



MLS Regulation Changes Required by NAR

At their May 21, 2014 meeting, the MLS Board of Directors made a motion to accept the NAR mandated MLS Regulations, as presented. ~~Line-out text indicates a deletion, underlined text indicates an addition.~~

Standard 16.22

MLS participants shall not knowingly or recklessly make false or misleading statements about ~~competitors~~ other real estate professionals, their businesses, or their business practices.

Standard of Conduct 16.24:

MLS participants shall present a true picture in their advertising and representations to the public, including Internet content posted, and the URLs and domain names they use, and participants may not:

- a. engaging in deceptive and unauthorized framing of real estate brokerage websites;
- b. manipulating (e.g., presenting content developed by others) listing and other content in any way that produces a deceptive or misleading result; ~~or~~
- c. deceptively using metatags, keywords or other devices/methods to direct, drive, or divert Internet traffic, ~~or to otherwise mislead consumers;~~ ~~or~~
- d. present content developed by others without either attribution or without permission, or
- e. to otherwise mislead consumers. (Adopted 1/13)

Section 18 IDX Defined

IDX affords MLS participants the ~~option of authorizing display of their listings on other participants' Internet websites~~ ability to authorize limited electronic display of their listings by other participants. (Amended ~~11/09~~ 5/12)

Section 18.1 Authorization

Participants' consent for display of their listings by other participants pursuant to these rules and regulations is presumed unless a participant affirmatively notifies the MLS that the participant refuses to permit display (either on a blanket or on a listing-by-listing basis). If a participant refuses on a blanket basis to permit the display of that participant's listings, that participant may not download, ~~or frame or display~~ the aggregated MLS data of other participants. Even where participants have given blanket authority for other participants to



display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis ~~as instructed by where~~ the seller has prohibited all Internet display. (Amended ~~11/09~~ 5/12)

Section 18.2 Participation

Participation in IDX is available to all MLS participants who are REALTORS® who are engaged in real estate brokerage and who consent to display of their listings by other participants.
(Amended 11/09)

Section 18.2.1

Participants must notify the MLS of their intention to establish an display IDX information site and must ~~give make their site directly accessible to~~ the MLS direct access for purposes of monitoring/ensuring compliance with applicable rules and policies. (Amended 5/12)

Section 18.2.2

~~Participants must protect IDX information from misappropriation by employing reasonable efforts to monitor and prevent “scraping” or other unauthorized accessing, reproduction or use of the MLS database.~~ MLS participants may not use IDX-provided listings for any purpose other than display on their websites as provided for in these rules. This does not require participants to prevent indexing of IDX listings by recognized search engines. (Amended ~~11/09~~ 5/12)

Section 18.2.3

Listings, ~~or including~~ property addresses, can be included in IDX displays except where a ~~of sellers who have~~ has directed their listing brokers to withhold their listing or the listing’s property address from all display on the Internet (including, but not limited to, publicly-accessible websites or VOWs) ~~shall not be accessible via IDX sites~~. (Amended ~~11/09~~ 5/12)

Section 18.2.5

Participants must refresh all MLS downloads and ~~refresh all MLS data~~ IDX displays automatically fed by those downloads at least once every three (3) days. (Amended ~~11/09~~ 5/12)

Section 18.2.6

Except as provided in the IDX policy and these rules, an IDX site or a participant or user operating an IDX site or displaying IDX information as otherwise permitted may not distribute, provide, or make any portion of the MLS database available to any person or entity. (Amended 5/12)

Section 18.2.7



~~When displaying listing content, a participant's or user's IDX site~~ Any IDX display controlled by a participant must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. For purposes of the IDX policy and these rules, "control" means the ability to add, delete, modify and update information as required by the IDX policy and MLS rules. (Amended 5/12)

Section 18.2.8

Any IDX site display controlled by a participant or subscriber that

- a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such comments or reviews in immediate conjunction with particular listings, or
- b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction with the listing,

~~shall disable or discontinue~~ either or both of those features shall be disabled or discontinued for as to the seller's listings at the request of the seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both of these features disabled or discontinued on all displays controlled by participants' ~~websites~~. Except for the foregoing and subject to Section 18.2.9, a participant's IDX site display may communicate the participant's professional judgment concerning any listing. Nothing shall prevent an IDX site display from notifying its customers that a particular feature has been disabled at the request of the seller. (Amended ~~11/09~~ 5/12)

Section 18.2.9

Participants shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the accuracy of any data or information that is added by or on behalf of the participant beyond that supplied by the MLS and that relates to a specific property ~~displayed on the IDX site~~. Participants shall correct or remove any false data or information relating to a specific property upon receipt of a communication from the listing broker or listing agent for the property explaining why the data or information is false. However, participants shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment. (Amended ~~11/09~~ 5/12)

Section 18.3 Display

Section 18.3.1

Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS participants and users (e.g., cooperative compensation offers, showing instructions, property security information, etc.) may not be displayed ~~on IDX sites~~.



Section 18.3.1.1

The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed ~~on IDX sites.~~ ([Amended 5/12](#))

Section 18.3.3

Note: Section 18.3.3: With reference to the second sentence added to this section (shown below), we advise that there could be inconsistent determinations upon application of the rule. The term “scrolls” may be without issue on a desktop computer display, but might lead to unwarranted violations on handheld devices. For this reason, we request that the words “or scrolls” be deleted.

All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in a readily visible color and typeface not smaller than the median used in the display of listing data. A reasonably prominent location means in the same location as the photo without clicks ~~or scrolls.~~ Displays of minimal information (e.g. “thumbnails”, text messages, “tweets”, etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. ([Amended 11/09 5/12](#))

Section 18.3.7

All listings displayed pursuant to IDX shall show the MLS as the source of the information. Displays of minimal information (e.g. “thumbnails”, text messages, “tweets”, etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. ([Amended 5/12](#))

Section 18.3.8

Participants (and their affiliated licensees, if applicable) shall indicate on their websites that IDX information is provided exclusively for consumers’ personal, non-commercial use, that it may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing, and that the data is deemed reliable but is not guaranteed accurate by the MLS. The MLS may, at its discretion, require use of other disclaimers as necessary to protect participants and/or the MLS from liability. Displays of minimal information (e.g. “thumbnails”, text messages, “tweets”, etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. ([Amended 5/12](#))

Section 18.3.11

Listings obtained through IDX must be displayed separately from listings obtained from other sources, including information provided by other MLSs. Listings obtained from other sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from which



each such listing was obtained. Displays of minimal information (e.g. “thumbnails”, text messages, “tweets”, etc., of two hundred (200) characters or less are exempt from this requirement but only when linked directly to a display that includes all required disclosures. (Amended 5/12)

Section 18.3.14

Participants are required to employ appropriate security protection such as firewalls on their websites and displays provided that any security measures required may not be greater than those employed by the MLS. (Amended 5/12)

Section 18.3.15

~~IDX operators~~ Participants must maintain an audit trail of consumer activity on ~~the IDX site~~ their website and make that information available to the MLS if the MLS believes the IDX site has caused or permitted a breach in the security of the data or a violation of MLS rules related to use by consumers. (Amended 5/12)

At their May 21, 2014 meeting, the MLS Board of Directors made a motion to approve the changes to the submission policy as presented. ~~Line out text indicates a deletion, underlined text indicates an addition.~~

Policies of the Multiple Listing Service, Inc.

Amended June 2014

These policies are intended to supplement the Bylaws, Rules and Regulations, Code of Ethics and other governing documents of the Multiple Listing Service, a wholly-owned subsidiary of the Berkshire County Board of REALTORS®.

Submission Policy

[New Listing Submission](#)

Complete Exclusive Right to Sell / Exclusive Agency property details must be submitted to the MLS Service within two (2) business days after all necessary signatures of the seller(s) have been obtained for verification.

The following indicates **full and complete** submission **of required listing information:**

- **Exclusive Right to Sell Contract, clearly indicating:** property address, seller(s) name, broker’s name, *term or duration of contract, *price, cooperative compensation, *all necessary signatures of seller(s) including but not limited to contract acceptance and initials of said parties on any



changes and appropriate broker signature (or authorized broker signature as: Jane Doe for ABC Realty). All signature(s) of seller(s) and broker must be dated.* Note: if missing, the seller(s) signature will be required for MLS acceptance.

- **Photo / Sketch:** A minimum of one photo / sketch display is mandatory for each property listing, except where sellers expressly direct that photographs of their property not appear in MLS compilations. Additional photos or virtual tours can be uploaded into the system by any user at no cost. The MLS Office can scan and upload photos at an additional cost (see fee schedule). Photos for MLS entry may be submitted in electronically, in hard copy format or via e-mail. (see photo policy for more information). Photos that picture/reference REALTOR® information directly or indirectly will not be accepted.
- **Driving Directions:** Driving directions are required in the field provided and must be for narrative driving directions that include full street names, beginning and ending points and use standard directional designations such as north, south, east and west. Directions may not refer the user to an on-line electronic mapping service (i.e., MapQuest) or GPS latitude and longitude coordinates, as a substitute for entering narrative directions. Contact information such as names, phone numbers, email addresses, web site addresses, etc. shall not be entered in the Driving Directions field. Items entered into this field shall not reference REALTOR® information directly or indirectly (i.e. "follow Main Street until you reach XYZ RE sign". Such references will be removed by MLS staff.

Delayed in Mailing

- If a contract was delayed in mailing, submit the envelope for verification.
- Delayed in Emailing: If a contract was delayed in emailing, submit a forwarded copy of the original message for verification.
- Delayed in Faxing: If a contract was delayed in faxing, submit the fax transmittal report for verification.

The MLS requires completed paperwork for submission to the service, as indicated above.

- If the Data Input Form, Exclusive Right to Sell or Exclusive Agency contract is incomplete, illegible or altered, the MLS will send an **email** notice to the Participant, indicating the deficit. Submission is required no later than 5:00 p.m. of the next business day.

Photo Submission Policy

The Berkshire Multiple Listing Services requires submission of a reasonable number of photographs or other graphic representations that accurately depict listed property, except where sellers expressly direct that photographs of their property not appear in MLS compilations.

- Photos that picture/reference REALTOR® information directly or indirectly will not be accepted.

Public Fields Submission



No REALTOR references shall be made in any public fields (this includes photos, driving directions, and public remarks).

- **Public Remarks:** Items entered into this field shall not reference REALTOR® information directly or indirectly. Such references will be removed by MLS staff. Contact information such as names, phone numbers, email addresses, web site addresses, etc. shall not be entered in the Public Remarks field. Save these items for “Realtor-to –Realtor” field.

Modifications to Listing Submission

All listing modifications must be submitted to the MLS Service within two (2) business days. Broker-loaded modifications need only be entered into the electronic database; the modification form does not need to be submitted in hard copy format.

- If there is a question about an entry in the MLS database, the MLS office will email a notice to the listing agent and Participant seeking appropriate hard copy documentation for verification. Submission is required no later than 5:00 p.m. of the next business day.

Status changes:

Expired Listings

- Listings that have expired within 30 days can be re-listed if a Modification to Contract form is signed by the seller(s). On-line, the listing agent may copy the existing listing and enter the new expiration date, but must retain the original list date for accuracy in the calculation of days on the market. The signed Modification form indicating the new MLS number must then be submitted to the service within two (2) business days of the seller(s) signature (by mail, fax or email). The REALTOR® can instead execute a NEW EXCLUSIVE RIGHT TO SELL within the 30 days. The same rules apply. On-line, the listing agent may copy the existing listing and enter the new expiration date, but must retain the original list date for accuracy in the calculation of days on the market. The signed Exclusive Right to Sell Contract must then be submitted to the service within two (2) business days of the seller(s) signature (by mail, fax or email). Listings that have been expired for more than 30 days must be treated as an entirely new listing, and the submission requirements indicated in the “Contract Submission policy” herein, must be followed (including Complete Exclusive Right to Sell / Exclusive Agency property details must be submitted to the MLS Service within two (2) business days after all necessary signatures of the seller(s) have been obtained for verification). For ease of entry, the listing information can still be electronically copied. This is not considered an extension of a contract, so the listing date must be changed to reflect the new contract information.
- Listings withdrawn and reentered within 30 days must retain the original list date for accuracy in the calculation of days on the market. Listings must be off the market for no less than 30 days in order to restart the days on market calculations, unless relisted by another brokerage.

Withdrawn Listings:

Adjusting Days on Market or masking the listing history through manipulation of the list date, address or by any other means will be considered a violation of the policy and will be administratively handled as outlined in Policy Enforcement Procedures. **LISTINGS MUST BE OFF**



THE MARKET FOR NO LESS THAN 30 DAYS IN ORDER TO RESTART THE DAYS ON MARKET CALCULATIONS, UNLESS RELISTED BY ANOTHER BROKERAGE. (Approved 4/2011)

Duplicate Sold Listings

- **Duplicate Sold Listings:** – In the event that the MLS finds duplicate sold listings in the MLS, both the listing agent and the broker of record will be notified and asked to clarify which property type sold and which should be removed from the MLS. A response must be received by the MLS Office by 5:00 p.m. of the next business day. The MLS Office will modify the database accordingly in order to ensure accurate reporting of sold properties.

Reciprocal MLS Agreements

The Berkshire County MLS is currently a reciprocal MLS with the following three entities:

- Columbia Greene Board of REALTORS - \$40.
- Greater Albany \$50
- MLS Property Information Network \$30