

New/Modified MLS Rules adopted by Bay East AOR

The following MLS Rules were approved by the Bay East Board of Directors on June 22, 2015 and will be effective August 11, 2015. If you have any questions regarding the changes please contact Roya Chaudhry at 925-730-4071 or royac@bayeast.org . For a full set of the MLS Rules and Regulations [click here](#)

11.5 a) Photographs on the MLS. By submitting photographs to the MLS, the participant and/or subscriber represents and warrants that he or she either owns the right to reproduce and display such photographs or has procured such rights from the appropriate party, and has the authority to grant and hereby grants the MLS and the other Participants and Subscribers the right to reproduce and display the photographs in accordance with these rules and regulations. Use of photographs by a subsequent listing agent requires prior written authorization from the originating listing agent or other appropriate party with the legal right to reproduce and display such photographs. Except by the MLS for purposes of protecting its rights under Section 11.6, branding of photographs, virtual tours or any other photographic representation with any information or additional images, including but not limited to photos displaying “for sale” signs posted on the property, is prohibited. **Bay East has the right to remove a non-confirming photo if not corrected within 1 day.**

b) At least one (1) photo or graphic image of the front exterior of the property accurately displaying the listed property (except where sellers expressly direct in writing that photographs of their property not appear in MLS compilations) is required to be posted on the MLS upon submission of the listing in all categories other than business opportunity and Lots and Land.

Reason for the change: To avoid non-compliance photos from going to IDX and 3rd party sites.

(NEW RULE)

11.9. Removal of and Responsibility for Content. The MLS has the right, but not the obligation, to reject, pull down, restrict publication of, access to or availability of content the MLS in good faith considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, unlawful or otherwise objectionable. Participants and Subscribers remain solely responsible and liable for the content they provide. In no case will any monitoring or removal of Participants’ or Subscribers’ content by the MLS make it responsible or liable for such content.

Reason for the change: New C.A.R. Model MLS Rules and Regulations Section providing an MLS the right or ability (but not the obligation) to restrict or remove offensive or unlawful content.

12.5 Use of Remarks. Participants and subscribers may not use the remarks in a property data profile sheet or listing submitted to the MLS or inputted directly into the MLS database for purposes of disparaging other real estate agents or conveying information about other offices or for conveying any other information that does not directly relate to the marketing of the listing. **By submitting remarks to the MLS, Participant and/or Subscriber represents and warrants he or she has the authority to grant, and hereby grants the MLS and the other Participants and Subscribers the right to reproduce and display the remarks in accordance with these rules. Copying of remarks by a subsequent listing agent for use in his or her own listing requires prior written authorization from the originating listing agent or other appropriate party with the legal right to reproduce and display such remarks.**

Reason for the change: New C.A.R. Model MLS Rules and Regulation section adding language to address copyright concerns requiring adequate authority to submit/use the content created in remarks.

12.9 Limitations on Use of Association or MLS Information in Advertising. Except as provided in

Sections 12.7, 12.8, 12.11 and 12.15, truthful use of information from the MLS compilation of current listing information, from the AOR/Regional MLS's "statistical report," or from any "sold" or "comparable" report of the AOR or MLS for public mass media advertising by an MLS participant or subscriber or in other public representations for purposes of demonstrating market share is not prohibited. However, any print or non-print forms of advertising or other forms of public representations must clearly demonstrate the period of time over which such claims are based and must include the following, or substantially similar, notice, in a manner readily visible to consumers but not less than 7pt type:

Based on information from the _____ /Association of REALTORS® (alternatively, from the _____ MLS) as of _____ (date the AOR/MLS data was obtained) **for the period (date) through (date). Display of MLS data is deemed reliable but is not verified or guaranteed by the MLS.**

All data, including all measurements and calculations of area, is obtained from various sources and has not been, and will not be, verified by broker or MLS. All information should be independently reviewed and verified for accuracy. Properties may or may not be listed by the office/agent presenting the information.

Reason for the change: New C.A.R. Model MLS Rules and Regulations Section. The disclaimer must be displayed in conjunction with Participant's and Subscriber's displays of listing data to the public (ex: in the course of advertising and working with clients, both on and off the Internet).

12.15.1 Copies to Prospective Purchasers. Broker participants and real estate subscribers may reproduce from the MLS compilation, and distribute to prospective real estate purchasers, copies of those portions of the MLS compilation consisting only of a description of the property, including the address, features, financing and price. Such "client copies" shall also comply with the following:

a. Permissible MLS data may be augmented with additional data not otherwise prohibited from display, provided the source of any additional data is clearly identified.

~~b. All listings provided shall identify the name of the listing firm and the listing broker or agent in a readily visible color, in a reasonably prominent location, and in typeface not smaller than the median typeface used in the display of listing data.~~

~~b c.~~ No more than 100 current listings and 100 sold listing may be provided in response to any inquiry.

~~C-d.~~ A disclaimer statement shall be made **indicating that the MLS data is deemed to be reliable, but is not guaranteed to be accurate. in a manner readily visible to consumers but not less than 7pt type, that contains the following, or substantially similar, notice:**

Based on information from the _____ /Association of REALTORS® (alternatively, from the _____ MLS) as of _____ (date the AOR/MLS data was obtained).

All data, including all measurements and calculations of area, is obtained from various sources and has not been, and will not be, verified by broker or MLS. All information should be independently reviewed and verified for accuracy. Properties may or may not be listed by the office/agent presenting the information.

Reason for the change: New C.A.R. Model MLS Rules and Regulations Section. The disclaimer must be displayed in conjunction with Participant's and Subscriber's displays of listing data to the public (ex: in the course of advertising and working with clients, both on and off the Internet).

12.15.5 Sold Information. Individuals legitimately in possession of current listing information, "sold" information, "comparables" or statistical information may utilize such information to support **an estimate of value valuations** on a particular ~~property~~ properties for ~~a particular~~ clients and customers. Any MLS content in data feeds available to participants for real estate brokerage purposes must also be available to participants for valuation purposes, including automated valuations. MLSs must either permit use of existing data feeds, or create a separate data feed, to satisfy this requirement. MLSs may require execution of a third-party license agreement where deemed appropriate by the MLS. MLSs may require

participants who will use such data feeds to pay the reasonably estimated costs incurred by the MLS in adding or enhancing its downloading capacity for this purpose. ~~However, only such information that the MLS has deemed to be non-confidential and necessary to support the estimate of value may not be reproduced and attached to the report used~~ as supporting documentation. Any other use of such information is unauthorized and prohibited by these rules and regulations.

Reason for the change: NAR Model MLS Rules and Regulations mandated change. This NAR mandate requires MLSs to provide data feeds to MLS participants to allow them to build AVMS.

12.16 Use of ~~Active, Pending and sold~~ Listing Information on Internet. [Also known as Internet Data Exchange ("IDX")] "Internet Data Exchange" ("IDX") is means by which listing brokers permit limited electronic display of their **Active, Pending and sold** listings, in accordance with the IDX rules set forth herein, by other participating Broker Participants and R.E. Subscribers on websites and using application for mobile devices that said participating Broker and R.E. Subscribers control.

Reason for the change: NAR mandated change.

12.16 (k) Selective Listing Display. Not all listings from the MLS must be displayed as long as any exclusions from display on Broker Participants' and R.E. Subscribers' IDX sites are based on objective criteria, e.g. type of property, listed price, **listings status** or geographical location. Selection of listings displayed on any IDX site must be independently made by each Participant.

Reason for the change: NAR mandated change to also allow selective listings display by listing status.

12.16 n) Co-Mingling. A Broker Participant or R.E. Subscriber may co-mingle listings through IDX from this MLS with listings from other MLS sources on its IDX display, provided all such displays are consistent with these **IDX rules, and the MLS Participant (or MLS subscriber) holds participatory rights in those MLSs.** Co-mingling is **(a) the ability for a visitor to the website to execute a single property search of multiple IDX feeds resulting in that searches any portion of the IDX database at the same time it searches listing data from any other source(s); or (b) the display of IDX information from each of the MLSs on a single web search results page; and that Participants may display listings from each IDX feed on a single webpage or display. of any portion of the IDX database and listing data from any other source.** Listings obtained from other MLSs must display the source from which each such listing was obtained. Displays of minimum information (e.g. a one-line or thumbnail search result, text messages, "tweets", etc of two hundred (200) characters or less) are exempt from this requirement but only when linked directly to a display that includes all required disclosures.

Reason for the change: NAR mandated change for clarification that it is permissible to co-mingle MLS IDX data with IDX data from other MLSs.

NEW RULE

12.16. (s) Disclaimer. Broker Participants and R.E. Subscribers shall indicate on their displays, in a manner readily visible to consumers but not less than 7pt type, the following, or substantially similar, notice:

Based on information from the _____ /Association of REALTORS® (alternatively, from the _____ MLS) as of _____ (date the AOR/MLS data was obtained). All data, including all measurements and calculations of area, is obtained from various sources and has not been, and will not be, verified by broker or MLS. All information should be independently reviewed and verified for accuracy. Properties may or may not be listed by the office/agent presenting the information.

Displays of minimum information (e.g. a one-line or thumbnail search result, text messages, "tweets", etc of two hundred (200) characters or less) are exempt from this requirement but only when linked directly to a display that includes the required disclosure.

Reason for the change: C.A.R. Model MLS Rules and Regulation Section ensuring a disclaimer is provided for IDX feeds.

Section 12.19.17: A Participant shall cause to be placed on his or her VOW ~~a notice indicating that the MLS Listing Information displayed on the VOW is deemed reliable but is not verified or guaranteed by the MLS.~~ **in a manner readily visible to consumers but not less than 7pt type**, the following, or substantially similar notice:

Based on information from the _____/Association of REALTORS® (alternatively, from the _____ MLS) as of _____ (date the AOR/MLS data was obtained). **All data, including all measurements and calculations of area, is obtained from various sources and has not been, and will not be, verified by broker or MLS. All information should be independently reviewed and verified for accuracy. Properties may or may not be listed by the office/agent presenting the information.** A Participant's VOW may include other appropriate disclaimers necessary to protect the Participant and/or the MLS from liability.

Reason for the change: The disclaimer which must be displayed in conjunction with Participant's and Subscriber's displays of listing data to the public (ex: in the course of advertising and working with clients, both on and off the Internet) have been revised.