

NAR Issue Summaries

Technologies / Net Neutrality

NAR Committee:

Federal Technology Policy Committee

What is the fundamental issue?

REALTORS® support net neutrality, which requires that broadband networks be free of restrictions on content, sites, or platforms. Networks should not restrict the equipment nor modes of communication allowed on them. Networks should ensure that communication is not unreasonably degraded by other communication streams.

I am a real estate professional. What does this mean for my business?

The business of real estate is increasingly conducted online. Streaming video, virtual tours and voice-over-internet-protocol are just some of the technologies that are commonly used by real estate professionals today. In the future, new technologies will be adopted which could require unencumbered network access.

Net neutrality would prevent broadband providers from (1) restricting public access to real estate websites; (2) limiting real estate firm access to online service providers; or (3) charging some websites more for the broadband speeds necessary to properly transmit or display audio or video content, such as online property tours or podcasts.

NAR Policy:

Supports requiring broadband providers to adhere to net neutral practices:

1. Consumers are entitled to access the lawful Internet content of their choice;
2. Consumers are entitled to run applications and services of their choice, subject to the needs of law enforcement;
3. Consumers are entitled to connect their choice of legal devices that do not harm the network;
4. Consumers are entitled to competition among network providers, application and service providers, and content providers;
5. Network providers should not discriminate among internet data transmissions on the basis of the source of the transmission as they regulate the flow of network content;
6. Broadband providers must be transparent about the service they provide and how they run their network and;
7. These principles should apply to both wireless and wireline networks.

Opposition Arguments:

Opponents of network neutrality are concerned that excessive regulation will create a disincentive to invest in new or additional internet infrastructure, leading to poor service for consumers. Supporters counter that

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internet users should be in control of what content they view and what applications they use.

Legislative/Regulatory Status/Outlook

On April 27, 2017, the FCC issued a proposal to rollback the 2015 Open Internet Order. This proposal would:

- Eliminate Title II regulation of Internet Service Providers thereby eliminating FCC authority to regulate.
- Shift regulatory authority for privacy and anticompetitive concerns to the Federal Trade Commission.
- Eliminate the Internet Conduct Standard, a broad rule giving the FCC the authority to act if a broadband provider acts in a manner that is anticompetitive or harmful to consumers.

On June 11, 2018, the FCC's repeal of net neutrality rules took effect.

On October 1, 2019, the DC Circuit Court of Appeals upheld the FCC's decision but found that the FCC had overstepped its authority when it banned states from enacting their own net neutrality rules. California, New Jersey, Oregon, Vermont and Washington have already enacted legislation or adopted resolutions protecting net neutrality. Thirty-four states and the District of Columbia have introduced bills and resolutions.

NAR will continue to work with Congress and the FCC to protect our members' ability to freely share lawful content on the internet.

Current Legislation/Regulation (bill number or regulation)

[FCC's "Restoring Internet Freedom Order"](#)

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