



May 1, 2018

To: MLS Participants and Subscribers  
From: MLS Board of Directors

## MLS Listing Policies

### TOPICS

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- Participants may list a parcel for sale in only one property type at a time.
    - Exception: A listing may be entered in both the Residential and Residential Rental property type at the same time.
    - Exception: When they reference each other by MLS # in the agent remarks, and only one is processed when off-market.
  - Public Remarks can contain incentives from the seller to the buyer but not incentives from the seller to agents or firms.
  - Agent Remarks are the ones to be seen by other real estate agents.
  - Office Only Remarks are to be seen only by other agents within the firm (including all the firm branches).
  - Syndication Remarks will be included in feeds for syndicated third party public websites. These remarks are not subject to MLS policies otherwise applicable to public remarks.
  - MLS Rule 14.15 includes alteration to MLS photos and that watermarks on photos must be clearly visible on all IDX displays.
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### Input Policy

1. Violations of the listing input policy below can result in the information, photograph or graphic being administratively deleted. In addition, violations of the policy in a 12-month period will result in the following penalties:
  - 1<sup>st</sup> offense: warning
  - 2<sup>nd</sup> offense: \$50
  - 3<sup>rd</sup> offense: \$100
  - 4<sup>th</sup> offense: \$200
  - Subsequent offenses: \$200

Note: Nothing in this policy however shall limit the MLS Board's ability to impose penalties including fines up to \$15,000 as defined in the MLS Rules and Regulations.

2. Any personal information related to the seller or landlord, or the showing of the property shall not be entered in any field, or featured on any graphic, that is publicly viewable.
3. Information related to any third-party (including company names, logos, URLs, trademarks, trade-names and the like) shall not be entered in any field or featured on any graphic that is publicly viewable, except when they directly promote the listed property or its amenities.





4. All listing photographs or graphics must directly promote the listed property and its amenities.
5. Any listing photograph that prominently features a yard sign, where the yard sign exceeds ten percent of the photograph's area, or where an agent's name or contact information is legible is prohibited.
6. Information regarding the listing agent or the listing company shall be allowed only in the "Agent Remarks," "Office Remarks," or "Syndication Remarks" and other data fields that are specifically labeled for such information, and shall not be permitted to be displayed in text fields, graphics, or hypertext-linked displays that are publicly viewable (see #7 for exceptions).
7. The above restrictions do not apply to:
  - The name of the builder of the listed property.
  - A "Listing Courtesy of (Broker Name)" statement that is consistent with an IDX public display
  - An ownership or copyright identifier (limited to the Participant's company logo, company name and/or company URL) located in a photograph not exceeding ten percent of the picture area.
8. The "Bedrooms" field in the MLS is to be populated with conforming bedrooms only (in terms of egress).

#### **Examples of what Public Remarks cannot contain:**

- Agent name or phone numbers
- Reference to lender financing
- Website addresses or information
- Builder promotion (i.e.) "sold by best builder in town"
- Promotion of the listing agent or listing agents firm including reference to branded virtual tours or videos
- Lock Box Codes
- Use our preferred lender and have your closing costs paid
- Free credit report and appraisal if you choose to use ... lender
- Wholesale financing rates available with purchasing this home, call for info
- Short Sale
- \$5000 bonus to selling agent

#### **Examples of what Public Remarks can contain:**

- \$\$\$ carpet/decorating/repair allowance
- Seller will pay \$\$\$ toward buyers closing costs
- 1<sup>st</sup> years homeowner's association dues paid
- 1 year home warranty provided/included
- Seller will pre-pay 1 full year of property taxes
- Big Screen TV & Surround Sound included
- Seller will finish Basement with acceptable contract
- Seller financing available
- Rent-to-own/Lease option available





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- **Late Listing Submission:** All Residential listings including new construction must be entered into the MLS within 48 hours of the listing date, excluding weekends.
  - Fine: \$100 per each violation, plus a fine of \$100 for each additional day once notified by the MLS.
  - When dissemination of listing information in the MLS system is not approved by a seller, the executed listing agreement shall be filed with the MLS Office either electronically, in person, or must be postmarked if sent by U.S. Mail, within 48 hours and must include an acknowledgement demonstrating an informed decision to waive MLS service, signed by the seller(s), the listing agent and the broker or office manager. Failure to send the required documentation is subject to the fine above. *(Updated 3-1-2018)*
- **Status Changes:** Status changes, including final closing of sales, shall be reported to the MLS by the listing broker within 48 hours after they have occurred. If the status “Active, No Show” is indicated in the MLS, the status must be changed to “Active” before showing the property to prospective purchasers.
  - Fine: \$100 per each violation, plus a fine of \$100 for each additional day the status remains incorrect once notified by the MLS. *(Updated 3-1-2018)*
  - Violations may be considered as evidence in a Professional Standards matter against the listing agent.
- **NO SHOW Listings:** Listings not available for showing within 7 calendar days of the list date when input in the MLS system shall be entered with the “Active, No Show” status. Active listings, which become unavailable for showing for a period that extends beyond 7 days must be updated to the “Active, No Show” status.
  - Showing information for listings not immediately available for showing but available within 7 calendar days of the list date must be disclosed in Public and Agent Remarks. *(Updated 3-1-2018)*
- **Short Sales:** Participants must disclose potential short sales when reasonably known to the listing participants. All confidential disclosures and confidential information related to short sales must be communicated through the Great Plains Regional Multiple Listing Services Agent Remarks field only.
- **Security and Lockbox Codes:** MLS listings are not to include security codes (lockbox, gate, garage, etc.). *(Updated 1/1/2018)*
- **Associated Documents:** Associated Documents in Paragon can only be associated and contain information about the listing and may not include anything that promotes an agent or company.
- **Photos:** Any property photo must promote the property for sale and its amenities and is to contain no other text, graphics, or other messages, except: (1) identifying watermarks (limited to Participants logo and/or name, not to exceed 10% of the total area of the photo) and (2) the word “SIMULATED” may be placed on photos where the Listing does not feature the actual photograph of the property, and the word “MODEL” may be placed on the photos of model homes in MLS but not available for sale. The MLS Staff is directed to delete any property pictures that display anything else, including deleting pictures and property information and/or the complete listing if necessary. *(Updated 1-19-2016)*





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- **Photo Copyright:** An agent cannot use the photos (the Work) a prior agent took to promote the property. Copyright protection on photos flows to the agent who created the Work. That agent has the right to control the reproduction and use of the photograph(s), including the right to deny others the right to reproduce or use the Work. Other real estate companies or agents who desire to utilize such photographs will need to obtain the permission of the author of that Work.
- **Listing Price:** The MLS Operating Rules require that the full listing price of the listed property be set out in the MLS listing.
- **List Date:** “List Date” in the MLS will be the beginning of the listing term as specified in the Listing Agreement, unless Option C is selected on the Seller Acknowledgement Form, in which case “List Date” will be the date the listing is processed in MLS.

In the case where Option C is selected on the Seller Acknowledgement Form, and the seller subsequently authorizes the promotion of the property, the listing must be processed within 48 hours, and the date of the seller’s authorization becomes “List Date” in the MLS.

- **New Construction:** New construction listings must include the total price for the home with the lot unless it is clearly indicated in the public remarks section. If the sale is contingent on a buyer entering into a construction contract with a particular builder, that information must also be disclosed in the public remarks section.
- **Model Homes for Sale:** If a model home is listed, it must be subject to a valid listing agreement and include the total price for the home with the lot unless it is clearly indicated in the public remarks section. If closing and possession are not readily available, an estimated future date must be specified in the public remarks section. A model may not be listed in MLS if it is not being offered for sale with cooperation to other Participants of MLS, unless its status is Active-Model Home Not for Sale.
- **Model Homes Not for Sale:** Model homes not for sale may only be listed in the MLS under the status Active-Model Home Not for Sale. In such cases, the first line of public remarks must say “Model Home Not for Sale.” Model homes not for sale will only be able to have the status of Active-Model Home Not for Sale, Cancelled, and Expired.
- **Listing Agreements:** One of the purposes of the MLS is to accumulate and disseminate listing information among Participants. Properties that are not, in fact, subject to a valid listing agreement and being offered for sale through the listing brokerage, are not to be listed in the MLS with the exception of model homes and properties subject to a compensation agreement. (Updated 1/1/2018)
- **Personal Property:** ~~House trailers, mobile homes and other items of personal property may only be listed in MLS if they constitute improvements to real property offered for sale or lease, and then the total price for the real estate and the improvements is to be listed.~~ (Removed 4/24/18)





- **Lots:** Lots available for people to build new homes on can be listed as Land.
- **MLS Rules and Regulations:** The MLS Rules and Regulations provide that the MLS may refuse to accept a listing form which fails to adequately protect the interest of the public and the Participants.
- **Uniform Purchase Agreement:** Any changes made to the body-text of the Uniform Residential Purchase Agreement by a member will deem it no longer a Uniform Purchase Agreement and cannot be named as such.
- **Contract-Pending Listings:** When a seller accepts an offer to purchase, the property's Active status must be changed to Pending within 48 hours (MLS Rule 2.5). However, if a seller instructs that the listing maintain its Active-status in an effort to attract backup offers, and seller is unable to immediately accept an offer, due to the previously accepted contract, then the words "**Contract Pending**" shall be added to the Public Remarks within 48 hours of the earlier contract acceptance. In cases where the accepted offer includes a first-right-of-refusal, or similar clause, the words "**Contract Pending**" can be replaced with "**Subject to First Right of Refusal**" in Public Remarks. *(Effective 12-1-2015) (Updated 11/29/16)*
- **Failure to Correct Listing:** Failure to correct listing input policy violations, status changes, inaccurate data, or failing to submit required documentation within seven calendar days of receiving notice may result in a fine to the listing agent of \$200.00 in accordance with MLS Rule 7.1 (c). This fine is in addition to other applicable fines. *(Effective 4-1-2016) (Updated 3-1-2018)*
- **Compensation Agreements:** 'Compensation Agreement', has been added to 'Agreement Type' in the MLS as an additional option for selling brokers who sold a property not subject to a listing agreement under a Compensation Agreement that included permission of the owner to share the property information in the MLS. *(Effective 1/1/2018)*

If entered in the MLS the following guideline apply:

- The property must be entered with a 'SOLD' status within 7 business days of the closing date.
- All required fields for a 'SOLD' property must be populated.
- Once the input agent saves the property, the 'Listing Agent' and 'Listing Office' fields will be populated with 'Not Listed'.
- Because the property is not subject to a listing agreement it will not be available through syndication, IDX or VOW sites, or through email notifications in the MLS but will be included in MLS stats.

