

## 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 **May 24, 2021**. If you have any questions regarding the changes, please contact Amber Carnahan at 925-730-4060 or [bayeastcompliancedept@bayeast.org](mailto:bayeastcompliancedept@bayeast.org). To review the full set of rules, [click here](#).

### Revised Rule Sections (**red** denotes addition, **blue** strike-thru deletion.)

From time to time C.A.R. amends the Model Rules, some amendments are required adoption by the local Associations, others are optional. Following amendments to Bay East's MLS Rules and Regulations Appendix A, Citations although optional have been adopted by Bay East to remain consistent with recent changes to the C.A.R. Model Rules.

**Appendix A, Citation Policy** has been revised adding verbiage from the C.A.R. Model Rules that further clarifies the process followed for MLS Rule violations.

**Appendix A, Citation Policy Section 12.10 False or Misleading Advertising.**

**Appendix A, Citation Policy Section 12.2.1 Use of Lockbox Contents** adds a violation for failure of agents entering a property to adhere to the showing protocol outlined by listings agents in the MLS.

#### **Appendix A – Citable Infractions With Reference to Applicable Rules**

~~Violation and succeeding violation shall remain the same for both. Violations will be assessed over a two-year calendar cycle. For an alleged violation of an MLS Section not noted here, the violation will be forwarded to Professional Standards and a possible hearing.~~

The purpose of this citation policy is to ensure the integrity of the MLS including the currency and accuracy of its information. Fines will be issued and processed in accordance with this Citation Policy. The citable offenses and fines are subject to change upon approval of the AOR/MLS Board of Directors. The Citation Policy is in addition to and does not replace the provisions of Section 14.3 of the ~~C.A.R. Model~~ Bay East MLS Rules.

- A. For the purpose of the Fine Schedule, the number of violations will be tracked on a two-year period. On the first day of the third year the violation count for each MLS member will be reset to zero (0).
- B. A listing that contains one or more violations of the Citation Policy is considered a violation event for purposes of the Fine Schedule regardless of the category or nature of the violation.
- C. A listing that contains more than one violation on the same day will be treated as a single violation for purposes of the Fine Schedule. Multiple violations that occur on the same day but are reported separately are treated as a single violation.
- D. Notices of any violation will be sent to the Subscriber and their responsible Participant. A violation must be corrected within two (2) days of notice of violation. Failure to correct a noted violation within the two (2) daytime period allotted will result in a new violation for the uncorrected violation with the associated fine for that level of violation. Failure to correct a violation within the two (2) day correction period may also subject a non-conforming listing to removal by the MLS from active display. New violations may be issued for any remaining uncorrected violations until the violations are corrected or the maximum fine is reached as set forth below.

- E. The fine amount is determined by the total number of violations accumulated by each MLS Participant/Subscriber during a two-year period.
- F. The MLS Committee and/or the Board of Directors reserves the right, at its discretion, to charge a Participant or Subscriber with rules violations by virtue of the hearing process, including the possibility of additional fees or fines, suspension or expulsion, rather than utilizing the citation process. Thus, the below fines may not be all inclusive. Any Participant or Subscriber who accumulates in excess of 4 violations in two years, unless otherwise specified, shall be required to attend a hearing for their actions and potential violations of MLS rules. Additionally, the responsible Participant is required to attend any such hearing of a Subscriber.

**Appendix A, Citation Policy Section 12.10 False or Misleading Advertising** adds a violation related to mandated COVID showing protocols and using the term “Open House”.

**Appendix A, Citation Policy Section 12.2.1 Use of Lockbox Contents** adds a violation for failure of agents entering a property to adhere to the showing protocols outlined by listings agents in the MLS.

12.10	False or Misleading Advertising and Representations; True Picture Standard of Conduct	1 <sup>st</sup> – Courtesy Call 2 <sup>nd</sup> - \$200 Violation 3 <sup>rd</sup> - \$400 Violation 4 <sup>th</sup> - \$800 Violation + \$200 Admin Fee & Class
13.2.1	Use of Lockbox Contents. <ul style="list-style-type: none"> <li>• Follow the showing instructions published in the MLS.</li> <li>• Shall not remove contents of the lockbox except to show home.</li> <li>• Shall keep lockbox contents in their possession at all times after removal from the lockbox.</li> <li>• Lockbox and/or contents shall not be removed from the property site without prior consent from the listing agent.</li> </ul>	1 <sup>st</sup> – Courtesy Call 2 <sup>nd</sup> - \$200 Violation 3 <sup>rd</sup> - \$400 Violation 4 <sup>th</sup> - \$800 Violation + \$200 Admin Fee & Class