

Recap of BAREIS Rules Revisions Effective 02-01-2026

BAREIS Board of Directors has approved revisions to the BAREIS MLS® Regulations that will become effective 02/01/2026. This summary highlights the most significant changes.

1. Rules governing listing photographs have been updated to help real estate professionals meet the new Business & Professions Code §10140.8 (formerly known as AB 723) disclosure requirements for digitally altered images used in real estate advertising.

9.13 Listing Photograph Requirements.

A minimum of one photograph or graphic image best depicting the exterior of the subject property shall be attached to the listing within one Day of entering the listing unless the Seller signs an exclusion, utilizing the BAREIS Approved SEL form, directing that the property image not appear in MLS compilations. No photos may be removed from the listing once the listing is Closed, Expired, or Withdrawn/Cancelled. ~~Any image (including architectural renderings) that illustrates any condition other than the “as-is” condition of the property shall be labeled as such in the Public Remarks field or on the photo itself.~~

Any image (including architectural renderings) that illustrates any condition other than the “as-is” condition of the property shall be conspicuously labeled on or adjacent to the image to indicate the image has been altered. If the image has been digitally altered, the disclosure must:

- a) Include a conspicuous statement that the image has been digitally altered and
- b) Either (i) include the unaltered version of the image in the listing or advertisement, or (ii) provide a link, URL, or QR code to a publicly accessible site where the original, unaltered image is clearly identified and viewable.

For the purposes of this Rule, “digitally altered image” means an image created by or at the direction of the broker, agent, or person acting on their behalf that has been altered by photo editing software or artificial intelligence to add, remove, or change elements in the image, including fixtures, furniture, appliances, flooring, walls, paint color, hardscape, landscape, façade, floor plans or elements outside of or visible from the property (e.g., streetlights, utility poles, views, neighboring properties).

“Digitally altered image” does not include images where only lighting, sharpening, white balance, color correction, angle, straightening, cropping, exposure, or other common photo editing adjustments are made that do not change the representation of the real property.

Photographs are optional for Coming Soon, Land, Commercial, Business Opportunity, Residential Lease, or Commercial Lease listings. If photographs are included in lease

listings, the disclosure requirements above apply to leases of greater than one year in duration. (Rev. 02/01/2026)

2. Rule 9.16 – Correct Use of Data Fields has been updated to allow more flexibility when describing credits or incentives available to buyers.

9.16.1 Prohibited Uses of MLS Data Fields.

- (a) Offers of compensation, bonuses, or incentives to a Buyer Broker or other Buyer representative are prohibited in any MLS Data field.
- (b) **Seller incentives** 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. (Rev. 02/01/2026)
- (c) The publication of access codes, including security alarm codes, digital deadbolt codes, and gate codes is prohibited in any MLS Data field.
- (d) Posting names or contact information about Real Estate Licensees who are not Members of BAREIS or a reciprocating MLS such as defined in Rule 8 is prohibited in any MLS Data field
- (e) Disparaging Members or Members' offices is prohibited in any MLS Data field.
- (f) Information that is prohibited or restricted by any federal, state, or local regulation is prohibited in any MLS Data field.

9.16.6 Remarks regarding **Seller Credits, Incentives, or Concessions**

Remarks regarding **Seller** credits, incentives, or Concessions to a Buyer are permitted in the Public or Private Remarks fields, provided that: (Rev. 02/01/2026)

- 1) The remarks specifically identify the intended use of the credits, incentives, or Concessions.
- 2) The remarks do not include a dollar amount or percentage.
- 3) The credits, incentives, or Concessions are not offered for payment, directly or indirectly, of Buyer Broker compensation.
- 4) The remarks are otherwise compliant with these Rules.

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

3. References to “Virtual Tour” have been updated to “Virtual Media.”

9.16.3 Public Remarks Field.

Information in the Public Remarks Field shall only relate to the marketing, description, and condition of the property and its amenities. The following information is prohibited in the Public Remarks field:

- (a) Contact information, including names, phone or fax numbers, email addresses, or website addresses (including virtual **tours media**, and URLs) or calling instructions, is prohibited in the Public Remarks field. **(Rev. 02/01/2026)**
- (b) Showing or open house instructions are prohibited in the Public Remarks field.
- (c) Information directed toward real estate agents or Brokers is prohibited in the Public Remarks field.
- (d) Personal information relating to the seller or occupants of the property is prohibited in the Public Remarks field.
- (e) Information related to financing governed by truth-in-lending laws is prohibited in the Public Remarks field.

Non-branded community interest and HOA website addresses are permitted in the Public Remarks field.

9.16.4 Photograph Areas and Virtual Media.

Photograph areas, including photo remarks, shall be used only for their specified purpose of displaying the subject property, its amenities, and areas of community interest.

- (a) Photo remarks are restricted to describing the subject photograph.
- (b) The first and most prominent photograph of the listing shall be of the subject property.
- (c) 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.
- (d) Virtual **tours media** should ~~be pointed directly to a virtual tour, and~~ not **point** to a company or agent’s website. **(Rev. 02/01/2026)**
- (e) Photographs shall not contain legible contact information, including, but not limited to, office or agent names.
- (f) Photographs or images entered by members shall not contain branding.
- (g) Photographs of the subject property and its amenities shall not contain images of people.

To view a complete set of BAREIS MLS® Rules highlighting the revisions, please click [here](#).