

Rules Tutorial



BAREIS®
MLS

Introduction

This tutorial was created to help you become more familiar with BAREIS Rules. All members sign a written agreement to abide by the Bylaws and MLS Rules (“Rules”). Members are responsible for following the Rules, and BAREIS provides resources (like this tutorial), a biweekly newsletter, training videos, and staff support to help you stay informed.

The following slides will explain the purpose of BAREIS MLS®, as well as the most common Rules violations, and the Warning, Citation, and Appeal Policy.

This tutorial is not a complete review of BAREIS Rules, and you are encouraged to review the Rules in their entirety, or email Rules@norcalmls.com with any questions.

Purpose of the MLS

Section 2

- Facilitate cooperation between real estate professionals in the sale, lease, or exchange of real property, and to contribute to a central database of available properties for the purpose of appraising and marketing property.
- It is not a condition of participation or membership in BAREIS that a participant or subscriber offer or accept compensation to other participants or subscribers.
- BAREIS does not fix, control, recommend, regulate, or maintain commissions, commission splits, or the business models of the members.



Essential Rules to Understand

Password Violations

Sections 7.4 and 12.2

Your BAREIS membership allows you to access MLS data for your own business use only.

MLS access cannot be shared, transferred, or sublicensed to anyone.

Selling, licensing, or giving away BAREIS MLS® data is never allowed.

Allowing anyone who is not a registered BAREIS member or assistant to access the MLS without proper authorization is a rule violation.

Unlicensed assistants may be authorized access by joining as an “Administrative User” at a discounted rate, billed to the responsible agent or broker.

If someone employed by or affiliated with a broker is given MLS access in violation of these Rules, the broker may be responsible for fees retroactive to the date that person became employed by or affiliated with the brokerage.



Prohibited Uses of MLS Data Fields

Section 9.16.1

What Is Not Allowed in MLS Remarks or Data Fields

Offers of compensation, bonuses, or incentives to a buyer's broker or other buyer representative may not be included in any MLS Data field.

Buyer incentives, credits, or concessions may not:

- Reference payment to a buyer's broker or representative, or
- Be conditioned on using or paying a Buyer Broker or other Broker representative.

Names or contact information for real estate licensees who are not members of BAREIS or a reciprocating MLS may not be posted in BAREIS MLS.

Disparaging or negative comments about other members or their offices are never allowed in the MLS.

Information that is prohibited by federal, state, or local law may not be included in any MLS Data field.

Public Remarks Fields

Section 9.16.3

Information in the Public Remarks Field shall only relate to the marketing, description, and condition of the property and its amenities.

Here's what to KEEP OUT of your public remarks:

- Contact info or “Call” remarks
- Vacancy or showing information
- Agent to Agent comments
- Specific financing information
- Due dates for offers
- Property website or virtual tour links (there are fields to accommodate these links)
- Info about occupants or owners
- Open house information
- “Perfect for” or “Ideal for” a type of buyer statements

Remarks Regarding Credits, Incentives or Concessions

Section 9.16.6

Remarks regarding credits, incentives, or concessions to a buyer are permitted in the Public or Private Remarks fields, provided that;

- a. The remarks specifically identify the intended use of the credits, incentives, or concessions.
- b. The remarks do not include a dollar amount or percentage.
- c. The credits, incentives, or concessions are not offered for payment, directly or indirectly, of buyer broker compensation.
- d. The remarks are otherwise compliant with these Rules.

Examples of allowed remarks include “Repair Money Possible” or “HOA Prepayment possible.”

Listing Photographs and Virtual Media

Section 9.13, 9.16.4

Residential, Mobile in Park, and Residential Income listings must include at least one exterior photo of the home within 1 day of being entered into the MLS (listing photos are optional for Coming Soon status listings).

Photos may not include:

- Agent or office names
- Contact information
- Branding or Logos
- People

Virtual media should link directly to the virtual tour or media itself, not to a company or agent's website.

You may include up to 5 community interest photographs (such as neighborhood features). Community photographs may not make up more than 50% of the total photos in the listing.

Digitally Altered Images

Section 9.13

If a listing photo has been digitally altered, the photo must include a clear disclosure stating that it has been digitally altered.

In addition, members must either:

- Include the original, unaltered image in the listing; OR
- Provide a link, URL, or QR code to a publicly accessible site where the original image is clearly identified and viewable.

“Digitally altered images” include photos that have been changed to add, remove, or modify property features and appearance, including landscaping, internal and external features and virtual staging.

Common photo adjustments that do not change the representation of the property (such as lighting correction or cropping) are not considered digital alterations, and do not require disclosure

Disclosure of altered photos and display of the original photo are required on all for-sale listings, including commercial and land listings. If digitally altered photographs are included in for-lease listings longer than one year, the disclosure requirements apply.

Reporting Sales and Closing Information

Section 9.19

Final sales data must be reported to BAREIS for all properties listed in the MLS.

The listing agent must update the MLS status to reflect any of the following changes in the listing:

- Active
- Contingent
- Pending
- Closed
- Withdrawn/Cancelled

These updates should be made as soon as practicable, but no later than three days after their occurrence.

Duplicate Listings

If a property was entered into the MLS more than once, the listing agent must:

- Report as closed the listing that best reflects the buyer's intended use of the property.
- Update the other listing to Duplicate/ Withdrawn status

Reporting Concessions at Closing.

Any seller concessions provided to the buyer may be reported in the MLS when the listing is marked closed.

Comp Listing Entry

Section 9.20

Properties sold outside the MLS system can be entered for comparable purposes by entering a Sold off MLS status listing within 30 days after the close of escrow.

The listing agent must obtain permission from the buyer and seller via a C.A.R. purchase agreement or a Permission to Post form.

When entering a Sold off MLS listing, the dates entered in the On-Market Date field must match the date entered in Listing Date field.

[Click here](#) for a checklist for entering a Sold off MLS listing.

Offers (Seller Not Reviewing Offers)

Section 10.3

Listings with Instructions “Do Not Show” or “Not Accepting Offers.”

A listing agent may instruct buyer’s agents not to show a property, or not to submit offers, under the following provisions:

Listings with “Do Not Show” Instructions

- Listings are generally expected to be available for showings within three (3) days, unless the seller provides written instructions stating otherwise. Tenant rights must always be respected.
- If a listing is Active in MLS but includes instructions not to show the property, the Private Remarks must clearly explain how buyer’s agents can submit offers during the “do not show” period.

Listings When the Seller Is Not Reviewing Offers

- If a listing is not under a purchase contract and the seller is not reviewing offers, the correct MLS status is Temporarily Off-Market/Hold, not Active.

Lockbox Violations

Section 15

Lockboxes to facilitate showings are optional, but if one is used, it must be a BAREIS-approved lockbox (currently the Supra BTLE lockbox), and it must be programmed to work with BAREIS Supra key.

Listings with lockboxes located outside of the BAREIS service area should have a lockbox programmed for the primary MLS/Association in the area the listing is located.

Warnings, Citations, and Appeals

Exhibit B

Our goal is to help you stay in compliance with the MLS Rules and keep the MLS Data accurate and reliable. Most errors are easily resolved and do not result in a citation when corrected promptly.

Warnings

- Most first-time errors receive an educational warning, not a fine.
- Warnings are sent by email (from rules@norcalmls.com) and give you an opportunity to fix the issue.
- Some violations (listed in Exhibit A-2 of the BAREIS Rules) may receive an immediate citation instead of a warning for repeat violations.
- If a Subscriber has repeat warnings, their supervising Participant (broker) will be notified after the third warning.
- If a Member receives four warnings within a 12-month period, the fifth and any additional violations during that same time period will automatically result in a fine.

Citations – If a violation that is eligible for a warning is not corrected within the time given, a citation (fine) will be issued and must be paid.

Appeals - If you believe a citation was issued in error, you may request an appeal to the BAREIS Rules Committee.

To appeal, you must:

- Pay the citation and appeal administration fee
- Complete the MLS Rules Tutorial Course and Quiz
- Submit documentation and a brief written explanation of why the citation should be reconsidered to rules@norcalmls.com

Appeal requests must be received by BAREIS within 14 days of the citation notice date.



Thank you for completing the BAREIS Rules Tutorial.

Please click [here](#) to access the online rules quiz.

If you have any questions about BAREIS MLS® rules, please contact Rules@norcalmls.com or 707-575-8000.
