

New/Modified MLS Rules adopted by Bay East AOR

The following MLS Rule changes were approved by the Bay East Association of REALTORS and will be effective **March 2, 2020**. If you have any questions regarding the changes, please contact Jackie Diaz at 925-730-4077 or JackieD@bayeast.org. For a full set of the MLS Rules and Regulations [click here](#)

Revised Rule Sections (section in “red” is new)

From time to time, Bay East Association of REALTORS® updates the MLS Rules. All recent changes are shown in red print by ~~strikeout~~ or underline

As part of the datashare expansion, which will provide a Single Point of Entry/Search experience for our MLS Subscribers and Participants for San Francisco MLS and BAREIS, which covers San Francisco, Marin, Solano, Napa, Mendocino, and Sonoma Counties.

Datashare MLSs have been working together to make changes to the MLS Rules and Regulations to bring them as close as possible for our members. The following changes will take effect on **March 2**:

Revised Section 10.2 (Reporting of Sales) has been revised to allow members to have additional time to update listing status (pending/sold). Members will have 3 days to update the status of their listing instead of 1 day.

Revised Section 11.5-b (Photographs on the MLS) has been revised to allow members to have additional time to add the required photo. Members will have 1 day to add the requirement of 1 front exterior instead of upon entry of listing.

Revised Section 7.24 (Auction Listings) has been revised to eliminate redundancy

Revised Section 10.1 (Status) has been revised to provide clearer definitions of the status.

MLS Rule Section 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~~ 3 days after of the acceptance, by the listing broker unless the negotiations were carried on under Section 9.1 (a) or (b), in which case, the buyer broker shall notify the listing broker of the “pending” status within ~~1-day~~ 3 days after acceptance, whereby the listing broker shall then report or input the status change to the MLS within ~~1-day~~ 3 days after receiving notice from the buyer 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~~ 3 days after the final closing date unless the negotiations were carried on under Section 9.1 (a) or (b), in which case, the buyer broker shall notify the listing broker of the “sold” status and selling price within ~~1-day~~ 3 days after the final closing date, whereby the listing broker shall then report or input the status change and selling price within ~~1-day~~ 3 days after receiving notice from the buyer 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.

MLS Rule Section 9.1 Showings and Negotiations. Appointments for showings and negotiations with the seller for the purchase of listed property filed with the service shall be conducted through the listing broker except under the following circumstances:

- (a) the listing broker gives the buyer broker specific authority to show and/or negotiate directly with the seller, or
- (b) after reasonable effort and no less than 1 day after, the buyer broker cannot contact the listing broker or his representative. However, the listing broker, at his option, may preclude such direct negotiations by the buyer broker by giving notice to all participants through the MLS.

In the event all showings and negotiations will be conducted solely by the seller, the listing broker shall clearly set forth such fact in the listing information published by the service.

MLS Rule Section 11.5 Photographs on the MLS.

a) 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 is prohibited. However, branded virtual tours will be permitted in the Branded Virtual Tour field for the sole purpose of transmittal to 3rd party vendors only. Upon notification to the Participant and/or Subscriber, MLS has the right to remove any photo found not to be in compliance with the MLS Rules.

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~~ within 1 day of the listing in all categories other than business opportunity and Lots and Land.

7.24 Auction Listings. Only auction listings which comply with these MLS Rules and Regulations, including, but not limited to Sections 7.12 and 7.13, may be submitted to the Service. Auction listings entered into the MLS system shall have listing contracts as required under these rules, be clearly labeled as auction listings, in public remarks and under special information, and provide all the terms and conditions of the auction. Reserve auctions are not permitted on the MLS. Auction listings shall further specify the following:

- (a) The list price, which shall be seller's minimum acceptable sale price;
- (b) The date, time and place of the auction;
- (c) All required procedures for Participants/Subscribers to register their representation of a potential bidder;
- (d) The amount of the buyer's premium charged by the auction and any additional fees, if any, to be placed in the public remarks;
- (e) The time or manner in which potential bidders may inspect the listed property;
- (f) Whether or not the seller will accept a purchase offer prior to the scheduled auction and
- (g) Any other material rules or procedures for the auction.
- ~~(i) Disclose buyer's premium charged by the auction~~
- (j) Unless otherwise noted, the above information must be specified in confidential remarks and/or associated documents

9.1.1 Showing Access. Properties entered into the system must be available to show within 3 days subject to any tenants' rights, hazardous conditions or unless the seller indicates otherwise in writing.

10.1 Statuses.

New – ~~Initial input, A valid listing contract exists~~ no accepted offer (with or without contingencies) has been accepted. Remains in status for 7 days after which it becomes active

New REO (NEWR) – ~~Initial input, A valid listing contract exists~~ no accepted offer (with or without contingencies) has been accepted. Remains in status for 7 days ~~after which it becomes active, Bank owned listing~~

New Short Sale (NEWS) – ~~Initial input, A valid listing contract exists~~ no accepted offer (with or without contingencies) has been accepted. Remains in status for 7 days after which it becomes active, Short Sale listing

Active (ACTV) – A valid listing contract exists no accepted offer (with or without contingencies) has been accepted.

Active REO (ACTR) – A valid listing contract exists no accepted offer (with or without contingencies) has been accepted. Bank Owned Property

Active Short Sale (ACTS) – A valid listing contract exists no accepted offer (with or without contingencies) has been accepted. Potential Short Sale Property

Active Contingent (AC) – A valid listing contract exists Offer accepted, contingent on sale of buyer's other property

Temporarily Withdrawn (WT) – A valid listing agreement contract still is in effect, but property is temporarily off market however the property is no longer being marketed

Pending (PEND) – The Seller has accepted an Offer accepted and is not soliciting further offers through the MLS. not contingent on sale of buyer's other property and expected to close

Pending Subject to Lenders Approval (PSLA) – The Seller has accepted an offer ~~accepted by seller~~, waiting lenders approval for Short Sale.

Pending REO (PNDR) – The Seller has accepted an Offer ~~accepted by seller (bank).~~

Pending Show for Backups (PSB) – The Seller has accepted an Offer ~~accepted~~ but backup offers welcome

Pending Show Backups REO (PNDBR) – The Seller has accepted an Offer ~~accepted~~ but backup offers welcome, bank owned listing

Pending Show Backups Short Sale (PNDBS) – The Seller has accepted an Offer ~~accepted~~ but backup offers welcome, short sale listing

Expired (EXPR) – The Listing agreement has expired. The time frame of the existing listing contract has run out.

Canceled (WC) – The Listing agreement has been canceled in writing.

Sold – Escrow has closed

Sold REO (SLDR) – Escrow has closed, ~~as~~ Bank owned property

Sold Short Sale (SLDS) – Escrow has closed, ~~as~~ Short Sale