



# **RULES AND REGULATIONS**

LESSON 2

# LESSON FOCUS

This lesson focuses on the following topics:

- BAREIS 10 Golden rules
- BAREIS Citation and Appeals Policy

## BAREIS 10 *Golden Rules*

1. **Protect the value of your MLS database. Use, display and loading of data may only be done per rules.**
2. **Do not provide unauthorized access to the MLS data base.**
3. **You must have a valid listing agreement prior to entering a listing into the MLS database. Any listing modification must be authorized by the seller in writing.**
4. **Representation about property must be truthful.**
5. **Listings must be entered in the MLS database within 3 business days.**
6. **Your listings must provide accurate information including: change in status or price, reporting correct selling details, and correcting errors and omissions within 3 business days.**
7. **Fields in the MLS database may only contain the proper data.**
8. **You may not use an offer to purchase to modify the unilateral commission offer posted on the MLS database.**
9. **You may not advertise listings belonging to another agent or broker without written consent of your broker and the listing broker.**
10. **Follow the instructions of the listing broker.**

## Rules & Regulations

As a condition of membership, all BAREIS members are required to sign a written agreement, read, understand and abide by the **Rules & Regulations** (including any future amendments to the rules). A full copy of the rules is posted on [www.BAREIS.com](http://www.BAREIS.com). Members are provided access to the database for the purpose of selling and appraising property only. You may not sell the data, transmit it to others, or provide access to the data to any other party.



## Rules & Regulations

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Occasionally, BAREIS may add or modify a rule, at which point, members are alerted by email and a bi-monthly newsletter



BAREIS **Rules & Regulations** were implemented in an effort to keep the MLS data as up to date and accurate as possible. In the event that you feel a rule has been violated, you can report it anonymously to BAREIS.

The rules and regulations of the MLS are designed by the membership to govern the procedures for the use of the database, listing property, showing property, making offers, and reporting the sale of property.



# BAREIS 10 GOLDEN RULES

There are key elements of the rules that may help you better understand these procedures. BAREIS has taken the 10 most important elements of the rules and paraphrased them into a more condensed version, calling it **BAREIS 10 Golden Rules.**

BAREIS 10 Golden Rules does not replace the complete set of BAREIS Rules & Regulations (available for viewing on [www.BAREIS.com](http://www.BAREIS.com)) but offer an abbreviated view of the key elements.

## BAREIS 10 GOLDEN RULES

**BAREIS First Golden Rule**

**Protect the value of your MLS database. Use, display and downloading of data may only be done per rules.**

Providing MLS information to anyone other than a client or another BAREIS member diminishes the value of your database. People come to you because YOU have the information. The purpose of the database is to support sales presentations, determine value and sell property.



## **BAREIS 10 GOLDEN RULES**

**Do not provide unauthorized access to the MLS database.**

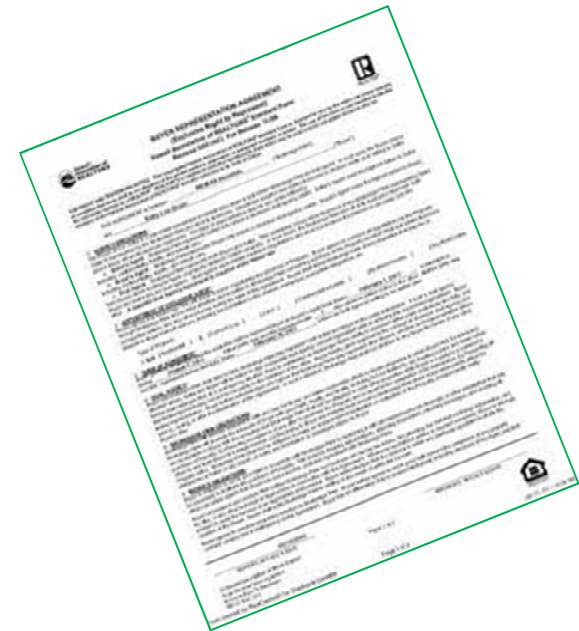
There is a great deal of private and confidential information in our database. **Your Agent ID, Password, and Authenticated Questions & Answers are NOT to be shared with anyone, not a family member, or someone you may employ, such as an office assistant, or a vendor creating a Website.** BAREIS has a special membership rate for non-licensed assistants.

**BAREIS Third Golden Rule**

## BAREIS 10 GOLDEN RULES

**You must have a valid listing agreement prior to entering a listing into the MLS database. Any listing modification must be authorized by the seller in writing.**

BAREIS accepts exclusive right to sell, exclusive agency, open and probate listings. Your listings must be in writing to enter a property in the database. Verbal agreements are not adequate. Upon request, you must be able to supply to BAREIS written documentation (i.e. a listing agreement). When a listing date is to be extended past its expiration date, you must have the extension in writing as well.



## **BAREIS 10 GOLDEN RULES**

### **Representation about property must be truthful.**

Any information entered in the MLS must be accurate and truthful. Both the Department of Real Estate and the Statute of Frauds requires all your representations about property listed in the MLS be truthful and accurate. The MLS is a research database. Accuracy is critical to the ability of others to find property, and to appraise, or compile CMAs.

## **BAREIS 10 GOLDEN RULES**

**Listings must be entered in the MLS database within 3 business days.**

All residential, multi-unit 2-4, lots & land, and mobile/floating home listings are required to be entered within 3 business days of executing the listing agreement. This rule does not apply to multi unit 5+, commercial, and business opportunity or leases. All modifications and changes to the listing must be entered within 3 business days.

## BAREIS 10 GOLDEN RULES

If the seller chooses not to place the listing in BAREIS MLS within 3 business days, an **Authorization to Exclude** must be signed by the seller and submitted to BAREIS. The **Authorization to Exclude** form can be found on Rapattoni under *Links - Links & Documents - BAREIS.com Forms & Lists* – Listing Input - Exclude Listings.

For additional information on excluded listings, please consult the Proper Use of Authorization to Exclude flyer available on Rapattoni under *Links - Links & Documents - BAREIS.com Forms & Lists* – Listing Input - Exclude Listings – Use of Authorization to Exclude.

## **BAREIS 10 GOLDEN RULES**

When a listing has been excluded from the MLS, it can still be added to the database within 10 days of the closing date for comparable purposes and determining property values. The buyer and the seller must grant permission to the listing agent or selling agent for the comparable sale to be posted to the MLS. The agent must submit to BAREIS the “**Permission to Post**” form with the buyer and seller’s signatures.

## Rules & Regulations

The “Permission to Post” form is available on the Rapattoni system under the *Links – Links & Documents – BAREIS.com Forms & Lists*

☐ I represented the buyer. Agent representing the seller was: \_\_\_\_\_

☐ I represented the seller. Agent representing the buyer was: \_\_\_\_\_

BAREIS Member Instructions: Enter the listing into the MLS within 10 days of close of escrow with the accurate (or best estimate of) list date, on-market date and expiration date. Type “**For Comp Purposes Only**” into the confidential remarks.

Once saved, select *Status Information*. Change the status to **Sold** with accurate Pending date and sales data.

Fill in MLS# here: \_\_\_\_\_

Fax this form to BAREIS MLS within 3 business days of entering the listing data into the MLS system. Fax # (707) 577-0140



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Santa Rosa, Ca 95401  
(800) 776-5252 Fax (707) 577-0140

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## BAREIS 10 GOLDEN RULES

**Your listings must provide accurate information: changes in status or price, reporting correct selling details, and correcting errors and omissions must be done within 3 business days of the change taking effect.**

Imagine how frustrating it is when an agent takes a client to see a four bedroom home that turns out to be a three bedroom home. Or, when an agent attempts to show a property that has sold or is no longer available.

When any change is made to a listing the change must be entered in the database within 3 business days. Your listings must reflect the correct status of the property. When a contract to purchase is accepted on a listing the status must be changed from **Active** to **Contingent** or **Pending**, and when the sale closes it must be changed to **Sold** within 3 business days.



## **BAREIS 10 GOLDEN RULES**

When checking off features of the property, if you're not sure of something, leave it blank. You can always come back to the listing and add it later. For example: if you're not sure that the seller wants to include the washer and dryer with the sale of the house, don't guess. Accuracy of each field is critical (e.g. condo cannot go under single family). The listing broker is responsible for truthfulness. Check your listing after it's entered for accuracy!

## BAREIS 10 GOLDEN RULES

In the event that you have a listing you feel should appear in more than one property category (e.g. commercial with living quarters), area or county, please refer to the Secondary Listings Guidelines available on Rapattoni – *Links – Links & documents – BAREIS.com Forms & Lists* – Listing Input – Listing Guidelines



[www.bareis.com](http://www.bareis.com)

### SECONDARY LISTINGS

Per BAREIS MLS Rule 9.5, properties may not be listed in more than one property category or in more than one territory or area, except as otherwise approved by the Board of Directors. Unapproved secondary listings will be considered duplicate listings and appropriately fined. **Requests for secondary listings must be submitted in writing to BAREIS.** In order for a listing to be considered a secondary listing, the listing must meet at least one of the following specific criteria:

For approval in two property categories:

- (a) Parcels with mixed-use zoning are being sold together; or
- (b) A subdivision is pre-approved (residential and commercial or land). Proof of pre-approval from municipality must be provided; or
- (c) A lot where new home construction plans are approved and the list price includes all completed improvements.

For approval in multiple counties or areas:

- (a) The property's footprint overlaps two counties;
- (b) The principal access road to the property is in a different county; or
- (c) The mailing address of the property is different from the property's location.

If you feel that the listing meets at least one of the criteria in the Guidelines, you will then need to follow the instructions for submitting a duplicate listing request to BAREIS.



# BAREIS 10 GOLDEN RULES

**BAREIS Seventh Golden Rule**

**Fields in the MLS database may only contain the proper data.**

All fields in the database are reserved for a specific purpose and specific information. Entering inappropriate data in a field corrupts the database and may result in your listing not showing up if the field is searched.

Be especially careful with the Property Description / Public Remarks, because they are transmitted to a number of public Internet sites, IDX Broker sites, and all client reports. Your peers are often uncomfortable sending listings to their clients that contain other agents' phone numbers and other contact information.

## BAREIS 10 GOLDEN RULES

The Property Description / Public Remarks may not contain any of the following:

- ☐ Security alarm codes, or vacancy information
- ☐ Phone and fax numbers
- ☐ Company names, including title companies
- ☐ Agent names
- ☐ Website or virtual tour links or e-mail addresses
- ☐ Confidential agent remarks (e.g. property is vacant 9 – noon)
- ☐ Information regarding purchase price or financing
- ☐ Any information beyond a physical description of the property and home

## **BAREIS 10 GOLDEN RULES**

**You may not use an offer to purchase to modify the unilateral commission offer posted on the MLS database.**

The unilateral offer of compensation posted in the MLS by a listing broker is an unconditional offer of payment to all members of BAREIS that you must pay to another member in the event a member sells your listing. You may not use the presentation of an offer to purchase conditional on changing that offer of compensation. Any modification to that offer between brokers must be made in advance in writing.

A listing broker may change a unilateral offer of compensation by posting the change on the MLS. Offers submitted after that date, are subject to the modified commission offer.

## **BAREIS 10 GOLDEN RULES**

**There are restrictions on how you use the listing data of other brokers. You may not advertise on market listings belonging to another agent or broker without consent of your broker and the listing broker.**

Other than your own listings, you may not pull listing information on other brokers' listings in the MLS database for mass public advertising in any way, shape, or form (i.e. printed media including flyers, radio, TV, Internet, etc.) unless granted permission by the listing broker.

If your broker has agreed to participate in the IDX/Reciprocal/Cooperative Advertising program, you then have the ability to create an IDX (Internet Data Exchange) link through the Rapattoni system and add it to your Website. Members must be compliant in how listings are displayed on their Website, thus the use of an IDX link or using a vendor that has signed a licensing agreement with BAREIS is recommended.

## BAREIS 10 GOLDEN RULES

### BAREIS Ninth Golden Rule

You can include sold properties in your marketing materials as long as the following disclaimer is included:

This information is based on sales reported in Bay Area Real Estate Information Services, Inc. (BAREIS) and is not verified and is subject to change. **Listings represented may not have been listed or sold by (agent/firm name).**

Many brokers have granted permission for their listings to be included in Internet Data Exchange (IDX) broker Websites. BAREIS has very stringent rules regarding the creation of Websites using information from the MLS database. BAREIS does authorize access to vendors for the purpose of creating agent or office Websites. However, the vendor must first be approved by BAREIS, and is required to sign a licensing agreement for access to the database.

For more information on creating a Website, please go to [www.BAREIS.com](http://www.BAREIS.com) and read the Websites page.

## BAREIS 10 GOLDEN RULES

**When showing property and submitting an offer, it is extremely important that you follow the Confidential/Showing Instructions posted by the listing broker.**

Protecting the privacy and security of the sellers is paramount.





## **BAREIS 10 GOLDEN RULES**

Properties with lockboxes do not give free reign to enter. When the showing instructions state that you cannot enter the property without an appointment, you must make an appointment. When a tenant needs 24 hours notice, you must give 24 hour notice. And please, always note any special considerations stated for pets.

## **BAREIS 10 GOLDEN RULES**

The following confidential listing information cannot be reproduced or given to a client or non-member without the written permission from the listing broker:

- Property owner's name, phone number, and address (if different from the listed property)
- Instructions or remarks intended for cooperating brokers, including, but not limited to, showing instructions including any references to a lockbox, burglar alarm or any security system, or to the vacancy of the property
- Type of listing (exclusive agency, exclusive right to sell, open and probate)
- Compensation or bonuses offered to cooperating brokers
- Other information which goes beyond a description of the property

## BAREIS 10 GOLDEN RULES

The following confidential listing information cannot be reproduced or given to a client or non-member without the written permission from the listing broker:

- Property owner's name, phone number, and address (if different from the listed property)

- Instruction addressing Privacy issues. BAREIS has posted privacy statements for both the general public and our members on [www.BAREIS.com](http://www.BAREIS.com) and [www.GreatHomes.org](http://www.GreatHomes.org)

- Type of listing (e.g., probate)

- Compensation or bonuses offered to cooperating brokers

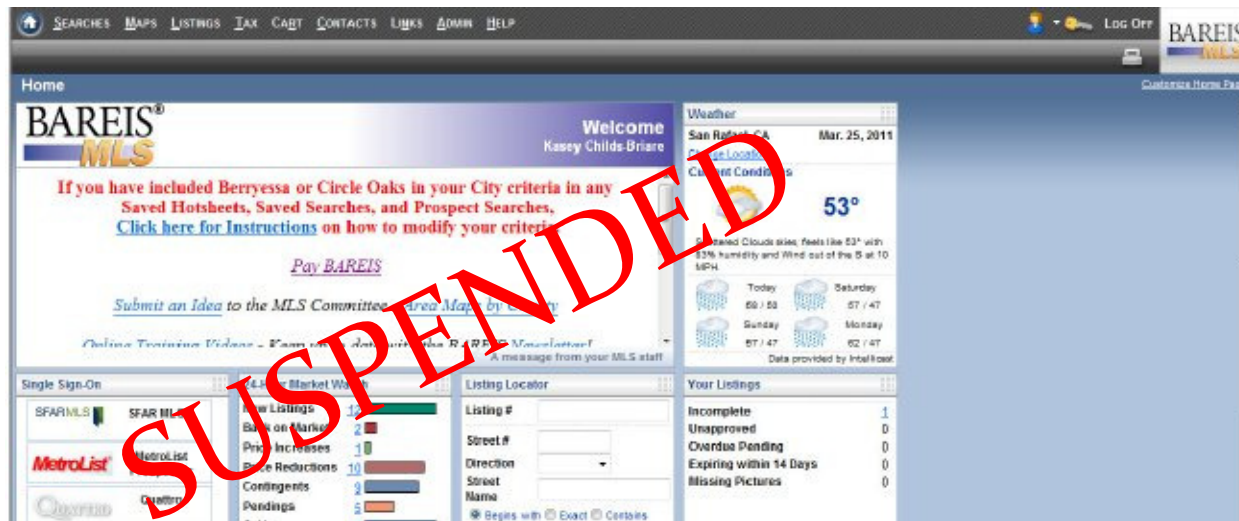
- Other information which goes beyond a description of the property

# BAREIS CITATION AND APPEALS POLICY

For a list of fines, see [www.BAREIS.com](http://www.BAREIS.com) - Rules.

If the fine is not paid within 14 days, the fine will be added to your account.

The total balance must be paid by the statement due date or all MLS privileges will be suspended including access to the MLS database and lockbox privileges.



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If the fine is not paid within 14 days, the fine will be added to your account.

The total balance must be paid by the statement due date or all MLS

privileges will be suspended and lockbox privileges will be terminated.

Please note that in the case of a broker, MLS privileges will be terminated for the broker as well as all agents within his or her office.



## BAREIS CITATION AND APPEALS POLICY

A BAREIS member may request an appeal for a rules violation citation. If a member desires to appeal the citation, the member must complete the online orientation again, pay the fine, and then submit a letter with an explanation of the reason for the appeal within 14 days of the Notice of Citation letter.

If a BAREIS member incurs three rules violations within a 12-month period that result in fines, BAREIS may set a hearing to determine if membership should be suspended or terminated.

## CHANGING OFFICES

A member that changes to a new office needs to notify BAREIS of their relocation in writing. It is necessary to inform BAREIS so that the correct office, location and contact information can appear on their listings and Agent/Office roster on the MLS database and the public Websites in which BAREIS participates.

An Agent Change form is available on *Links – Links & Documents – BAREIS.com Forms & Lists* – Membership

The form must be signed by the broker or authorized signer for the office.

## CHANGING OFFICES

Under California law, listings belong to the broker. If you are an agent changing brokers, it is ultimately the listing broker's decision as to whether an agent's listing(s) may be transferred to the new office. When an agent changes offices, both the former broker and new broker are required to submit an **Agent Change Form** to BAREIS. To approve the transfer of listings, the listing broker must submit a **Listing Transfer Form** with both the receiving and releasing broker signatures.

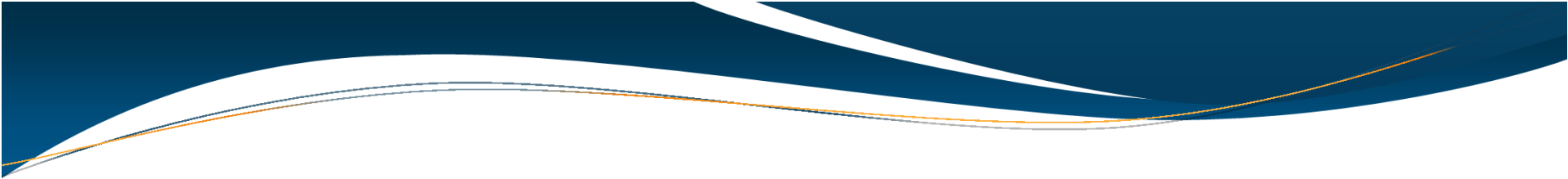
These forms can also be found on the membership page of BAREIS.com.



## CHANGING OFFICES

BAREIS staff will not move or modify any listings without the specific written permission of both brokers.

When listings are not transferred with the departing agent, the listing broker is responsible for changing the departing agent name on the listing to either his or her own name, or to another agent within his or her office.



PLEASE CLOSE  
THIS WINDOW AND  
PROCEED TO  
CHAPTER 2 QUIZ