



NAR Settlement and Policy Changes

August 28, 2024

In March of 2024, the National Association of REALTORS® (“NAR”) announced a proposed settlement of national class action litigation involving compensation of brokers in residential real estate transactions. On August 17, 2024, NAR implemented several policy changes in connection with the proposed settlement.

MLSs that are included in the settlement are prohibited from publishing offers of compensation. CBA brokers who publish a seller’s or landlord’s offer compensation to a buyer’s or tenant’s broker through CBA, however, do not violate the terms of NAR’s proposed settlement. This is because there is nothing in the proposed settlement agreement requiring brokers covered by the settlement, or their sellers/landlords, to refrain from offering compensation to buyers’ or tenants’ brokers through the MLS or otherwise.

The prohibition on offering compensation in the MLS is a condition of MLSs opting in to the settlement, not their brokers. CBA, a commercial MLS that is unaffiliated with NAR, did not opt in to the settlement, and thus has no such obligation and neither do CBA’s brokers. All CBA brokers may continue to include a seller’s or landlord’s offer of compensation in the listing data submitted to CBA.