

## MLS of Choice – What is it really?

There are many questions and incorrect information floating around regarding the new NAR mandated waiver policy, commonly referred to as MLS of Choice.

Following is an FAQ regarding this new policy, which goes into effect on July 1, 2018.

Q. What exactly is this policy intended to do?

A. This allows for agents in an office where the broker belongs to more than one MLS, to opt out of paying the MLS fee in one of the MLSs if they do not do any business in that service area. In order to opt out, members have to provide proof of membership at another MLS.

Q. If an agent obtains a waiver; do they still need to pay Board dues?

A. Yes, this policy only pertains to the MLS subscription fee.

Q. How much is that?

A. The MLS subscriber fee for 2018 is only \$125 for the year.

Q. If an agent obtains a waiver from MLSLI are they able to access Stratus or another program utilizing MLSLI data?

A. No, a waiver applicant may not directly, indirectly access, or use the listing information, or statistics derived thereof from the MLS. This includes, but is not limited to, direct access to the MLS system or any device or services provided by its affiliated or licensed vendors that permit access to and use any of the listing information from the MLS.

They like any non – member would be able to search consumer sites, which publish MLSLI listing information.

Q. If an agent signs a waiver with MLSLI and is a listing or co-listing agent on a property are they able to list that property on MLSLI under the broker or another agent in the office?

A. No, this would be a violation of the waiver policy.

Q. Would some members of a team within an office be able to obtain a waiver from one MLS and other team members obtain a waiver from another MLS?

A. No, the MLSLI waiver policy does not allow for a part of a team to obtain a waiver if any team member has access to the MLS system.

Q. Is there anything else which a waiver applicant may not do?

A. Waiver Applicant may not be involved, in any way, with the arranging of appointments, showings, appearing at open houses, etc. on any listing in the MLSLI system.

Waiver Applicant may not use, directly or indirectly, in any matter whatsoever information from MLSLI to list properties for sale or lease, to identify or locate properties for any potential buyers or lessees.

Q. If an agent, who has signed a waiver, sells a property listed on the MLSLI system, are they due the compensation offered on that listing?

A. The offers of compensation in the MLS are between the principal brokers of the firm, and not the licensees affiliated with the MLS Participant. However, the principal broker can rely on the actions of his or her affiliated licensees to claim entitlement to compensation through procuring cause. That remains unchanged for licensees who receive a waiver of subscription fees. However, waived licensees are precluded from using the MLS as the source of any property information, and licensees who violate the terms of the waiver can be subject to sanctions in accordance with the waiver agreement and/or MLS rules.

Q. If an Agent would like a waiver, who would sign this and who would be responsible?

A. The waiver form will need to be signed by both the MLSLI Participant and Agent.

Q. Is there a fine for violating the waiver policy?

A. Yes a \$2500 fine would be levied against both the Participant and the Agent.

Q. Typically the Participant is liable for monies not paid by the Agent. Would that be the case in this instance as well?

A. If the Agent stays with the company, the Participant will be responsible if the Agent does not pay. If the Agent leaves the company, the Participant will not be responsible. If the Agent joins another company, the Agent would then be required to pay the outstanding fine prior to accessing the system.