



Frequently Asked Questions About Use of MLS Data

Why is it critical that the Austin Board of REALTORS® (ABoR) protects its Multiple Listing Service (MLS) data from being used by appraisal districts or other entities that are not members/subscribers to the Austin/Central Texas Realty Information Service (ACTRIS) MLS?

ABoR serves REALTOR® members, who in turn serve Texas homeowners. In representing consumers, our members have clearly expressed that ACTRIS should not provide home sales data to the government. Individual homeowners are welcome to provide that information to their appraisal district by providing the sales price of their property when it's requested. The Texas legislature has been clear about the respect, freedom, and privacy homeowners should have with regard to their home purchases and sales, and ABoR is not going to interrupt that expectation.

What prompted ABoR to send a cease and desist letter to TCAD in 2019?

ABoR sent the cease and desist in May of 2019, upon learning TCAD was accessing ACTRIS data without a license from ACTRIS.

What is the definition of "current market value" when it comes to real property?

The Texas Constitution defines the current market value of a property as the price a property would sell for when both buyer and seller seek the best price, and neither is under pressure to buy or sell.

How does TCAD determine the market value of a home?

According to TCAD's website, TCAD collects "relevant characteristics data for each property it appraises. Construction cost and recent sales data are used to build mass appraisal models to determine the fair market value of each property based on its characteristics."

Where was TCAD getting its sales data before it had access to the MLS?

To clarify, ABoR and ACTRIS have never granted MLS access to TCAD. TCAD is not clear about where it accesses "recent sales data" in its mass appraisal model or how that data is used in the model.

Would access to MLS data allow for more accurate appraisals if TCAD is using a computer model that factors in location, home size, added features, land value and depreciation (like it claims on its website)?

Not necessarily. The sale price of a property is not the same as a home's actual market value, particularly in active housing markets such as Austin where multiple offers can drive up the sale price of a home. Furthermore, the information gained through MLS data (such as listing photos of the interior of a home) could be used to unfairly impact the assessed market value of the property.

What's the difference between taxable values and property values?

A property appraisal is an assessment of the market value of a property. The taxable value of a property is the property appraisal value minus all applicable tax exemptions, caps, and other deductions.

According to ABoR's ACTRIS MLS rule 7.8, there is limited permitted use for appraisers. What are the terms of permitted MLS access for appraisal districts?

County appraisal districts do not meet the definition in our MLS rules for “Appraiser” and therefore are not permitted MLS access. Appraisers who have authorized access to the MLS are those whose business is open to the public to conduct appraisals for compensation. TCAD is a governmental entity and meets neither of these requirements.

Could TCAD become an ACTRIS participant or subscriber? What type of access to MLS data would it allow? Could TCAD, as a subscriber, use MLS data to inform appraisals?

TCAD’s use of the MLS would need to meet our rules regarding the authorized use of the platform. As it stands, TCAD could not meet the definition of an appraiser, participant, or subscriber. TCAD is not open to the public to conduct appraisals for compensation.

Are there any authorized third-party vendors of ACTRIS MLS data? What are the accepted uses of MLS data for customers of those vendors?

There are several vendors that help ACTRIS provide MLS services to our members. Those vendors may use MLS content for providing products and services to our members.

Is Zillow allowed access to MLS data? Can appraisal districts enter contracts with Zillow to gain access to market data?

ACTRIS has a data licensing agreement with a number of online listing portals such as Zillow, Realtor.com, and Homesnap. Brokers can give permission to ACTRIS to provide listing data to third parties for non-MLS uses. Home sellers often want the listing for their home promoted on numerous listing portals to market their property. Our licensing agreements with online listing portals does not permit access to appraisal districts. Furthermore, ACTRIS does not allow Zillow to use or display listing sales data on its website.

Do other REALTOR® associations withhold their data from appraisal districts?

Yes. For example, the San Antonio Board of REALTORS® (SABOR) does not disclose its local market data to Bexar Appraisal District or any government entity. SABOR's rules provide that access to the database is reserved for members who actively participate in the buying and selling of real estate property. In addition, the Houston Association of REALTORS® (HAR) does not disclose its sales data to the Harris County Appraisal District.