



To: Residential Broker Division A & B Members

From: REBNY Residential Board of Directors
Claude Szyfer, REBNY Counsel

Date: October 8, 2009

The Board of Directors of the Residential Brokerage Division has amended the section in the RLS Universal Co-Brokerage Agreement/Rules and Regulations (the "Universal Co-Brokerage Agreement") relating to advertising materials and the display of exclusive listings over the Internet. The new provision complies with the final judgment issued following the end of the Department of Justice's lawsuit challenging the National Association of Realtors' Virtual Office Website ("VOW") policy. Specifically, the following items have been addressed in the new provision:

- **Advertising Materials Given to Customers:** Advertising material given to a customer, such as a report or e-mail, which contains more than three (3) lines of information about an exclusive listing or contains media (such as multiple photos, video and/or a floorplan) shall include the name of the firm that co-broked the exclusive listing, in a reasonably prominent location and in a font size not smaller than the median type face of the document stating "[Name of Exclusive Broker/Participant] Exclusive Listing".
- **Internet Display:** Similarly, if a firm received permission to display other firms' listings on their own website, and displays more than three (3) lines of information about an exclusive listing, the name of the firm that co-broked the exclusive listing must appear on the web page, in a reasonably prominent location and in a font size not smaller than the median type face of the document stating "[Name of Exclusive Broker/Participant] Exclusive Listing".
- **Owner Opt-Out from Internet/VOW Display:** Should you have a Seller who elects to not have their listing displayed over the Internet, such as on a website or a Virtual Office Website (for more information about the VOWs, please see the enclosed FAQs), the Seller will need to execute a form indicating they want to opt-out of having their exclusive listing displayed over the Internet. When entering the exclusive listing for transmission over the RLS, the firm must indicate whether the Seller has elected to opt-out of the Internet display by checking off a new box on the listing entry screen. With respect to this opt-out form, the firm should retain a copy of the executed form for review by REBNY, if requested. A copy of the opt-out form is attached..

As both the marketplace and technology continue to evolve and move forward, we continue to try and insure that the Universal Co-Brokerage Agreement keeps pace and reflects the realities of the marketplace, as well as the changes in the law. The Board of Directors believes that the new amendment reflects these criteria. We have also attached a copy of the full text of the new Article III, Section 2.B for your convenience. The change will be effective for all REBNY Residential Members as of January 4, 2010.

It is your responsibility to make sure that all agents and brokers at your firm are aware of these important changes and to make sure that your firm is in compliance with these changes. **Moreover, we have met with each of the various listings technology vendors that provide services to the various RLS firms and they are all aware of the changes and are making the necessary changes to their respective systems.**

There will be a Question & Answer program for those principals/managers needing further clarifications regarding the RLS Amendments cited on October 19, 2009 at the REBNY Mendik Education Center from 9:30 a.m. to 11:00 a.m.

Please do not hesitate to call Eileen Spinola or Ossie Shemtov should you have any questions regarding the terms of the new Article III, Section 2.B. You may print off a new version of the Universal Co-Brokerage Agreement from the REBNY website to retain for your files. We wish you success throughout 2009.

Thank you for your cooperation.

[Click here to view Article III Sec. 2B](#)

If you have problems viewing, go to: <http://www.rebny.com/campaign/Article%20III%20Sec2B%2010-7-09.doc>

[Click here to view RLS VOW Agreement](#)

If you have problems viewing, go to: <http://www.rebny.com/campaign/REBNY%20--%20VOW%20Agreement%209-29-09.pdf>

[Click here to view RLS Virtual Office Website FAQ](#)

If you have problems viewing, go to: <http://www.rebny.com/campaign/VOW%20FAQs%20Final%20t%2010-7-09.DOC>