

SUMMARY OF MLS RULE CHANGES EFFECTIVE DECEMBER 1, 2022

The MMG Committee made up of representatives from Bay East, Contra Costa and bridgeMLS passed several motions at their October 2022 meeting to revise the following MLS Rules:

- 1) **Rule 11.5 Photographs on the MLS:** Removed the language dictating that the front exterior be the primary photo.
- 2) **12.5.1 Public Remarks Restrictions and Requirements:**
 - a. Added language seller's concessions are allowed in the Public Remarks.
 - b. Added language to clarify financing terms is not allowed in the public remarks.
 - c. Replaced Vacancy with Occupancy
- 3) **13.2.2 Lockbox Requirements.** Updating approved lockbox requirement to align with the NAR policy,

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 ~~in the primary photo position~~ on the MLS within 1 day of the listing in all categories other than business opportunity and Lots and Land.

12.5.1 Public Remarks Restrictions and Requirements

- a) Information in the public remarks shall only relate to the marketing, description, ~~and~~ condition of the property **and seller's concession**.
- b) **Advertising of financing terms in public remarks is prohibited.**
- c) No contact information is permitted, including names, phone or fax numbers, email addresses or branded website addresses (including branded virtual tours and branded transaction tracking URLs).
- d) No showing instructions are permitted, including references to lockbox, alarm, gate or other security codes, or the ~~vacancy~~ **occupancy** of the property. However, a statement that the property shall be delivered vacant is not a violation.

13.2.2 Lockbox Requirements. If any lockbox or other device giving access to On Market listed property for real estate professionals and/or service providers is authorized by the seller and/or occupant and is placed on or present on property listed through the Service, such lockbox or device must be one that is approved by the MLS where the listing has been submitted. The authorized lockboxes are those that are sold by, leased by or otherwise offered through the local Association or MLS where the listing is submitted have been approved by the MLS. To find the

approved lockbox for a specific geographical area, a map and list of the neighboring Associations/MLSs [click here](#). Unless expressly indicated otherwise by the MLS, for any other lockbox or device to be considered “approved,” use of it must provide reasonable, timely access to listed property such that

The MLS reserves the right to require that the device be submitted in advance for approval. The MLS also may revoke the approval and/or subject the participant to discipline if the device is used in a manner that fails to continue to satisfy this requirement. Failure to provide reasonable and timely access as required by this section will subject the listing agent to discipline and potential fines. More than one lockbox or access device may be used on a property as long as one of them is an approved ~~(Kim User Group approved Supra BT LE lockbox)~~ Association or MLS electronic lockbox where the listing is submitted.