

Recap of BAREIS Rules Revisions  
Effective March 1, 2022

**Added or Revid Rules**

- a. Section 2, Purpose – Addition of “marketing” as a permissible use of the MLS.
- b. Section 5.1 (d), Member Requirements—Removal of “facsimile number” as a membership requirement.
- c. Section 6.1.7, Certification of Non-use—Removal of the requirement for Participants to submit a Certification of Non-use to BAREIS.
- d. Section 7.3, Supervision of Licensees—Addition of requirement that Participants ensure any non-member licensee or appraiser affiliated with the Participant not access the MLS database.
- e. Section 7.3, Notification of Licensees—Removal of requirement that Participants provide BAREIS with a list of all licensees, brokers and appraisers employed by or affiliated with the Participant’s business entity by January 15<sup>th</sup> of each year.
- f. Section 7.4, “Violation of Certificate of Non-use” is revised to read, “Failure to Prevent Unauthorized Use of MLS Database.”
- g. Section 9.5, Separate and Duplicate Listings—Removal of requirement that duplicate listings be labeled as duplicate listings in the Public remarks field.
- h. Section 9.6 (e) – Listing Agreements and Sellers Permission – Removal of the requirement for the listing agreement to contain seller’s permission to offer compensation to cooperating participants to enter a property into the MLS.
- i. Section 9.16.3(c), Public Remarks Field—Removal of “offers of compensation” or “bonuses to buyer’s brokers” as examples of information that is directed toward real estate agents or brokers.
- j. Section 9.19.3, Failed Sales—Removal of the word “immediately” to clarify that a transaction that is cancelled while Contingent or Pending status shall be reported as Active within 3 days.
- k. Section 9.19.5, Referred Sales – Removal of the existing language specifying that the member who introduced the buyer to the listing broker shall be deemed the buyer’s broker in a transaction where the listing offers a referral fee rather than a commission.
- l. Section 10.1.2, Notification of Sale—Addition of language to clarify the obligation of the buyer’s agent to share the transaction data with the listing agent for the purpose of keeping the MLS listing data up to date when the listing agent was not involved in the offer submission or final closing of the transaction.
- m. Section 10.3.2, Submitted Listings with Instructions to Not Submit Offers—removal of statement that allows a listing to be withdrawn from the MLS, with Seller’s authorization, at any time.
- n. Section 11.2, Unconditional Unilateral Contractual Offer—removal of “unconditional” as a requirement for an offer of compensation made through the MLS.
- o. Section 11.5, No Change of Compensation as a Condition of Offer—revision of language that specifies neither the listing broker nor the selling broker shall use the terms of an offer to purchase to negotiate the offer of compensation; also specifies that listing broker and the selling broker may negotiate and mutually agree to modify the offer of compensation.
- p. Section 11.7, No Filtering Based on Compensation, and addition of citation to Exhibit A-2—addition of prohibition on filtering listings based on the offer of compensation made to the buyer broker.
- q. Section 12.2.1 Confidential Information—revision of definition of “Confidential Information”.
- r. Section 12.2.2, Login Security Codes, Member Contact Information—addition of “intentionally, negligently or inadvertently” to prohibition on providing login or contact information to nonmembers.

- s. Section 12.5, Presentation of MLS Data—removal of “to support an estimate of value”.
- t. Section 12.7(a) (b) and (d), Confidential MLS Data—revision of explanation and examples of MLS listing information that members are prohibited from sharing with a non-Member; addition of occupant contact information as confidential MLS data and specifies that offer of compensation and price are not confidential MLS data.
- u. Section 13.6, False or Misleading Advertisement and Representations—addition of prohibition on representing services as free unless no compensation is received for services.
- v. Section 14.4, Internet Data Exchange (IDX) Listing Data—addition of language to specify that websites, mobile applications and audio devices are approved electronic mediums for distributing IDX data.
- w. Section 14.4 (n), Internet Data Exchange (IDX) Listing Data for the General Public Access, Member Websites—addition of prohibition on filtering listings on IDX websites based on the offer of compensation made to the buyer broker, the name of the listing brokerage or the name of the listing agent.
- x. Section 14.4 (o), Internet Data Exchange (IDX) Listing Data for the General Public Access, Member Websites—permits display of listing broker’s offer of compensation on IDX websites and requires such display to include a disclaimer that the offer is made only to broker participants of the MLS where the listing was filed.
- y. 14.5(h), Virtual Office-for the Member’s Client Access—addition of prohibition on filtering listings on VOW websites based on the offer of compensation made to the buyer broker, the name of the listing brokerage or the name of the listing agent.
- z. 14.5(i), Virtual Office-for the Member’s Client Access— permits display of listing broker’s offer of compensation on VOW websites and requires such display to include a disclaimer that the offer is made only to broker participants of the MLS where the listing was filed.
- aa. Section 15.1, Eligibility for Lockboxes—addition of “Electronic” and “Lockbox Key Service” to distinguish between electronic lockboxes and lockbox key service.
- bb. Sections 9.3.1;9.6;9.12;9.14;11.2—Addition of the word “any” when referring to offers of compensation.

**Added or Revised Definitions**

- a. Bylaws (added)
- b. Confidential Listing Data (revised)
- c. Duplicate Withdrawn (revised)
- d. Expired (added)
- e. Filed with BAREIS (revised)
- f. Media (revised)
- g. MLS Data (revised)
- h. MLS Database (revised)
- i. Public Remarks (added)
- j. Withdrawn/Cancelled (added)

**Added or Revised Citations, Exhibit A-2**

- 11.7 (added)
- 12.7 (revised)