

## New/Modified MLS Rules adopted by Bay East AOR

The following MLS Rules were approved by the Bay East Board of Directors and will be effective December 23, 2015. If you have any questions regarding the changes please contact Roya Chaudhry at 925-730-4071 or [royac@bayeast.org](mailto:royac@bayeast.org) . For a full set of the MLS Rules and Regulations [click here](#)

**12.16 (a) Authorization.** Subject to paragraphs (b) through below, and subject to an executed IDX Access Agreement with the MLS, notwithstanding anything in these rules and regulations to the contrary, Broker Participants and R.E. Subscribers may electronically display aggregated MLS active and sold listing information through either downloading or by framing such information on the MLS or association public access website (if such a site is available). The MLS's download will include at least 3 years of publicly accessible sold listing data. "Publicly accessible" sold information as used in the IDX policy and rules, means data that is available electronically or in hard copy to the public from city, county, state and other government records.

~~**12.16 (f) Modifications.** Broker Participants and R.E. Subscribers shall not modify the information displayed pursuant to these MLS rules. (This is not a limitation on site design but refers to changes to actual listing data.) However, permissible MLS data may be augmented with additional data not otherwise prohibited from display, provided the source of any additional data is clearly identified.~~

**(f) Modifications and Augmentations.** Broker Participants and R.E. Subscribers shall not modify or manipulate information relating to other participants listings. Broker Participants and R.E. Subscribers may augment their IDX display of MLS data with applicable property information from other sources to appear on the same webpage or display, clearly separated by the data supplied by the MLS. The source(s) of the information must be clearly identified in the immediate proximity to such data. This requirement does not restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized fields.

**Reason for the change:** *Section 12.16 (a) & (f)* has been revised to adopt NAR's latest mandated Internet Data Exchange ("IDX") changes. The revisions (a) more closely track NAR's language allowing IDX displays to be augmented with supplemental property information and (b) clarify the meaning of "publicly accessible sold information" which is required to be available for IDX display.

**16.1 Mandatory Arbitration.** By becoming and remaining a Participant or Subscriber in the MLS, each Participant and Subscriber agrees to submit disputes arising out of the real estate business which also arises out of, or is in conjunction with, any listing filed with the MLS or any appraisal, to binding arbitration with any other Participant or Subscriber of this MLS, or Participants or Subscribers of any other MLS who are authorized to have access to this MLS under Section 6 of these rules. Such arbitrations shall be governed by the *California Code of Ethics and Arbitration Manual* as from time to time amended which is hereby incorporated by reference. This shall be deemed an arbitration agreement within the meaning of Part 3, Title 9 of the California Code of Civil Procedure. Failure to submit to arbitration and abide by the arbitration award, including but not limited to timely payment of the arbitration award as provided herein shall be a violation of these MLS rules- and subjects Participants and Subscribers to possible suspension from the MLS and/or other penalties.

**Reason for the change:** *Section 16.1 Mandatory Arbitration* has been revised to incorporate NAR's mandated enhanced arbitration enforcement requirements into the MLS rules. This revision expressly provides that failure to submit to arbitration and abide by the arbitration award can lead to penalties, including suspension from the MLS.

**13.2.2 Lockbox Requirements.** If any lockbox or other device giving access to On Market listed property for real estate professionals and/or service providers is authorized by the seller and/or occupant and is placed on or present on property listed through the Service, such lockbox or device must be one that is approved by the MLS where the listing has been submitted. The authorized lockboxes sold by, leased by or otherwise offered through the local Association or MLS where the listing is submitted have been approved by the MLS (Kim User Group approved **iBOX Supra BT LE** lockbox). Unless expressly indicated otherwise by the MLS, for any other lockbox or device to be considered “MLS-approved,” use of it must provide reasonable, timely access to listed property such that

- (1) it allows all participants and subscribers timely access to listed property by reliance solely on data submitted to and residing on the MLS;
- (2) complete, accurate and stand-alone instructions are provided for accessing the listed property in the appropriate agent section on the Service; and
- (3) it ensures that the lockbox or device will provide reasonable access to listed property with any information, code or key needed to access the contents of the lockbox or device to be made available or access to the property otherwise scheduled within four
- (4) hours of initial contact in the event the lockbox or device requires the participating member to obtain additional information to enable access (ex: “call listing agent for entry code”) with said 4 hour response obligation in effect every day from 8am to 6pm.

The MLS reserves the right to require that the device be submitted in advance for approval. The MLS also may revoke the approval and/or subject the participant to discipline if the device is used in a manner that fails to continue to satisfy this requirement. Failure to provide reasonable and timely access as required by this section will subject the listing agent to discipline and potential fines. More than one lockbox or access device may be used on a property as long as one of them is MLS-approved (Kim User Group approved **iBOX Supra BT LE** lockbox) where the listing is submitted.



Supra iBox



Supra iBox BT



Supra iBox BT LE