

Rules Tutorial



BAREIS®
MLS

Introduction

This tutorial was created to help you become more familiar with BAREIS MLS® Rules. All BAREIS MLS® members sign a written agreement to abide by the Bylaws and MLS Rules (“Rules”). Members are responsible for adhering to these Rules as a condition of their membership and are responsible for being aware of all current Rules (Rule 5.1).

The following slides will explain the purpose of BAREIS MLS®, as well as the most common Rules violations, and the BAREIS MLS® Warning, Citation, and Appeal Policy. It is not a complete review of BAREIS Rules, and you are encouraged to review the Rules in their entirety.

Purpose of the MLS

Section 2

- Establish legal relationships with other real estate professionals to cooperate 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 shall not be 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.



Most Common Rules Violations

Password Violations

Sections 7.3, 7.4, and 7.5

Your membership with BAREIS grants you a non-exclusive, non-transferable license to access the MLS Data, without the right to sublicense.

Allowing non-BAREIS members access to the MLS database is a violation of BAREIS rules.

Unlicensed assistants may join BAREIS as an “Administrative User” at a discounted rate billed to the responsible agent or broker.

In the event a Real Estate Licensee, Broker, administrative assistant, or real estate appraiser employed by or affiliated with a Participant is found to be using the MLS Data in violation of these Rules, such Participant shall be subject to fees dating back to the date of the employment or affiliation of the Real Estate Licensee, Broker, administrative assistant or real estate appraiser with the Participant’s business entity.



Prohibited Uses of MLS Data Fields

Section 9.16.1

- Offers of compensation, bonuses, or incentives to a Buyer Broker or other Buyer representative are prohibited in any MLS Data field.
- Seller incentives, credits, or Concessions to a Buyer referenced in Public, Private Remarks, or any other data field in the MLS shall not include, or be conditioned on, the retention of or payment to a Buyer Broker or other Broker representative.
- Posting names or contact information about Real Estate Licensees who are not Members of BAREIS, or a reciprocating MLS is prohibited.
- Disparaging Members or Members' offices is prohibited in any MLS Data field.
- Information that is prohibited or restricted by any federal, state, or local regulation is prohibited 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. Some things to avoid are:

- 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
- Info about occupants or owners
- Open house information
- “Perfect for” or “Ideal for” a type of buyer statements

Listing Photographs and Virtual Media

Section 9.16.4

- All Residential, Mobile in Park, and Residential Income listings must have at least one exterior photo of the home added within 1 day of being entered into the MLS (optional for Coming Soon status listings).
- Photos may not contain agent or office names or contact info and should not include images of people or contain branding.
- Photos that illustrate any condition other than the “as-is” condition should be labeled as such in the Public Remarks or on the photo itself—“Living room has been virtually staged” or “Virtually enhanced photo”, for example.
- Up to 5 community interest photographs with remarks describing the subject of the photograph may be posted; however, the total number of community photographs shall not exceed 50% of the total number of photographs.
- Virtual tours should link directly to a virtual tour, and not to a company or agent’s website.

Remarks Regarding Seller Credits, Incentives or Concessions

Section 9.16.6

Remarks regarding Seller 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. (9.16.1, 9.16.2, 9.16.3, 9.16.5)

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

Reporting of Sales

Section 9.19

Final sales data or final results of the transaction shall be reported to BAREIS for all properties listed in the MLS Data.

- Contingent, pending, failed, closed, and referred sales shall be reported to BAREIS by the Listing Broker as soon as practicable, but no later than three days after their occurrence.
- Duplicate Sales. The Listing Broker shall report as Closed the listing that best reflects the Buyer's intended use of the property. The other listing shall be updated as Duplicate Withdrawn by the Listing Broker.
- Reporting Concessions at Closing. Seller Concessions provided to the Buyer, if any, may be reported in the MLS by the Listing Broker when a listing is reported as Closed.

Comp Listing Entry

Section 9.20

Properties held off the MLS system can be entered for Comparable purposes by entering with a Sold off MLS status 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 On-Market Date must be the same as the Listing Date.

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

Offers (Not Accepting Offers)

Section 10.3

Listings with Instructions “Do Not Show” or “Not Accepting Offers.” A Listing Broker may instruct Buyer’s Brokers not to show a property, or not to submit offers, under the following provisions:

Listings with “Do Not Show” Instructions.

- Listings should be available for showings within three Days subject to the tenant’s rights unless otherwise indicated in writing by the Seller.
- If a property is listed in the MLS Data with an Active status containing information that instructs the Buyer’s Brokers not to show the property, the Private Remarks shall indicate the process for presenting offers during the “do not show” period.

Listings with Instructions To Not Submit Offers.

- If a property is listed in the MLS Data with an Active status containing information that instructs Buyer’s Brokers not to submit offers, the Listing Broker should change the status of the property to “Temporarily Off-Market” until offers may be submitted.

Lockbox Violations

Section 15

Lockboxes are not required.

If a lockbox is placed on the property, a BAREIS-programmed lockbox should also be on the property. Listings outside of the BAREIS service area containing lockboxes should have a lockbox programmed for that area.

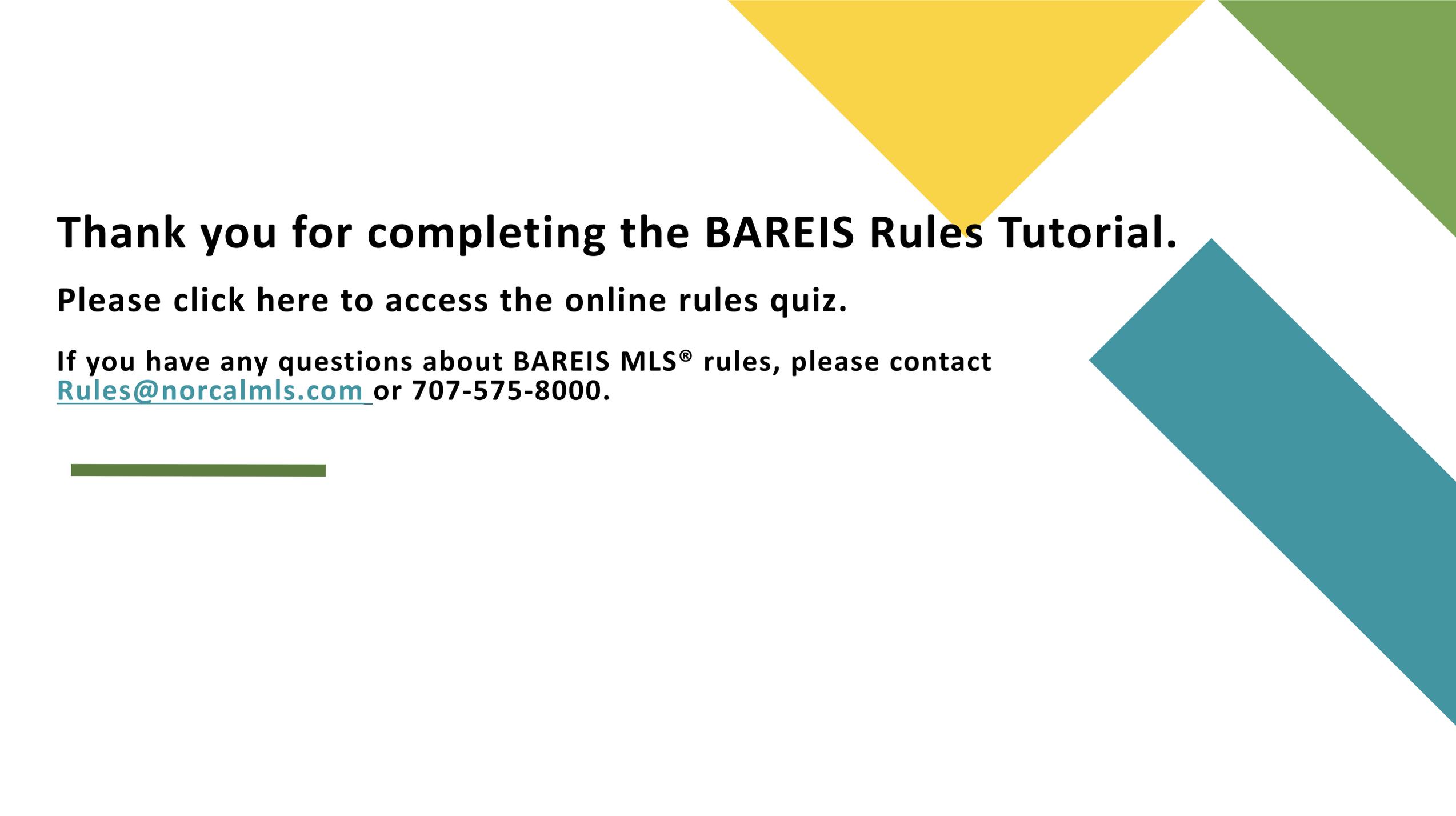
Warnings, Citations, and Appeals

Exhibit B

Warnings - Certain violations or repeat violations are not subject to a warning or may be subject to immediate citation, (see EXHIBIT A2 of BAREIS rules). For violations of Rules that are subject to a warning, the Member shall be given the warning to correct the violation by email. If a Subscriber has repeat violations of Rules that are subject to a warning, the Subscriber's supervising Participant shall receive notice of the third repeat violation by email contact. Any Member who, within a 12-month period, has been warned four times with the opportunity to correct for violations of Rules that are subject to a warning, shall receive an automatic fine for the fifth and subsequent violations within such 12-month period.

Citations - If a Member fails to correct a violation of these Rules that is subject to a warning within the time allotted in the warning, the citation for the offense shall be issued and shall become due and payable.

Appeals – A BAREIS Member may request an appeal for a Rules violation citation to the Rules Committee of the BAREIS Board of Directors. If the Member desires to appeal the citation, the Member shall pay the citation and administration fee, complete this MLS Rules Tutorial Course and Quiz, and provide documentation together with a letter explaining why the fine was incorrectly levied. The request for appeal must be received by BAREIS within 14 Days of the notice of citation letter 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.

