

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 August 3, 2020, unless otherwise specified otherwise. 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

All recent changes are shown in **red** print by ~~strikeout~~ or underline

From time to time, Bay East Association of REALTORS® updates the MLS Rules to comply with changes in N.A.R. policies or California law as well as for general improvement.

In this most recent revision, Effective August 3, 2020, unless specified otherwise following sections have been updated.

7.4.1 Time Frame Definitions. Unless otherwise expressly indicated, where compliance time frames set forth "days," "days" mean calendar days; "days after" means the specified number of calendar days after the occurrence of the event specified, not counting the calendar date on which the specified event occurs, and ending at 11:59 p.m. on the final day; and "days prior" means the specified number of calendar days before the occurrence of the event specified, not counting the calendar date on which the specified event is scheduled to occur. Where "business days" are expressly referenced, "days" exclude Saturdays, Sundays and all recognized federal and state holidays.

Reason: It has been revised to add a definition of business days. Bay East rules currently have one section that states business day: Section 7.5.1 Clear Cooperation. All other sections state "day(s)"

7.19.1 Extension for Protected Buyer. In the event a listing broker's listing has ~~been cancelled or~~ 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

Reason: has been revised to add a reference to cancelled listings

MLS. 8.2 Written Documentation. Listing brokers filing listings with the service shall have a written listing agreement with all necessary signatures in their possession. All necessary signatures are those needed to create an enforceable listing, which generally means all named signatories to the listing agreement. In the event there are known additional property owners not made a signatory to the listing, listing broker shall disclose said fact on the service and state whether the listed seller will make the sale contingent on the consent of the additional property owners. Only listings that create an agency relationship between the seller and the Broker Participant are eligible for submission to the service. By inputting a listing to the service, Broker Participants and R.E. Subscribers represent that they have in their possession such written agreements establishing agency and the represented type of listing agreement. The service shall have the right to demand a copy of such written listing agreements and verify the listing's existence and adequacy at any time. The service shall also have the right to demand a copy of seller's written authorization required under these rules. If the Broker Participant or R.E. Subscriber fails to provide documentation requested by the service within 1 day after the service's request, the service shall have the right to immediately withdraw any listings from the data base in addition to disciplining the Participant and Subscriber for a violation of MLS rules.

Reason: Written Documentation is the new location of the language defining necessary signatures and disclosure of additional property owners, not part of the listing agreement.

8.5 Buyer, Seller, Purchase, and Sale Defined. Except as provided in Sections 7.5 and 7.6, all references to the buyer shall also include lessee. All references to the seller shall also include lessor. All references to a purchase shall also include a lease. All references to a sale shall also include a lease.

Reason: To clarify that definitions sweeping in rental arrangements do not apply for purposes of Sections 7.5 and 7.6.

7.7 Service Area. The MLS's service area shall be determined by the MLS Committee, subject to approval by the Board of Directors. If Bay East has entered into regional MLS agreements, data share agreements, cross-pollination agreements or a regional MLS corporation with other MLSs ~~and has enlarged the service area as part of the agreement or corporation~~, submission of the type of listings specified in section 7.5 is mandatory for the area covered by the combined service areas of the Association's signatory to the regional MLS agreement or part of the regional MLS corporation. Submission of the type of listings specified in section 7.5 input into another MLS is sufficient, if the MLS has entered into a cross-pollination agreement with Bay East.

7.7.1 Service Area Defined. The service area covers the following California Counties; Alameda, Contra Costa, Marin, Mendocino, Napa, Solano, Sonoma, Amador, El Dorado, Merced, Placer, Sacramento, San Joaquin, Stanislaus, Yolo, Monterey, San Benito, Santa Clara, Santa Cruz, San Mateo, and San Francisco.

Section 11.5 (c) Effective date is immediately:

New Section 11.5 (c) To maintain the accuracy and efficacy of the MLS data base, the MLS will no longer remove photos from Sold listings. Alternately, to meet the requests from home buyers and sellers the MLS will update the Sold listings IDX and VOW settings to stop the listing from syndicating.

Reason: To maintain the accuracy and efficacy of the MLS data, we will no longer remove photos from the MLS once the property has been marked Sold.

Listing Broker/Agent still has the option to submit a written request to MLS staff to update their sold listing, so it does not syndicate outside of the MLS. **Please note:** Once staff changes that setting, the listing will only remain in the MLS, plus any 3rd party sites such as Realtor.com, Zillow who integrates your sold listing form the MLS to your agent profile page on their websites will no longer have that data.