

New/Modified MLS Rules adopted by Bay East AOR

The following MLS Rule change was approved by the Bay East Association of REALTORS and will be effective August 27, 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 [click here](#)

Changes to the Rule *(section in red is new)*

7.12 Unilateral Contractual Offer; Subagency Optional. In filing a property with the MLS, the Broker Participant makes a blanket unilateral contractual offer of compensation to the other MLS Broker Participants for their services in selling the property. Except as set forth in Rule 7.15 below or pursuant to California Civil Code Section 1087, a Broker Participant must specify some compensation to be paid to either a buyer's agent or a subagent and the offer of compensation must be stated in one, or a combination of, the following forms (1) a percentage of the gross selling price; or (2) a definite dollar amount. The amount of compensation offered through the MLS may not contain any provision that varies the amount of compensation offered based on conditions precedent or subsequent or on any performance, activity or event. In the event there are any service fees or administrative costs, etc to be imposed on buyer's agent's compensation, any such reductions should be factored in as a reduced amount the listing broker initially offers to a cooperating broker and may not be made a condition of the offer. Furthermore, the MLS reserves the right to remove a listing from the MLS database that does not conform to the requirements of this section. At the Broker Participant's option, a Broker Participant may limit his or her offer of compensation to buyer's agents only, to subagents only, or make the offer of compensation to both. Any such limitations must be specified on the property data form and in the MLS. The amount of compensation offered to buyers' agents or subagents may be the same or different but must be clearly specified on the property data profile sheet. Broker Participants wishing to offer subagency to the other MLS Broker Participants must so specify on the property data profile sheet and on the MLS, otherwise, the offer of compensation does not constitute an offer of subagency.

Reason for the change:

- Section 7.12 (Unilateral Contractual Offer; Subagency Optional) has been clarified to include language for handling any compensation reduction to be imposed on buyers' agents;

7.19 Expiration, Extension, and Renewal of Listings. Listings shall be ~~removed from the MLS database~~ changed to the appropriate off-market status on the expiration date specified on the listing unless the listing is extended or renewed by the listing broker. The listing broker shall obtain written authorization from the seller(s) before filing any extension or renewal of a listing. Any renewals or extensions received after the expiration date of the original listing shall be treated as a new listing and will be subject to any fees applicable to new listings. At any time and for any reason, the MLS has the right to request a copy of the seller's written authorization to extend or renew a listing. If a listing broker is requested to provide a copy of such authorization and does not do so within 1 day after the request, the listing shall be subject to immediate removal from the MLS.

Reason for the change:

- Section 7.19 (Expiration, Extension, and Renewal of Listings) has been clarified with language more aptly describing how the system treats expired listings;

7.19.1 Extension for Protected Buyer. In the event a listing broker's listing has expired but a commission extension right for a protected buyer has been timely activated in the listing agreement and listing broker represents seller in said transaction, listing broker may be considered the "listing broker" for MLS reporting of sale as long as satisfactory documentation is presented to MLS.

Reason for adding:

- Section 7.19.1 (Extension for Protected Buyer) [new] has been added to address MLS reporting issues in the event of commission extension for a protected buyer;

10.2 Reporting of Sales. Listings with accepted offers shall be reported to the MLS or input into the MLS database as "pending" within 1 day after the acceptance, by the listing broker unless the negotiations were carried on under Section 9.1 (a) or (b), in which case, the cooperating broker shall notify the listing broker of the "pending" status within 1 day after acceptance, whereby the listing broker shall then report or input the status change to the MLS within 1 day after receiving notice from the cooperating broker. The listing shall be published on the MLS as pending with no price or terms prior to the final closing. Upon final closing, the listing broker shall report or input the listing in the MLS as "sold" within 1 day after the final closing date unless the negotiations were carried on under Section 9.1 (a) or (b), in which case, the cooperating broker shall notify the listing broker of the "sold" status and selling price within 1 day after the final closing date, whereby the listing broker shall then report or input the status change and selling price within 1 day after receiving notice from the cooperating broker.. Listings that were not input into the MLS as a result of the seller's instructions may be input into the MLS "sold" data at the listing broker's option. If a listing is entered for comparable purposes only, then "For Comp Purposes Only" shall appear in the first line of confidential remarks. **Additionally, an MLS may accept the reporting of sales information solely for comp purposes about other properties which were not otherwise eligible for input into the MLS but are located in the MLS's primary geographic service area and "sold" by a MLS Participant and/or Subscriber who represented the seller as long as such reporting is authorized by the underlying property owner to the broker who represented it, (documentation of which must be presented to MLS, if requested by the MLS), and the circumstances of the representation are disclosed on the Service by the reporting participant or subscriber.**

Reason for the change:

- Section 10.2 (Reporting of Sales) has been expanded to enable comp-only listings to be submitted to the MLS;

12.15.1 Information Prohibited from Reproduction/Confidential Fields. Unless the Participant or Subscriber obtains prior written consent from the listing broker, the information reproduced pursuant to this section shall not include the following:

- a. Property owner's name, phone number, and address (if different than the listed property);
- b. Instructions or remarks intended for cooperating brokers, including but not limited to showing instructions or security references (ex: lock box, burglar alarm or security system, vacancies) regarding the listed property;
- c. Type of listing;
- d. Compensation or bonuses offered to cooperating brokers;
- e. Expired; **or** withdrawn **or** pending (~~"under contract"~~) listings;
- f. Other information that goes beyond a description of the property.

Reason for the change:

- Section 12.15.2 (Information Prohibited from Reproduction/Confidential Fields) has been corrected to remove the remaining reference to "pending" listings.