

SUMMARY OF MLS RULE CHANGE EFFECTIVE February 8, 2024

The MMG Committee passed a motion to:

- Amend Rule 7.12 to clarify that the use of zero is allowed.

NAR Model MLS Rules requires Participants/Subscribers to communicate an offer of compensation to other MLS Participants/Subscribers and that offer can be any dollar amount or percentage, including \$0. MMG Committee (combined of Bay East, Contra Costa and bridgeMLS) felt the MLS Rule 7.12 needed to be transparent stating that \$0 was an allowable compensation in the compensation field.

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 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 **of zero or greater**. 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 buyer 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 their 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 specify on the property data profile sheet and on the MLS, otherwise, the offer of compensation does not constitute an offer of subagency.