUSS-MARTIN EXPLAINER VIDEOS

### NMAR Legal Hotline

E-Mail: [legalhotline@nmrealtor.com](mailto:legalhotline@nmrealtor.com)  
 Toll-Free: 877-699-7266, Albuquerque: 505-821-1583  
 Hours: Monday–Friday, 9 AM to 5 PM (excluding holidays)

