

New/Modified MLS Rules adopted by Bay East AOR

The following change was approved by the Multiple MLS Management Committee (“M3”), consisting of representatives from Bay East, Contra Costa, and EBRDi, effective August 1, 2013. If you have any questions regarding the change please contact Roya Chaudhry at 925-730-4071 or royac@bayeast.org. For a full set of the MLS rules and Regulations [click here](#)

Currently Rule:

7.5 Mandatory Submission. Broker participants shall input exclusive right to sell or exclusive agency listings on one to four unit residential property and vacant lots located within the service area of the MLS within 3 days after all necessary signatures of the seller(s) have been obtained on the listing or of the expiration data of the MLS exclusion waiver on file with the MLS. Only those listings that are within the service area of the MLS must be input. Open listings or listings of property located outside the MLS’s service area (see section 7.7) are not required by the service, but may be input at the broker participant’s option.

Being changed to effective August 1, 2013:

7.5 Mandatory Submission. Within 3 days after all necessary signatures of the seller(s) have been obtained on the listing or at the beginning date of the listing as specified in the contract, whichever is later, on any exclusive right to sell or exclusive agency listing on one to four unit residential property and vacant lots located within the service area of the MLS, Broker Participants shall

- (1) Input the listing to the service, or
- (2) Submit a seller-signed exclusion in accordance with Section 7.6 (Exempted Listings) to the service.

All necessary signatures are those needed to create an enforceable listing, which generally means all named signatories to the listing agreement. In the event there are known additional property owners not made a signatory to the listing, listing broker shall disclose said fact on the service and state whether the listed seller will make the sale contingent on the consent of the additional property owners. In the event listing agent is prevented from complying with the 3 day time period due to seller’s delay in returning the signed listing agreement, listing broker must submit the listing to the service within 3 days of receipt back from seller. The MLS may require listing broker to present documentation to the service evidencing seller’s delayed transmission. Only those listings that are within the service area of the MLS must be input. Open listings or listings of property located outside the MLS’s service area (see Section 7.7) are not required by the service, but may be input at the Broker Participant’s option.

Citation / Fine change for Section 7.5

Sec #	Current Fine	Fines Effective 8/1/13
7.5	\$100-1 st violation \$200-2 nd violation \$500-3 rd violation	\$300-1st violation \$500-2nd violation \$1000-3rd violation

Currently Rule:

7.6 Exempted Listings. If the seller refuses to permit the listing to be disseminated by the service, the listing broker shall submit to the service within 3 days an approved certification signed by the seller that the seller does not authorize the listing to be disseminated by the service-during the specified waiver period.

Being changed to effective August 1, 2013:

7.6 Exempted Listings. If the seller refuses to permit the listing to be disseminated by the service, the listing broker shall submit to the service a certification signed by the seller that the seller does not authorize the listing to be disseminated by the service. C.A.R. Standard Form SEL may be used for this certification, but in any event, said exclusion shall include an advisory to seller that, in keeping the listing off the MLS,

- (1) real estate agents and brokers from other real estate offices, and their buyer clients, who have access to the MLS may not be aware seller's property is for sale,
- (2) seller's property will not be included in the MLS's download to various real estate Internet sites that are used by the public to search for property listings, and
- (3) real estate agents, brokers and members of the public may be unaware of the terms and conditions under which seller is marketing the property.

[NOTE FOR THE FUTURE: Parallel language along the line of that set forth below will be added as an additional disclosure requirement under the Exempted Listing Rule once it and/or any other similar or related change is made to the SEL and goes into effect in the C.A.R. Standard Forms (the process of which is currently underway):

and (4) the reduction in exposure of the listing may lower the number of offers made on the property and may adversely impact the overall price.]

Citation / Fines change for Section 7.6

Sec #	Current Fine	Fines effective 8/1/13
7.6	\$100-1 st violation \$200-2 nd violation \$500-3 rd violation	\$300-1st violation \$500-2nd violation \$1000-3rd violation