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**RULES OF THE**  
**MULTIPLE LISTING SERVICE OF LONG ISLAND, INC.**

**RULE 101 – DEFINITIONS**

As used herein:

- 101.1 “Multiple Listing Service”, “MLS” or “the Service” means the Multiple Listing Service of Long Island, Inc.
- 101.2 “Board of Directors” or “Directors” means the Board of Directors of MLS.
- 101.3 “Rules” means the Rules of MLS as set forth herein and as construed from time to time by the Directors.
- 101.4 “LIBOR” means the Long Island Board of Realtors, Inc.
- 101.5 “Cooperating Broker” means a subagent, buyer’s agent or broker’s agent. (3/05)
- 101.6 “Participant”: A Realtor who is a principal, partner, corporate officer or branch manager acting on behalf of a principal who enjoys the rights and is subject to the duties of participants as set forth in the rules of the Multiple Listing Service of Long Island, Inc. (8/22/07)

**RULE 201 – PARTICIPATION**

- 201.1 Any REALTOR of this or any other Board who is a principal, partner, corporate officer, or branch office manager acting on behalf of a principal, without further qualification, except as otherwise stipulated in these bylaws, shall be eligible to participate in Multiple Listing upon agreeing in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto.\* However, under no circumstances is any individual or firm, regardless of membership status, entitled to Multiple Listing Service “membership” or “participation” unless they hold a current, valid real estate broker’s license and offer or accept compensation to and from other Participants or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property.\*\* Use of information developed by or published by a Board Multiple Listing Service is strictly limited to the activities authorized under a Participant’s licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey “participation” or “membership” or any right of access to information developed by or published by a Board Multiple Listing Service where access to such information is prohibited by law. (11/10)

(continued...)

## **RULE 201 – PARTICIPATION (continued...)**

Note: Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm 'offers or accepts cooperation and compensation' means that the Participant actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS and/or to accept offers of cooperation and compensation made by listing brokers or agents in the MLS. "Actively" means on a continual and on-going basis during the operation of the Participant's real estate business. The "actively" requirement is not intended to preclude MLS participation by a Participant or potential Participant that operates a real estate business on a part time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not intended to deny MLS participation to a Participant or potential Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit an MLS to deny participation based on the level of service provided by the Participant or potential Participant as long as the level of service satisfies state law.

The key is that the Participant or potential Participant actively endeavors to make or accept offers of cooperation and compensation with respect to properties of the type that are listed on the MLS in which participation is sought. This requirement does not permit an MLS to deny participation to a Participant or potential Participant that operates a Virtual Office Website ("VOW") (including a VOW that the Participant uses to refer customers to other Participants) if the Participant or potential Participant actively endeavors to make or accept offers of cooperation and compensation. An MLS may evaluate whether a Participant or potential Participant "actively endeavors during the operation of its real estate business" to "offer or accept cooperation and compensation" only if the MLS has a reasonable basis to believe that the Participant or potential Participant is in fact not doing so. The membership requirement shall be applied on a nondiscriminatory manner to all Participants and potential Participants.

- 201.2 If a former MLS Participant, all outstanding financial obligations to the Service, including any grants which may have been made out of the Compensation Fund, shall be paid in full.
- 201.3 No MLS participant, subscriber or licensee affiliated with any participant shall, through the name of their firm, their URLs, their e-mail addresses, their website addresses, or in any other way represent, suggest, or imply that the individual or firm is an MLS, or that they operate an MLS. Participants, subscribers and licensees affiliated with participants shall not represent, suggest, or imply that consumers or others have direct access to MLS databases, or that consumers or others are able to search MLS databases available only to participants and subscribers. This does not prohibit participants and subscribers from representing that any information they are authorized under MLS rules to provide to clients or customers is available on their websites or otherwise. (11/10)

## **RULE 202 – APPLICATION TO PARTICIPATE**

Each applicant to participate in MLS shall file an application on forms prescribed by the Directors' and to be accompanied by such initial service fees as may be set by the Directors.

## **RULE 203 – ADDITIONAL OFFICES**

In the event an Applicant or Participant has, or acquires, an interest as owner, partner, or stockholder, directly, or indirectly, in any other real estate office within the counties of Queens, Nassau and Suffolk, operating under the same or any other name, the Applicant or Participant shall pay a separate initial fee for each office, and be responsible for the adherence by said real estate office to the Rules of MLS. All such real estate brokerage offices must participate in the Service in order for the Participant to remain a Participant. The Board of Directors may waive the requirements of this section if the nature of the office or geographic location would render the requirement inequitable. (11/15/06)

- 203.1 Except as provided in Rule 604, in the event a Participant's additional offices which are not located within the counties of Queens, Nassau and Suffolk take an exclusive listing of property located within the three counties said listing will be submitted to the Multiple Listing Service of Long Island, Inc. unless it is a listing of the Office's Participant. (11/15/06)

## **RULE 204 – DEATH OF A PARTICIPANT**

Participation in the MLS may be transferred:

- 204.1 In the event of the death of a Participant, the Board of Directors shall set reasonable conditions enabling a replacement to become a Participant in the Service. Such conditions should be designed to allow the deceased Participant's office to continue to receive multiple listings during the time period necessary for the members of the family or partner of such deceased Participant to otherwise qualify for active participation in the Service. (11/18/93)

## **RULE 205 – RESIGNATION**

- 205.1 Any Participant may resign from the Service provided;
- (a) Only that the Participant is not under suspension;
  - (b) Any assessments or other monies due to the Service are paid in full;
  - (c) The Participant agrees to discontinue the use or displaying of any materials containing the logo or service mark of MLS, including, but not limited to, signs, posters, stationary, postcards, agreements, and other similar material, such as a website. (3/05)

(continued...)

### **RULE 205 – RESIGNATION (continued...)**

- 205.2 When a participant resigns from the MLS, the MLS is not obligated to provide services, including continued inclusion of the resigned participant's listings in the MLS compilation of current listing information. Prior to any removal of a resigned participant's listings from the MLS, the resigned participant should be advised, in writing, of the intended removal so that the resigned participant may advise his clients. (4/12)

### **RULE 301 – RIGHTS AND DUTIES OF PARTICIPANTS**

All active Participants in the MLS shall adhere to these Rules and shall, in addition:

- 301 The Service shall only accept written exclusive listings.(3/05)
- 301.1 Except as provided with Rule 604, a Listing Broker must submit all exclusive listings within LIBOR's jurisdiction to the Service for distribution to the Participants of the Service. (3/19/03)
- 301.12 The MLS will accept, but not require, exclusive listings outside LIBOR's jurisdiction. (1/24/90)
- 301.2 File with MLS all information, accurately, about properties received from the owners. (3/05)
- 301.21 The owner(s) last name(s) must be entered into the data base and be available to Participants unless the owner specifically requests in a letter handwritten by the owner and signed by the owner that it is not to be published. (8/22/07)
- 301.3 Participants, and brokers and agents licensed to them by the State of New York Department of State, have the right to access all MLS information authorized for distribution. (Access shall mean authority granted by MLSLI under a license or sub-license.) (3/19/03)
- 301.4 By becoming and remaining a Participant, each Participant agrees to arbitrate disputes involving contractual issues and questions , and specific non-contractual issues and questions defined in Standard of Practice 17-4 of the NAR Code of Ethics with MLS Participants in different firms arising out of their relationships as MLS Participants subject to the following qualifications:
- a) If all disputants are members of the same Board of Realtors or have their principal place of business within the same Board's territorial jurisdiction, they shall arbitrate pursuant to the procedures of that Board/Association of Realtors.

(continued...)



### **RULE 301 – RIGHTS AND DUTIES OF PARTICIPANTS (continued...)**

- b) If the disputants are members of different Boards of Realtors, or if their principal place of business is located within the territorial jurisdiction of different Boards of Realtors, they remain obligated to arbitrate in accordance with the procedures of the New York State Association of Realtors. (4/98)

### **RULE 302 – RESPONSIBILITY FOR ACTS OF ASSOCIATES**

A Participant is responsible for any violations of these Rules by any Salespersons or Brokers associated with the Participant.\*

- 302.1 Participants are obligated to assist other Participants with respect to the showing of a listed property as well as presenting offers. (11/18/93)\*
- 302.2 Any instructions by a seller to the Listing Broker regarding the limiting of the showing, presentation of an offer or the presence of the Cooperating Broker in that presentation must be authorized in writing by the seller and a copy be made available upon request by the Cooperating Broker. (12/21/05)

***\* See Board of Directors' Official Interpretations***

### **RULE 303 – FOR SALE & SOLD SIGNS**

- 303.1 Only 'For Sale' signs of the Listing Broker may be placed on a property. (1/20/93)
- 303.2 Only the 'Sold' sign of the Listing Broker may be placed on a property. Prior to closing only the 'sold' sign of the Listing Broker may be placed on a property, unless the Listing Broker authorizes the Cooperating Broker to post such a sign. (12/98)
- 303.3 Alleged violations of Rule 303 will be referred to LIBOR's Grievance committee. (1/20/93)

### **RULE 401 – FAILURE TO PAY DUES, FEES, PENALTIES, AND/OR ASSESSMENTS**

A Participant may be suspended or expelled from the Service by action of the Board of Directors upon failure to pay dues, fees, penalties, and/or assessments due the Service.

### **RULE 402 – SUSPENSION**

Suspension of a Participant from MLS shall suspend the Participant's right to submit and receive listings during the suspension period, but the Participant shall otherwise be fully bound to perform all duties pursuant to the Bylaws and Rules of MLS.

(continued...)

### **RULE 402 – SUSPENSION (continued...)**

- 402.1 When a Participant of the service is suspended from the MLS for failing to abide by a membership duty (i.e., violation of the Code of Ethics, association bylaws, MLS bylaws, MLS rules and regulations, or other membership obligation except failure to pay appropriate dues, fees, or charges), all listings currently filed with the MLS by the suspended participant shall, at the Participant's option, be retained in the service until sold, withdrawn or expired, and shall not be renewed or extended by the MLS beyond the termination date of the listing agreement in effect when the suspension became effective. If a Participant has been suspended from the association (except where MLS participation without association membership is permitted by law) or MLS (or both) for failure to pay appropriate dues, fees, or charges, an association MLS is not obligated to provide MLS services, including continued inclusion of the suspended Participant's listings in the MLS compilation of current listing information. Prior to any removal of a suspended Participant's listings from the MLS, the suspended participant should be advised, in writing, of the intended removal so that the suspended Participant may advise his clients. (4/12)

### **RULE 403 – EXPELLED PARTICIPANT'S LISTINGS**

When a participant of the service is expelled from the MLS for failing to abide by a membership duty (i.e., violation of the Code of Ethics, association bylaws, MLS bylaws, MLS rules and regulations, or other membership obligations except failure to pay appropriate dues, fees, or charges), all listings currently filed with the MLS by the expelled participant shall, at the participant's option, be retained in the service until sold, withdrawn, or expired, and shall not be renewed or extended by the MLS beyond the termination date of the listing agreement in effect when the expulsion became effective. If a participant has been expelled from the association (except where MLS participation without association membership is permitted by law) or MLS (or both) for failure to pay appropriate dues, fees, or charges, an association MLS is not obligated to provide MLS services, including continued inclusion of the expelled participant's listings in the MLS compilation of current listing information. Prior to any removal of an expelled participant's listings from the MLS, the expelled participant should be advised, in writing, of the intended removal so that the expelled participant may advise his clients. (4/12)

### **RULE 404 – REINSTATEMENT**

- 404.1 A former Participant who was expelled for non-payment of fiscal obligations may be reinstated as provided in Rule 201 providing the Participant satisfies all outstanding financial obligations to the Service including any grants which may have been made out of the Compensation Fund due to the Participant's failure to pay any Listing Brokers' share of commission earned.
- 404.2 The Board of Directors shall establish a fee for reinstatement.
- 404.3 Upon reinstatement, the Participant will be entitled to all of the benefits of the Service. (11/18/93)

## **RULE 501 – LISTINGS**

- 501.1 Listing of real or personal property **for sale, rental or exchange** of the following types, which are listed subject to a real estate broker's license, and which are located within the territorial jurisdiction of LIBOR shall be entered into the data base, postmarked or delivered to the Multiple Listing Service within 48 hours after all necessary signatures of sellers have been obtained:
- a) Single family homes;
  - b) Vacant lots and acreage;
  - c) Two family, three family, and four family residential buildings;
  - d) Cooperatives and condominiums;
  - e) Commercial and industrial real property.
- (3/05)
- 501.2 Any exclusive listing taken by a Participant which is not submitted to the MLS for distribution to other Participants must still be recorded with the Service in accordance with Rule 604.
- 501.21 Office Exclusives in which the owner has already accepted an offer on the property may not be entered into the MLS available public database. Office Exclusives may only be entered into the Participant's private listing database. Once the property has been closed it may be moved into the MLS closed database through the "Convert Private Closing to Public Closed" function in the MLS computer system.
- Only listings that are intended to be shown by other Participants may be entered into the MLS available public database. (4/23/03)
- 501.3 If a Participant or any licensee (or licensed or certified appraiser) affiliated with a Participant has any ownership interest in a property, the listing of which is to be disseminated through MLS, that person shall disclose that interest by a notation in the Remarks section of the data base. (8/22/07)
- 501.4 All properties which may be sold or rented separately must be listed separately.
- 501.5 If part of a listed property is sold or rented, the listing shall be considered cancelled and the remainder of the property would have to be relisted.
- 501.6 Exclusive agency listings shall be indicated by a symbol in the appropriate data field. (1/20/93)
- 501.7 Listings which have exclusions shall be indicated by a symbol in the appropriate data field. (1/20/93)
- 501.8 MLS reserves the right to refuse to accept a listing which fails to adequately protect the interests of the public and the Participants. (11/18/93)

(continued...)

### **RULE 501 – LISTINGS (continued...)**

- 501.9 The property data form or section of all listings to be submitted to the Service must be in the approved format. (11/18/93)
- 501.10 No listing agreement to be submitted to the Service shall contain language which directly or indirectly establishes, attempts to establish or indicates that a contractual relationship exist or is intended to exist between the MLS and the owner or owners of the property. (11/18/93)
- 501.11 All listings to be submitted to the Service must contain a written authorization by the owner(s) of the property to appoint MLS Participants as Cooperating Brokers. (11/18/93)
- 501.12 Listing photos or any type of virtual tours may not include any contact information such as pictures of you, your office, your logo, name, office name, email address or web site address. All residential properties' photos must include the exterior front of the property.  
Any seller request that no photos be published on the listing must be in writing and sent to the Service within 24 hours of the listing being input into the System. (12/10)
- 501.13 The Property Description field is for descriptive purposes only. This field may not include any contact information such as names, phone numbers, website addresses, email addresses or links to virtual tours. There may not be status information, showing instructions, offer procedures, property addresses, open houses, mortgage requirements, listing status, references to broker compensation or any other notation intended for agents.  
Any improper information in the Property Description field will result in the entire field being deleted. (3/05)
- 501.14 A Participant may not use on their listing, a photo which was entered into the system by another Participant without the written consent of the first Participant. (8/22/07)
- 501.15 Participants must disclose potential short sales (defined as a transaction where title transfers, where the sale price is insufficient to pay the total of all liens and costs of sale and where the seller does not bring sufficient liquid assets to the closing to cure all deficiencies) when reasonably known to the Listing Participants.
- When disclosed, Participants may, at their discretion, advise other Participants whether and how any reduction in the gross commission established in the listing contract, required by the lender as a condition of approving the sale, will be apportioned between Listing and Cooperating Participants.

(continued...)

### **RULE 501 – LISTINGS (continued...)**

Where Participants communicate to other Participants how any reduction in the gross commission established in the listing contract required by the lender as a condition of approving the sale will be apportioned between the Listing and Cooperating Participants, Listing Participants shall disclose to Cooperating Participants in writing the total reduction in the gross commission and the amount by which the compensation payable to the Cooperating Broker will be reduced within 24 hours of receipt of notification from the lender. (7/10)

- 501.16 Upon request by the MLS, Participant must produce the listing agreement or any document authorizing a price change, extension, withdrawal, or release, or any other document for which a seller's signature is required. Any requested document must be received by the MLS within twenty-four (24) hours of such request. (4/10)

Any listing agreement or extension not provided to MLS within specified time period will be subject to removal of said listing from the MLS system. (11/10)

### **RULE 601 – COMPENSATION**

- 601.0 Commission rates for the sale, lease or management of real estate shall be negotiable between each member of the Board and his client.
- 601.1 MLS will not fix, control, recommend, suggest or maintain commission rates or fees for services to be rendered by Participants, nor shall the MLS fix, control, recommend, suggest or maintain the division of commission or fees between Cooperating Participants and non-Participants. (1/20/93)
- 601.2 The Listing Participant shall establish the division of compensation between himself and Cooperating Participants. Such division shall be clearly stated on the Listing Contract at the time it is executed by the homeowner. (4/22/81)
- 601.3 The compensation specified on listings published by the MLS shall be shown in one of the following forms:
- 1) By showing a percentage of the gross selling price.
  - 2) By showing a definite dollar amount. (10/25/89)

In filing a property with the multiple listing service of an association of REALTORS®, the Participant of the service is making blanket unilateral offers of compensation to the other MLS Participants, and shall therefore specify on each listing filed with the service, the compensation being offered to the other MLS Participants. Specifying the compensation on each listing is necessary, because the cooperating broker has the right to know what his compensation shall be prior to his endeavor to sell.

(continued...)

## **RULE 601 – COMPENSATION (continued...)**

This shall not preclude the listing broker from offering any MLS Participant compensation other than the compensation indicated on any listing published by the MLS, provided the listing broker informs the other broker, in writing, in advance of his producing an offer to purchase, and provided that the modification in the specified compensation is not the result of any agreement among all or any other participants in the service. Any superseding offer of compensation must be expressed as either a percentage of the gross sales price or as a flat dollar amount. (11/2010)

- 601.31 Such offers are unconditional except that entitlement to compensation is determined by the Cooperating Broker's performance as the procuring cause of the sale (or lease). The Listing Broker's obligation to compensate any Cooperating Broker as the procuring cause of the sale (or lease) may be excused if it is determined through arbitration that, through no fault of the Listing Broker and in the exercise of good faith and reasonable care, it was impossible or financially unfeasible for the Listing Broker to collect a commission pursuant to the listing agreement.

In such instances, entitlement to cooperative compensation offered through MLS would be a question to be determined by an arbitration hearing panel based on all relevant facts and circumstances including, but not limited to, why it was impossible or financially unfeasible for the Listing Broker to collect some or all of the commission established in the listing agreement: at what point in the transaction did the Listing Broker know (or should have known) that some or all of the commission established in the listing agreement might not be paid; and how promptly had the Listing Broker communicated to Cooperating Brokers that the commission established in the listing agreement might not be paid. (12/98)

- 601.311 The Listing Broker retains the right to determine the amount of compensation offered to other Participants (acting as subagents, buyer agents, or in other agency or nonagency capacities defined by law) which may be the same or different. (12/98)

- 601.4 Within seven (7) calendar days after the date of closing of title or the completion of a rental transaction or the collection of a commission, whichever occurs first, the collecting Broker must remit to the Cooperating Broker all amounts due to said Broker. (1/27/81)

- 601.5 Collection and dispersal of commission shall be determined by agreement between Listing Broker and Cooperating Broker. Absent such agreement, Listing Broker shall be responsible for the collection and dispersal of commission. (2/13/86)

- 601.6 The Service shall not publish or distribute the Listing Broker's share of the commission. (11/18/93)

## **RULE 602 – INCOMPLETE LISTINGS**

- 602.2 All listings shall be substantially complete and accurate at the time that the listing is submitted to the person authorized to list the property for signature and at the time filed with the Service.
- 602.3 Data fields may only contain information which pertains to that particular data field. Floor Plans may only contain rooms or appliances on each floor, Section/Area is for the neighborhood where the property is located, Handicap Description shall only describe features which make the property handicap accessible, etc. (2/11)
- 602.4 A property must be listed in the correct zip code of the legal address and may only be listed one time per class of property. (4/12)

## **RULE 604 – OFFICE EXCLUSIVES**

A Participant may accept a listing which provides for an Exclusive Right to Sell or Exclusive Agency with the Participant's office, provided the Participant or a salesperson in the Participant's office has informed the homeowner about the benefits of the Multiple Listing Service, and the homeowner acknowledges same in writing. The Participant will then submit a copy of the "exclusive" to the Service within 48 hours after all necessary signatures of sellers have been obtained, with a copy of the owner's acknowledgement and filing fee as prescribed by the Board of Directors. Office exclusives shall remain on file with the Service as confidential material and the details shall not be disclosed to any third party. (3/05)

## **RULE 605 – CHANGES, AMENDMENTS, WITHDRAWALS OR RELEASES**

- 605.1 All price changes, extensions, compensation changes, withdrawals, or releases of any listing contract must be in writing signed by the person(s) authorized to sell the property, must contain the ML#, and must be entered into the data base, postmarked or delivered to the Service within forty-eight (48) hours after such change, modification, or amendment is so signed by the person(s) authorized to sell the property.\* (3/05)
- 605.2 The Listing Broker is responsible to ascertain that any such change or amendment is actually published by the Service.
- 605.3 If listing information is changed or if the property is relisted by the same listing broker before the original expiration or extended expiration date of the original listing, the listing must retain the original listing date.\* (6/28/06)

***\*See Board of Directors' Official Interpretation***

### **RULE 606 - IMPROPER SOLICITATION OF LISTINGS**

- 606.2 No multiple listing shall be solicited by any Participant other than the Listing Participant until after the expiration of the original listing.
- 606.3 Participants shall not solicit a listing on property filed with the Service unless such solicitation is consistent with Article 16 of the NAR Code of Ethics, its Standard of Practice and its Case Interpretations. (12/98)

### **RULE 607 – EXTENSIONS**

Any listing filed with the Multiple Listing Service automatically expires unless renewed.

All extensions must be obtained during the original listing period, signed by the person(s) duly authorized to sell the property, and must be postmarked or delivered to the Service within forty-eight (48) hours after obtaining the signature of the person(s) duly authorized to sell the property, but no later than twenty-four (24) hours after the expiration date of the original listing.

### **RULE 701 – NEGOTIATIONS**

Arrangements with the seller for the showing of or negotiations concerning the listed property filed with Multiple Listing shall be conducted through the Listing Broker except when the Listing Broker gives the Cooperating Broker specific authority to negotiate directly, or, if after reasonable effort, the Cooperating Broker cannot contact the Listing Broker or his representative: however, the Listing Broker, at his option, may preclude such direct negotiations by Cooperating Brokers consistent with Rules 703.6 and 703.7. (12/98)

### **RULE 703 – OFFER PROCEDURE (NEGOTIATE DIRECT – NO)**

It is the obligation of the Listing Participant to protect the rights and interest of the Participant's client, but this obligation does not relieve the Listing Participant from the obligation to deal fairly with the Cooperating Participant.

- 703.1 Unless agreed otherwise in writing between the seller and the Listing Broker, the Listing Broker shall submit to the seller all written offers until closing. \* (4/1/90)
- \*The Listing Broker shall recommend that the seller obtain advice of legal counsel prior to acceptance of any subsequent offer. (1/20/93)
- 703.11 Listing Participants shall receive all written offers brought to their offices and issue receipts for same. (5/15/91)
- 703.2 Listing Broker, or anyone licensed in the Listing Broker's office, must advise the homeowner that an offer has been made and shall make arrangements for the offer(s) to be presented immediately. (11/18/93)

(continued...)



**RULE 703 – OFFER PROCEDURE (NEGOTIATE DIRECT – NO) (continued...)**

- 703.3 The Cooperating Participant, or his sales associates, are not required to disclose the name of the purchaser nor any of the terms of the offer prior to the actual presentation. (11/18/93)
- 703.4 The Cooperating Broker (subagent or buyer agent) or his representative has the right to participate in the presentation to the seller or lessor of any offer he secures to purchase or lease. He does not have the right to be present at any discussion or evaluation of that offer by the seller or lessor and the Listing Broker. However, if the seller or lessor gives written instructions to the Listing Broker that the Cooperating Broker not be present when an offer the Cooperating Broker secured is presented, the Cooperating Broker has the right to a copy of the seller's or lessor's written instructions. None of the foregoing diminishes the listing broker's right to control the establishment of appointments for such presentations. (11/2010)
- 703.41
- a. Whenever a Cooperating Broker desires assurance that an offer procured by them has in fact been presented to the owner, said Cooperating Broker may complete an Offer Acknowledgement Form to be submitted to the homeowner and acknowledged by the homeowner signing a statement that the offer has in fact been presented to and reviewed by the homeowner.
  - b. Said form shall essentially set forth the terms and conditions of the offer, including but not limited to, price, financing, closing contingencies and any other terms which the Cooperating Broker deems essential.
  - c. The Cooperating Broker shall submit said form, along with the offer, to the Listing Broker who shall deliver the form to the owner. The Listing Broker shall request the owner to sign and Listing Broker shall return the signed form to the Cooperating Broker.
  - d. If the owner refuses or is unable to sign the Offer Acknowledgment Form the Listing Broker must either forward to the Cooperating Broker an email from the owner verifying the knowledge of the offer or sign the Declaration Statement stating the offer was presented to the owner. This Declaration Statement is a sworn statement signed by the Listing Broker or any licensee in that office. The Declaration Statement would then be returned to the Cooperating Broker along with the Offer Acknowledgment Form.
  - e. Either the signed Offer Acknowledgment Form or the Declaration Statement must be returned to the Cooperating Broker within 2 hours after the offer was presented to the seller. (refer to rule 703.7 and Board of Director Interpretation of Rule 302 in back of Rule Book)

(continued...)

**RULE 703 – OFFER PROCEDURE (NEGOTIATE DIRECT – NO) (continued...)**

- f. If said forms are not returned to the Cooperating Broker within the specified time Cooperating Broker may contact the Zone Chairperson or Director for assistance.
- g. When requested the listing office must provide the owner's contact number to the Zone Chairperson or Director for verification purposes. If written seller instructions to the contrary exist, those instructions must be sent to the Zone Chairperson within 1 hour.
- h. Failure to provide requested forms to the Zone Chairperson will prompt an automatic fine by MLS beginning at \$500 for 1<sup>st</sup> violation, \$750 for 2<sup>nd</sup> violation, \$1000 for 3 or more violations per office.

(2/17/2010)

\*The above rule applies to all listings including REO properties.

- 703.5 Any requirement that the Listing Broker make all arrangements in connection with the showing of the property carries with it the responsibility for the Listing Broker to facilitate the showing of the property by other Participants at all reasonable times. Such requirement must be published on the MLS online system. The Listing Participant's office is responsible for insuring reasonable constant and flexible access to the homeowner for the presentation of offers or the showing of the property. (7/10)
- 703.6 In the event a Cooperating Participant, after due diligence, cannot contact the Listing Participant or a licensed associate of the Listing Participant, and the Cooperating Participant has a bona fide sales offer, then, and in such event, he may contact the Zone Chairperson, or if the Zone Chairperson is unavailable, a Director in that zone, or if none in that zone are available, any Director. The Zone Chairperson or the Director shall verify the unavailability of the Listing Participant or his licensed associate and then contact the seller to ascertain whether any other offers have been submitted and accepted. If there are none, the Zone Chairperson or Director must ascertain whether the homeowner is willing to have an offer submitted directly by the Cooperating Broker. If the owner agrees, the Director shall inform the owner of the name and telephone number of the Cooperating Agent and Broker. (12/98)
- 703.61 Listing Office must provide the owner's contact number to Zone Chairperson or Director upon request to determine property status and owner's willingness to have offer presented by Cooperating Broker. (8/04)
- 703.7 When the Cooperating Broker believes that the Listing Broker is not making arrangements to present the offer as quickly as possible, he may contact the Zone Chairperson or, in their absence, a Director in that zone, if none in that zone are available, any member of the Board of Directors, and request the Zone Chairperson or Director to contact the Listing Broker to determine whether the Listing Broker is making arrangements to present the offer expeditiously. (continued...)

### **RULE 703 – OFFER PROCEDURE (NEGOTIATE DIRECT – NO) (continued...)**

If, in the judgment of the Zone Chairperson (or Director), the Listing Broker is not acting as expeditiously as possible, the Zone Chairperson should advise the Listing Broker that he will contact the homeowner directly and advise the homeowner that there is an offer pending on his home.

The Zone Chairperson shall ascertain whether any other offers have been submitted and shall also determine if the homeowner would like the offer presented expeditiously.

If the homeowner wants the offer presented, the Zone Chairperson shall inform the homeowner of the name and telephone number of the Cooperating Agent and Broker to enable the Homeowner to make an appointment for the presentation.

The Zone Chairperson will advise the owner to contact their Listing Broker.

The Zone Chairperson will advise the Listing Broker of what has transpired. (12/21/05)

### **RULE 704 – OFFER PROCEDURES (NEGOTIATE DIRECT – YES)**

In the event that the listing authorized the other Participants to negotiate directly, the following must be adhered to:

- 704.1 Any Participant who has obtained an offer on the Multiple Listing shall call the Listing Participant's office prior to presenting such offer to the seller(s) to ascertain whether or not there are any previous binders on the property.
- 704.2 If such Cooperating Participant is unable to contact the office of the Listing Participant, such Cooperating Participant shall request the Zone Chairperson or, in his absence, a Director to contact the homeowner to ascertain whether or not there were any offers accepted by the owner. (11/18/93)

### **RULE 707 – ADDITIONAL OFFERS**

In the event an accepted offer does not proceed to closing, the Listing Participant must notify all Cooperating Brokers who have ever registered a back-up offer with the listing Participant or communicated an offer to the Listing Participant of the date when the property is again available, of the date, time and place when all offers will be presented to the owner. At such time, all offers then existing shall be submitted to the owner. (Registered back-up offers should be submitted on Offer Acknowledgement & Registration Form) (12/21/05)

(continued...)

### **RULE 707 – ADDITIONAL OFFERS (continued...)**

- 707.1 If a listing Broker receives an offer on a property where an accepted offer by a Cooperating Broker already exists, the Listing Broker, after first notifying the owner of this additional offer, must notify the Cooperating Broker within an hour of notification to seller of said additional offer, unless the Listing Broker is instructed otherwise by the seller. Owner's instructions may be subject to verification by Zone Chairperson or Director as requested by Cooperating Broker. (3/1/07)

### **RULE 708 – INDUCING BREACH OF CONTRACT**

A Participant shall not induce any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu thereof a new contract with another principal. (4/1/90)

### **RULE 709 – CANCELLATION OF BINDERS**

The Cooperating Participant shall report immediately to the Listing Participant if any accepted binder or contract is cancelled or terminated, even if the Listing agreement has expired. The affected property may not be relisted or shown for resale by the Cooperating Participant until the Listing Participant has been notified. (3/05)

### **RULE 801 – REPORTING OF SALES OR CLOSINGS**

The Listing Participant is responsible for the timely and accurate filing of sales and closing information with the Service.

- 801.1 Cooperating Participant must notify the Listing Participant of contract signing or closing providing all the required information including purchaser's name and town moved from, unless prohibited by written instructions from the purchaser, in a timely and accurate manner within 48 hours of the contract signing or closing. (12/21/05)
- 801.2 Reports must be entered into the data base within 48 hours either of contract signing by all parties or of the closing and include the purchaser's last name and town moved from unless prohibited by written instructions from the purchaser. (8/22/07)
- 801.3 Cancellations of contracts shall be reported by the Cooperating Participant to the Listing Participant immediately. The Listing Participant shall enter the cancellation into the data base within 48 hours. (3/05)
- 801.51 The affected property may not be relisted or shown for resale by the Cooperating Participant until the Listing Participant has been notified of the cancellation.
- 801.4 In the event that a Cooperating Participant wishes to take legal action against a homeowner, the Cooperating Broker is obligated to notify the Listing Broker in writing prior to undertaking such an action.  
(Approved 3/92, Implemented 6/92)
- 801.5 Sections 801.1 and 801.2 also pertain to when a unit is rented. (3/05)

## **RULE 901 – DISTRIBUTION OF LISTINGS TO NON-PARTICIPANTS**

- 901.1 Any listing filed with the Service shall not be made available to any non-Participant without the consent of the Listing Participant.
- 901.2 Any active listing information provided by the Multiple Listing Service to Participants shall be considered official information of the Service. Such information shall be considered confidential and exclusively for the use of Participants and those Participants who are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property and licensed or certified appraisers affiliated with such Participants. (2/17/93)

## **RULE 902 – CO-BROKERAGE**

A Listing Participant may cooperate on his/her listing with any licensed real estate broker whether or not such broker is a Participant of the Service. In the event of such a sale or other transaction involving such cooperative arrangement, the Listing Participant shall be responsible for reporting all information required by the Rules to the Service. No co-brokerage arrangement may be made on any listed property except by the Listing Participant, or, with his/her written consent. (11/29/89)

## **RULE 903 -- ADVERTISING**

Article 12 of the Code of Ethics of the National Association of Realtors, the Standards of Practice and case interpretation relating thereto, as the same now exists or are hereafter altered, modified or amended insofar as the same are relevant to Participants copying and/or publishing other Realtor's listing information without their express consent are incorporated into these rules in their entirety by reference. (5/26/99)

## **RULE 904 – REPRODUCTION**

Participants or their affiliated licensees shall not reproduce any MLS Compilation or any portion thereof except in the following limited circumstances: Participants or their affiliated licensees may reproduce from the MLS Compilation, and distribute to prospective purchasers, a reasonable\* number of single copies of property listing data contained in the MLS Compilation which relate to any properties in which prospective purchasers are or may, in the judgment of the Participant or their affiliated licensees, be interested.

Nothing contained herein shall be construed to preclude any Participant from utilizing, displaying, distributing or reproducing property listing sheets or other compilations of data pertaining exclusively to properties currently listed for sale with the Participant.

Any MLS information, whether provided in written or printed form, provided electronically, or provided in any other form or format, is provided for the exclusive use of the Participant and those licensees affiliated with the Participant who are authorized to have access to such information. Such information may not be transmitted, retransmitted, or provided in any manner to any unauthorized individual, office or firm.

(continued...)

## **RULE 904 – REPRODUCTION (continued...)**

None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing information, “sold” information, “comparables,” or statistical information from utilizing such information to support an estimate of value on a particular property for a particular client. However, only such information that a Board or Board-owned Multiple Listing Service has deemed to be nonconfidential and necessary to support the estimate of value may be reproduced and attached to the report as supporting documentation. Any other use of such information is unauthorized and prohibited by these Rules and Regulations.

\* It is intended that the Participant be permitted to provide prospective purchasers with listing data relating to properties which the prospective purchaser has a bona fide interest in purchasing or in which the Participant is seeking to promote interest. The term “reasonable,” as used herein, should therefore be construed to permit only limited reproduction of property listing data intended to facilitate the prospective purchaser’s decision-making process in the consideration of a purchase. Factors which shall be considered in deciding whether the reproduction made are consistent with this intent, and thus “reasonable” in number, shall include, but are not limited to, the total number of properties contained in such listings accord with the prospective purchaser’s expressed desires and ability to purchase, whether the reproductions were made on a selective basis, and whether the type of properties contained in the property listing data is consistent with a normal itinerary of properties which would be shown to the prospective purchaser. (4/1/90)

## **RULE 905 – IDX (BROKER RECIPROCITY)**

IDX affords MLS participants the option of authorizing display of their listings on other participants’ Internet websites.

### **905.1 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 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 the seller

### **905.2 Participation**

Participation in IDX is available to all MLS participants engaged in real estate brokerage who consent to display of their listings by other participants.

**905.3** Participants must notify the MLS of their intention to establish an IDX site and must make their site directly accessible to the MLS for purposes of monitoring/ensuring compliance with applicable rules and policies.

**RULE 905 – IDX (BROKER RECIPROCITY) (continued...)**

- 905.4       MLS participants may not use IDX-provided listings for any purpose other than display on their websites. This does not require participants to prevent indexing of IDX listings by recognized search engines.
- 905.5       Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or property address from display on the Internet (including, but not limited to, publicly-accessible websites or VOWs) shall not be accessible via IDX sites.
- 905.6       Participants may select the listings they choose to display on their IDX sites based only on objective criteria including, but not limited to, factors such as geography or location (“uptown,” “downtown,” etc.), list price, type of property (e.g., condominiums, cooperatives, single-family detached, multi-family), cooperative compensation offered by listing brokers, type of listing (e.g., exclusive right-to-sell, or exclusive agency), or the level of service being provided by the listing firm. Selection of listings displayed on any IDX site must be independently made by each participant.
- 905.7       Participants must refresh all MLS downloads and refresh all MLS data at least once every three (3) days.
- 905.8       Except as provided in these rules, an IDX site or a participant or user operating an IDX site may not distribute, provide, or make any portion of the MLS database available to any person or entity.
- 905.9       When displaying listing content, a participant's or user's IDX site must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface.
- 905.10      Any IDX site 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 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 participants' websites. Except for the foregoing and subject to Section 18.2.9, a participant's IDX site may communicate the participant's professional judgment concerning any listing. Nothing shall prevent an IDX site from notifying its customers that a particular feature has been disabled at the request of the seller.

(continued...)

**RULE 905 – IDX (BROKER RECIPROCITY) (continued...)**

- 905.11 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.
- 905.12 Display
- Display of listing information pursuant to IDX is subject to the following rules:
- 905.13 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.
- 905.14 The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed on IDX sites.
- 905.15 Participants shall not modify or manipulate information relating to other participants' listings. (This is not a limitation on site design but refers to changes to actual listing data.) MLS data may be augmented with additional data not otherwise prohibited from display so long as the source of the additional data is clearly identified. This requirement does not restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized data fields.
- 905.16 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.
- 905.17 Non-principal brokers and sales licensees affiliated with IDX participants may display information available through IDX on their own Web sites subject to their participant's consent and control and the requirements of state law and/or regulation.
- 905.18 All listings displayed pursuant to IDX shall show the MLS as the source of the information.

(continued...)



#### **RULE 905 – IDX (BROKER RECIPROCITY) (continued...)**

- 905.19 Participants (and their affiliated licensees, if applicable) shall indicate on their Web sites 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.
- 905.20 The right to display other participants' listings pursuant to IDX shall be limited to a participant's office(s) holding participatory rights in this MLS.
- 905.21 Display of seller's(s') and/or occupant's(s') name(s), phone number(s), and email address(es) is prohibited.
- 905.22 Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the participant's logo and contact information is larger than that of any third party.
- 905.23 Service Fees and Charges
- Service fees and charges for participation in IDX shall be as established annually by the Board of Directors.
- (11/2010)

#### **RULE 919 -- VIRTUAL OFFICE WEBSITE (VOW) RULES**

- 919.1 a) A Virtual Office Website ("VOW") is a Participant's Internet website, or a feature of a Participant's website, through which the Participant is capable of providing real estate brokerage services to consumers with whom the Participant has first established a broker-consumer relationship (as defined by state law) where the consumer has the opportunity to search MLS Listing Information, subject to the Participant's oversight, supervision, and accountability. A non-principal broker or sales licensee affiliated with a Participant may, with his or her Participant's consent, operate a VOW. Any VOW of a non-principal broker or sales licensee is subject to the Participant's oversight, supervision, and accountability.

(continued...)

## **RULE 919 -- VIRTUAL OFFICE WEBSITE (VOW) RULES (continued...)**

b) As used in Section 19 of these Rules, the term "Participant" includes a Participant's affiliated non-principal brokers and sales licensees – except when the term is used in the phrases "Participant's consent" and "Participant's oversight, supervision, and accountability". References to "VOW" and "VOWs" include all VOWs, whether operated by a Participant, by a non-principal broker or sales licensee, or by an Affiliated VOW Partner ("AVP") on behalf of a Participant.

c) "Affiliated VOW Partner" ("AVP") refers to an entity or person designated by a Participant to operate a VOW on behalf of the Participant, subject to the Participant's supervision, accountability and compliance with the VOW Policy. No AVP has independent participation rights in the MLS by virtue of its right to receive information on behalf of a Participant. No AVP has the right to use MLS Listing Information except in connection with operation of a VOW on behalf of one or more Participants. Access by an AVP to MLS Listing Information is derivative of the rights of the Participant on whose behalf the AVP operates a VOW.

d) As used in Section 19 of these Rules, the term "MLS Listing Information" refers to active listing information and sold data provided by Participants to the MLS and aggregated and distributed by the MLS to Participants.

919.2 a) The right of a Participant's VOW to display MLS Listing Information is limited to that supplied by the MLS(s) in which the Participant has participatory rights. However, a Participant with offices participating in different MLSs may operate a master website with links to the VOWs of the other offices.

b) Subject to the provisions of the VOW Policy and these Rules, a Participant's VOW, including any VOW operated on behalf of a Participant by an AVP, may provide other features, information, or functions, e.g. Internet Data Exchange ("IDX").

c) Except as otherwise provided in the VOW Policy or in these Rules, a Participant need not obtain separate permission from other MLS Participants whose listings will be displayed on the Participant's VOW.

919.3 a) Before permitting any consumer to search for or retrieve any MLS Listing Information on his or her VOW, the Participant must take each of the following steps:

(i) The Participant must first establish with that consumer a lawful broker-consumer relationship (as defined by state law), including completion of all actions required by state law in connection with providing real estate brokerage services to clients and customers (hereinafter "Registrants"). Such actions shall include, but are not limited to, satisfying all applicable agency, non-agency, and other disclosure obligations, and execution of any required agreements.

(continued...)

## **RULE 919 -- VIRTUAL OFFICE WEBSITE (VOW) RULES (continued...)**

**(ii)** The Participant must obtain the name of, and a valid email address for, each Registrant. The Participant must send an email to the address provided by the Registrant confirming that the Registrant has agreed to the Terms of Use (described in subsection (d) below). The Participant must verify that the email address provided by the Registrant is valid and that the Registrant has agreed to the Terms of Use.

**(iii)** The Participant must require each Registrant to have a user name and a password, the combination of which is different from those of all other Registrants on the VOW. The Participant may, at his or her option, supply the user name and password or may allow the Registrant to establish its user name and password. The Participant must also assure that any email address is associated with only one user name and password.

b) The Participant must assure that each Registrant's password expires on a date certain but may provide for renewal of the password. The Participant must at all times maintain a record of the name, email address, user name, and current password of each Registrant. The Participant must keep such records for not less than 180 days after the expiration of the validity of the Registrant's password.

c) If the MLS has reason to believe that a Participant's VOW has caused or permitted a breach in the security of MLS Listing Information or a violation of MLS rules, the Participant shall, upon request of the MLS, provide the name, email address, user name, and current password, of any Registrant suspected of involvement in the breach or violation. The Participant shall also, if requested by the MLS, provide an audit trail of activity by any such Registrant.

d) The Participant shall require each Registrant to review, and affirmatively to express agreement (by mouse click or otherwise) to, a "Terms of Use" provision that provides at least the following:

**(i)** That the Registrant acknowledges entering into a lawful consumer-broker relationship with the Participant;

**(ii)** That all information obtained by the Registrant from the VOW is intended only for the Registrant's personal, non-commercial use;

**(iii)** That the Registrant has a bona fide interest in the purchase, sale, or lease of real estate of the type being offered through the VOW;

**(iv)** That the Registrant will not copy, redistribute, or retransmit any of the information provided except in connection with the Registrant's consideration of the purchase or sale of an individual property;

**(v)** That the Registrant acknowledges the MLS's ownership of, and the validity of the MLS's copyright in, the MLS database.

(continued...)

## **RULE 919 -- VIRTUAL OFFICE WEBSITE (VOW) RULES (continued...)**

e) The Terms of Use Agreement may not impose a financial obligation on the Registrant or create any representation agreement between the Registrant and the Participant. Any agreement entered into at any time between the Participant and Registrant imposing a financial obligation on the Registrant or creating representation of the Registrant by the Participant must be established separately from the Terms of Use, must be prominently labeled as such, and may not be accepted solely by mouse click.

f) The Terms of Use Agreement shall also expressly authorize the MLS, and other MLS Participants or their duly authorized representatives, to access the VOW for the purposes of verifying compliance with MLS rules and monitoring display of Participants' listings by the VOW. The Agreement may also include such other provisions as may be agreed to between the Participant and the Registrant.

919.4 A Participant's VOW must prominently display an e-mail address, telephone number, or specific identification of another mode of communication (e.g., live chat) by which a consumer can contact the Participant to ask questions, or get more information, about any property displayed on the VOW. The Participant, or a non-principal broker or sales licensee licensed with the Participant, must be willing and able to respond knowledgeably to inquiries from Registrants about properties within the market area served by that Participant and displayed on the VOW.

919.5 A Participant's VOW must employ reasonable efforts to monitor for, and prevent, misappropriation, "scraping", and other unauthorized use of MLS Listing Information. A Participant's VOW shall utilize appropriate security protection such as firewalls as long as this requirement does not impose security obligations greater than those employed concurrently by the MLS.

(NOTE: MLSs may adopt rules requiring Participants to employ specific security measures, provided that any security measure required does not impose obligations greater than those employed by the MLS.)

919.6 a) A Participant's VOW shall not display listings or property addresses of any seller who has affirmatively directed the listing broker to withhold the seller's listing or property address from display on the Internet. The listing broker shall communicate to the MLS that the seller has elected not to permit display of the listing or property address on the Internet. Notwithstanding the foregoing, a Participant who operates a VOW may provide to consumers via other delivery mechanisms, such as email, fax, or otherwise, the listings of sellers who have determined not to have the listing for their property displayed on the Internet.

b) A Participant who lists a property for a seller who has elected not to have the property listing or the property address displayed on the Internet shall cause the seller to execute a document that includes the following (or a substantially similar) provision:

## **Seller Opt-Out Form**

1. Please check either Option a or Option b

a. ☐ I have advised my broker or sales agent that I do not want the listed property to be displayed on the Internet.

OR

b. ☐ I have advised my broker or sales agent that I do not want the address of the listed property to be displayed on the Internet.

2. I understand and acknowledge that, if I have selected option a, consumers who conduct searches for listings on the Internet will not see information about the listed property in response to their search.

\_\_\_\_\_  
initials of seller

c) The Participant shall retain such forms for at least one year from the date they are signed, or one year from the date the listing goes off the market, whichever is greater.

919.7 (a) Subject to subsection (b), a Participant's VOW may allow third-parties (i) to write comments or reviews about particular listings or display a hyperlink to such comments or reviews in immediate conjunction with particular listings, or (ii) display an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction with the listing

(b) Notwithstanding the foregoing, at the request of a seller the Participant shall disable or discontinue either or both of those features described in subsection (a) as to any listing 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 Participants' websites. Subject to the foregoing and to Section 19.8, a Participant's VOW may communicate the Participant's professional judgment concerning any listing. A Participant's VOW may notify its customers that a particular feature has been disabled "at the request of the seller."

919.8 A Participant's VOW shall maintain a means (e.g., e-mail address, telephone number) to receive comments from the listing broker about the accuracy of any 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 VOW. The Participant shall correct or remove any false information relating to a specific property within 48 hours following receipt of a communication from the listing broker explaining why the data or information is false. The Participant shall not, however, be obligated to correct or remove any data or information that simply reflects good faith opinion, advice, or professional judgment.

- 919.9: A Participant shall cause the MLS Listing Information available on its VOW to be refreshed at least once every three (3) days.
- 919.10 Except as provided in these rules, the National Association of Realtors® VOW Policy, or any other applicable MLS rules or policies, no Participant shall distribute, provide, or make accessible any portion of the MLS Listing Information to any person or entity.
- 919.11 A Participant's VOW must display the Participant's privacy policy informing Registrants of all of the ways in which information that they provide may be used.
- 919.12 A Participant's VOW may exclude listings from display based only on objective criteria, including, but not limited to, factors such as geography, list price, type of property, cooperative compensation offered by listing broker, and whether the listing broker is a REALTOR®.
- 919.13 A Participant who intends to operate a VOW to display MLS Listing Information must notify the MLS of its intention to establish a VOW and must make the VOW readily accessible to the MLS and to all MLS Participants for purposes of verifying compliance with these Rules, the VOW Policy, and any other applicable MLS rules or policies.
- 919.14 A Participant may operate more than one VOW himself or herself or through an AVP. A Participant who operates his or her own VOW may contract with an AVP to have the AVP operate other VOWs on his or her behalf. However, any VOW operated on behalf of a Participant by an AVP is subject to the supervision and accountability of the Participant.

#### **RULE 1100 – AMENDMENT (S) TO RULES**

These Rules may be amended at any meeting of the Board of Directors of the Service provided there is a quorum present at the meeting. The proposed amendment is to be distributed to the Directors at least thirty (30) days prior to the meeting and the notice of meeting shall contain notice of the fact that amendments to the Rules would be considered at the meeting. In order to amend these Rules, a vote of two-thirds of the members of the Board of Directors present at any such meeting is required.

**The Board of Directors hereby officially interprets Rule 302, Responsibility for Acts of Associates, as follows:**

Participant may elect to act either through his or herself or through an agent, employee, or independent contractor. Thus, unless otherwise prohibited by law, a Participant may delegate their responsibilities under these rules to any such agent, employee, or independent contractor. However, such delegation shall in no way lessen the primary responsibility of the Participant to at all times act in accordance with these rules.

If a Participant monitors incoming phone calls through a computer or other electronic device, said system must contain a method for the caller to contact the Participant or an employee or licensed agent who shall be required to either answer such incoming call or respond to the same within thirty minutes after a message is left on voice mail or other electronic recording device. Respondent must have accurate status information. Any licensee contacted by a Participant for the purpose of showing or submitting an offer on a listed property must make arrangements for the same immediately. Unless verifiable circumstances beyond the control of the Listing Broker are presented, immediately in this context shall mean within one hour of receiving said call.

If the Participant's telephone is answered by an unlicensed person, said unlicensed person shall be required to make the appointment for the showing of the property or the presentation of offers immediately. If it is necessary for a licensee from the office to be present to represent the homeowner during the showing or presentation of the offer the unlicensed person is required to contact a licensee, and make arrangements for a licensee to perform such services. The Listing Broker may obtain an extension of the time limits set forth herein under special circumstances from either the Zone Chairperson or a Director. The Zone Chairperson or Director shall grant or deny the extension in their sole discretion. If the extension is granted it shall be confirmed by the Zone Chairperson or Director to the office of both the Listing Broker and the Cooperating Broker. In addition to the requirements of Rule 302, appointments for the purpose of negotiating offers must conform to the requirements of Rule 701, 703, 704, 705, 706 and 707. (8/21/02)

**The Board of Directors hereby officially interprets Rule 302.1, as follows:**

All Listing Brokers, their agents, secretaries, assistants, and staff are required to provide Cooperating Brokers with current up to date information concerning the exact status of a listed property whether or not the Cooperating Broker specifically asked for such information.

At all times someone must have current information on each listing so as to be able to accurately advise negotiating agents of the status of the listing.

Multiple Listing Rules (Rule 302; 302.1; 703) require that the listing office must provide information and access to Cooperating Brokers at all times. The above policy therefore requires that information with respect to the exact status of each property be available at the office so that Cooperating Brokers can be given full accurate and complete information when they call whether or not the listing agent is then and there available.

Example: Listing Realtor A has received an offer on a property listed by them. The offer has been presented to the homeowner who has stated that while they would not accept the offer, they would be willing to instruct their attorney to prepare a contract based upon the offer and to sell the house if, as and when a contract is signed by both the prospective purchaser and themselves. Realtor A is instructed to continue to market the property in the interim because the owner intends to sell to some other third party if they obtain an offer which in the owner's opinion is better than the one initially obtained by Realtor A.

The owner's attorney then prepares a Contract of Sale and forwards it to the attorney for the buyer. Before the buyer has signed and returned the Contract, Realtor B calls Realtor A and asks whether or not the property is available. The above policy would require Realtor A to respond as follows: "The property is available. A Contract has been prepared and has been forwarded to the buyer's attorney. The owner wants the premises shown and will consider other offers. All parties to the proposed transaction understand that the owner is free to accept and proceed with another offer up to and including the time that both sides have signed the written Contract."

If the Contract has been signed by the purchaser, forwarded to the seller's attorney but not yet signed by the seller, the above scenario should be modified so as to set forth that fact. If the Contract has not been prepared pending an engineer's inspection, but the engineer's inspection has occurred and the seller's attorney is in the process of preparing the Contract, that situation also should be accurately described. (12/15/00)



**The Board of Directors hereby officially interprets Rule 605.1, as follows:**

The failure of MLS participating offices to update the MLS system when listings are taken off the market has become a major problem. Agents are wasting valuable time calling on listings just to find out that they are “off the market” or “temporarily off the market”.

According to MLS Rules the listing office must update the MLS system within 48 hours of the time a listing is withdrawn or released. There is some confusion as to what to do when a property is taken “temporarily off the market”.

**Effective June 15, 2001 the MLS Board of Directors has enacted the following policy:**

- a) If the seller doesn't want the property shown over a 10 day period or less, then the listing is left active and a note is put in the remarks stating “cannot be shown until mm/dd/yy”. A date must be put in showing when it will be available again.
- b) If the property is not being shown for a period longer than 10 days, it is considered “temporarily off the market” and a status change must be done in the MLS System. This is done as a Status Change under Withdrawn/Released/Off Market (W/R). In the W/R Conditions field “temporarily off the market” may be entered. This type of Status Change needs the owner's signature.

**The procedure to file a complaint when the above stated policy is not adhered to is as follows:**

- 1) When an agent becomes aware of a listing that has not been updated to the correct status they can fax a note or computer printout to MLS Customer Services at 631-661-4589 noting the correct status. This must have the name and phone number of the person sending this complaint (Complainant). The name will not be disclosed to the listing office, just used by MLS in case we need to contact the Complainant.
- 2) MLS staff will call the listing office to ask availability.
  - A) If the listing is still available the MLS staff will notify the Complainant within the next business day.
  - B) If the MLS staff is told the listing is “off the market” the office will be told to update the listing.
    - 1) If the listing is not updated within 48 hours the office will be fined \$100.
    - 2) If the listing is updated after 48 hours, but within 2 business days the fine will be reduced to \$50.
    - 3) If the listing is not updated within 5 business days the fine is doubled to \$200.

(continued...)

If you choose to contest these fines it must be in writing to the MLS Rules and Procedures Committee for review. If the fine is upheld a request can be made for an administrative review. The recipient of a sanction imposed by the administrative review panel would have the right to request a hearing before the Professional Standards Committee of the Long Island Board of Realtors, Inc.

(11/10)

**The Board of Directors hereby officially interprets Rule 605.3 as follows:**

Examples:

- 1) If a listing is input with a listing date of February 1 and an expiration date of August 1, if the listing is superseded prior to August 1, the new listing must be input with a listing date of February 1.
- 2) If a listing is input with a listing date of February 1 and an expiration date of August 1, anytime the listing is relisted before August 1 by the same office it must be input with a listing date of February 1. This is the case even if the expiration date has been changed to an earlier date.
- 3) If a listing is withdrawn or released prior to the expiration date and relisted within 30 days of withdrawal or release date by the same office before that expiration date, the listing must be input with the original listing date.

**< Your Office >  
< Letterhead >**

**NOTICE OF ADDITIONAL OFFER**

DATE: \_\_\_\_\_

TO: \_\_\_\_\_ SELLER(S)

PROPERTY ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

This is to notify you that the Listing Broker representing the above captioned property, <Your Office Name>, has been notified of an additional offer. Pursuant to the regulations of the New York Department of State, the National Realtor Code of Ethics, Standard of Practice 1-7, and the Multiple Listing Service of Long Island Rule 703.1, we are required to notify you of this offer and to inform you of certain elements of its terms.

BROKER: \_\_\_\_\_

PRICE: \$ \_\_\_\_\_

MORTGAGE AMOUNT: \$ \_\_\_\_\_

PROPOSED TITLE DATE: \_\_\_\_\_

WE RECOMMEND THAT PRIOR TO ACTING OR RESPONDING TO THIS OFFER, YOU OBTAIN LEGAL COUNSEL. WE ARE AVAILABLE TO CONSULT WITH YOUR ATTORNEY SHOULD ANY FURTHER INFORMATION BE REQUIRED.

<Your Office Name>

By: \_\_\_\_\_

**SAMPLE**

Licensed: <ie. Sales Associate, Broker>

Received by: \_\_\_\_\_  
seller