

New/Modified MLS Rules Citation/Fine Policy adopted by Bay East AOR

The following MLS Rules' citation policy update was approved by the Bay East Association of REALTORS® and will be effective March 12, 2018. If you have any questions regarding the changes, please contact Justin Bain at 925-730-4077 or JustinB@bayeast.org . For a full set of the MLS Rules and Regulations including the citation policy (Appendix A of the MLS Rule) [click here](#)

Citation/Fine Policy has been added/modified for the MLS Rules below.

These following sections have been added to Appendix A, Citation Schedule:

- Section 12.5.4 is a new rule;
- Section 12.8.1 was a new rule in 2017 but was not added to Appendix A; and
- Section 12.8 is a frequently violated rule. The citation for this rule allows for a Courtesy Notice for first offenders. The MLS Committee felt this rule is violated usually for lack of knowledge than purposely.

MLS Rule Section: 12.5.4 Tour Remarks Restrictions and Requirements.

- Information in the remarks shall only relate to the marketing, description and condition of the property.
- No contact information is permitted, including names, phone or fax numbers, email addresses or website addresses (including virtual tours and transaction tracking URLs).
- No showing instructions are permitted, including references to lockbox, alarm, gate or other security codes, or the vacancy of the property. However, a statement that the property shall be delivered vacant is not a violation.
- No information directed toward real estate agents or brokers, including compensation or bonuses offered to cooperating brokers may be shown in remarks

Citation/Fine

1st – Courtesy Notification (no fine has been assessed)

2nd - \$100 Fine Waived, Warning Issued

3rd - \$200 Violation

4th - \$400 Violation + \$200 Admin fee & Class

MLS Rule Section: 12.8.1 Advertising of Listing in Printed Neighborhood Market Report. Subject to the conditions set forth in (a) through (c) below, as well as throughout these Rules, Participants and Subscribers may include the listings of others in their printed “Neighborhood Market Reports.” The “Neighborhood Market Report” is defined as an advertising and/or information sheet (typically appearing in the form of a postcard, flier or newsletter) compiled by and/or for use by a licensee which sets forth a list of home activity in a particular neighborhood area. Advertising appearing in newspapers, magazines or other classified forms is not included in the definition of “Neighborhood Market Report” and is not authorized by this Rule 12.8.1.

(a) Consent. A listing broker may refuse to permit others to advertise his listing in the “Neighborhood Market Report” (i.e. “opts-out”) on a listing by listing basis. Participants and Subscribers are not permitted to include listings in their Neighborhood Market Report from which listing broker has opted out and will be responsible for verifying that they have permission to advertise all listings contained in their Neighborhood Market Reports. Nothing in this section shall preclude a Participant or Subscriber from including Sold Properties in their Neighborhood Market Report even if the listing broker has “opted out” (reference Rule 12.7).

(b) Allowable Listing Content. Broker Participants and R.E. Subscribers may include only those portions of the MLS compilation consisting of the following: property address (and whether attached or detached), status, price, number of bedrooms, number of bathrooms, number of garages (and whether attached or detached), square footage, lot size, year built, tract or development name, and if there's a pool. Display of other fields, as well as confidential information and photographs, is prohibited.

(c) Each "Neighborhood Market Report" shall include the following disclaimer:

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.

Citation/Fine

1st - Courtesy Notification (no fine has been assessed)

2nd - \$200 Violation

3rd - \$400 Violation

4th - \$800 Violation + \$200 Admin fee & Class

MLS Rule Section: 12.8 Advertising of Listing Filed With the MLS. A listing shall not be advertised by any participant or subscriber, other than the listing broker, without the prior consent of the listing broker except as provided in 12.8.1 relating to the Printed Neighborhood Market Report and Sections, Section 12.16 and 12.19 relating to display of listings on the internet.

Citation/Fine

1st - Courtesy Notification (no fine has been assessed)

2nd - \$400 Violation + \$200 Admin fee & MLS Orientation Class

3rd - \$800 Violation + \$200 Admin fee & Code of Ethics Class

4th - Referred to Professional Standards