

1 **CENTRAL ARIZONA ASSOCIATION OF REALTORS® , INC.**
2 **THE RIM COUNTRY MULTIPLE LISTING SERVICE RULES AND REGULATIONS**

3 *Revised May 2026*
4

5 **SECTION 1. PREAMBLE**

6 The Central Arizona Association of REALTORS® Multiple Listing Service, herein referred to as The Rim Country Multiple
7 Listing Service, (MLS) is a service whereby Participants make blanket unilateral offers of cooperation to the other
8 Participants (acting either as buyers agents, or in other agency or nonagency capacities defined by law or both) and is a
9 service for the orderly correlation and dissemination of listing information among the Participants so that they may better
10 serve their clients and the public.

11
12 **SERVICE AREA OF CENTRAL ARIZONA ASSOCIATION OF REALTORS® ASSOCIATION MULTIPLE**
13 **LISTING SERVICES**

14 Only listings of the designated types of property located within the Service Area of the MLS are required to be submitted to
15 the service. Listings of property located outside the MLS's Service Area will not be accepted.
16

17 **COMPLIANCE**

18 Participants of the MLS agree upon signing the Participation Agreement to abide by these Rules and Regulations and
19 understand that violations are subject to penalties as outlined in Section 9 of these Rules and Regulations. Any listing taken
20 on an Exclusive Authorization Listing Contract to be filed with the Service is subject to the Rules and Regulations of the
21 Service upon signature of the sellers.
22

23 **SECTION 2. DEFINITIONS**

24
25 **2.1** Wherever the word "filed" or "delivered" is used herein, it refers to input in the computer system of the MLS.
26

27 **2.2 THE RIM COUNTRY MULTIPLE LISTING SERVICE (RCMLS) DEFINED**

28 A multiple listing service is:

- 29
30 • a facility for the orderly correlation and dissemination of listing information so Participants
31 may better serve their clients and customers and the public
32
33 • a means of enhancing cooperation among Participants
34
35 • a means by which information is accumulated and disseminated to enable authorized
36 Participants to prepare appraisals, analyses, and other valuations of real property for bona fide
37 clients and customers a means by which Participants engaging in real estate appraisal
38 contribute to common databases (*Revised*) **M**

39 **2.3 DEFINITION OF MLS PARTICIPANT**

40 Where the term REALTOR® is used in this explanation of policy in connection with the word
41 member or the word Participant, it shall be construed to mean the REALTOR® principal or
42 principals, of this or any other association, or a firm comprised of REALTOR® principals
43 participating in a multiple listing service owned and operated by the board. Participatory rights
44 shall be held by an individual principal broker unless determined by the association or MLS to be
45 held by a firm. It shall not be construed to include individuals other than a principal or principals
46 who are REALTOR® members of this or any other association, or who are legally entitled to
47 participate without association membership. However, under no circumstances is any individual or
48 firm, regardless of membership status, entitled to MLS membership or participation unless they hold
49 a current, valid real estate broker's license and cooperate, or
50 are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real
51 property. Cooperation is the obligation to share information on listed property and to make property
52 available to other brokers for showing to prospective purchasers and tenants when it is in the best
53 interests of their clients. Use of information developed by or published by an association multiple
54 listing service is strictly limited to the activities authorized under a Participant's licensure(s) or
55 certification and unauthorized uses are prohibited. Mere possession of a broker's license is not
56 sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm
57 cooperates means that the Participant actively endeavors during the operation of its real estate
58 business to list real property of the type listed on the MLS, shares information on listed property,
59 and makes property available to other brokers for showing to prospective purchasers and tenants
60 when it is in the best interests of their clients, and to cooperate. "Actively" means on a continual
61 and ongoing basis during the operation of the Participant's real estate business. The "actively"
62 requirement is not intended to preclude MLS participation by a Participant or potential Participant
that operates a real estate business on a part-time, seasonal, or similarly time-limited basis or that

63 has its business interrupted by periods of relative inactivity occasioned by market conditions.
64 Similarly, the requirement is not intended to deny MLS participation to a Participant or potential
65 Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is
66 it intended to permit an MLS to deny participation based on the level of service provided by the
67 Participant or potential Participant as long as the level of service satisfies state law.
68 The key is that the Participant or potential Participant cooperates with respect to properties of the type
69 that are listed on the MLS in which participation is sought.
70 Cooperation is the obligation to share information on listed property and to make property available to
71 other brokers for showing to prospective purchasers and tenants when it is in the best interests of their
72 client(s). This requirement does not permit an MLS to deny participation to a Participant or potential
73 Participant that operates a “Virtual Office Website” (VOW) (including a VOW that the Participant uses
74 to refer customers to other Participants) if the Participant or potential Participant actively endeavors
75 to cooperate. An MLS may evaluate whether a Participant or potential Participant actively endeavors
76 during the operation of its real estate business to cooperate only if the MLS has a reasonable basis to
77 believe that the Participant or potential Participant is in fact not doing so. The membership requirement
78 shall be applied in a nondiscriminatory manner to all Participants and potential Participants. **M**

79
80 **Categorization of MLS Services, Information, and Products (Policy Statement 7.57)**

81 **Core:** Core MLS information, services, and products are essential to the effective functioning of MLS,
82 as defined, and include: active listing information **M**

83
84 **2.3.1 Association and MLS Compliance with National Association Policy**
85 **(Policy Statement 7.17)**

86 Those associations or multiple listing services found by the National Association to be operating
87 under bylaws or rules and regulations not consistent with mandatory policies of the National
88 Association are not entitled to errors and omissions insurance coverage and their charters are subject
89 to review and revocation. **I**

90
91 **2.3.2 Purpose**

92 A multiple listing service is a means by which cooperation among Participants is enhanced; by
93 which information is accumulated and disseminated to enable authorized Participants to prepare
94 appraisals, analyses, and other valuations of real property for bona fide clients and customers; by
95 which Participants engaging in real estate appraisal contribute to common databases; and is a facility
96 for the orderly correlation and dissemination of listing information so Participants may better serve
97 their clients and the public. *(Amended)* **M**

98
99 **2.3.3 RULES FOR ASSISTANTS**

100 Where the terms subscriber or user are used in connection with a multiple listing service owned or operated by an
101 association of REALTORS®, they refer to non-principal brokers, sales licensees, and licensed and certified real estate
102 appraisers affiliated with an MLS participant and may also include a participant’s affiliated unlicensed administrative and
103 clerical staff, personal assistants, and individuals seeking licensure or certification as real estate appraisers provided that any
104 such individual is under the direct supervision of an MLS participant or the participant’s licensed designee. If such access is
105 available to unlicensed or uncertified individuals, their access is subject to the rules and regulations, the payment of
106 applicable fees and charges (if any), and the limitations and restrictions of state law. None of the foregoing shall diminish
107 the participant’s ultimate responsibility for ensuring compliance with the rules and regulations of the MLS by all individuals
108 affiliated with the participant.

109
110 Under the Board of Choice, MLS participatory rights shall be available to any REALTOR® (principal) or any firm
111 comprised of REALTORS® (principals) irrespective of where they hold primary membership subject only to their agreement
112 to abide by any MLS rules or regulations; agreement to arbitrate with other participants; and payment of any MLS dues,
113 fees, and charges. Participatory rights granted under the Board of Choice do not confer voting privileges or eligibility for
114 office as an MLS committee member, officer, or director, except as granted at the discretion of the local board and/or MLS.

115
116 The universal access to services component of the Board of Choice is to be interpreted as requiring that MLS participatory
117 rights be available to principals, or to firms comprised of principals, irrespective of where primary or secondary membership
118 is held.

119
120 None of the foregoing shall be construed as requiring the MLS participatory right, under Board of Choice, where such rights
121 have been previously terminated by action of that association’s board of directors.

122
123 **2.4 DEFINITIONS OF VARIOUS TYPES OF LISTING AGREEMENT**

124 Except where state law provides otherwise, the following terms shall be defined as follows when used in rules and
125 regulations of any multiple listing service owned or operated by an association of REALTORS®.

127 **2.4.1 Exclusive Right to Sell Listing**

128 A contractual agreement under which the listing broker becomes the agent of the seller(s) and the seller(s) agrees to pay a
129 commission to the listing broker, regardless of whether the property is sold through the efforts of the listing broker, the
130 seller(s), or anyone else; and a contractual agreement under which the listing broker becomes the agent of the seller(s) and
131 the seller(s) agrees to pay a commission to the listing broker regardless of whether the property is sold through the efforts of
132 the listing broker, the seller(s), or anyone else, except that the seller(s) may name one or more individuals or entities as
133 exemptions in the listing agreement and if the property is sold to any exempted individual or entity, the seller(s) is not
134 obligated to pay a commission to the listing broker.

135
136 **2.4.2 Exclusive Agency Listing**

137 A contractual agreement under which the listing broker becomes the agent of the seller(s) and the seller(s) agrees to pay a
138 commission to the listing broker if the property is sold through the efforts of any real estate broker. If the property is sold
139 solely through the efforts of the seller(s), the seller(s) is not obligated to pay a commission to the listing broker.

140
141 **2.4.3 Open Listing**

142 A contractual agreement under which the listing broker becomes the agent of the seller(s) and the seller(s) agrees to pay a
143 commission to the listing broker only if the property is sold through the efforts of the listing broker.

144
145 **2.4.4 Net Listing**

146 A listing agreement in which the broker receives all monies in excess of the list price.

147
148 **2.4.5 Limited Service Listing**

149 "Limited service brokers" are licensed brokers who offer their sellers little or no property marketing services other than
150 submitting the property listing to the multiple listing service ("MLS"). For this service, the broker receives a fee from the
151 seller, which may be paid at the time of listing or at the time of the closing. The listing commonly also provides that the
152 seller will pay a fee to any cooperating broker involved in the sale of the property. Because they do not offer the full range
153 of services that a full-service broker would, they have been designated "limited service brokers." This characterization is not
154 intended and should not be understood to demean or criticize this practice, but only to distinguish the practice from more
155 traditional real estate services that might commonly be known as "full service" listings.

156
157 **2.5 STATUS DEFINITIONS**

158
159 2.5.1 Active – MLS listing status available for use with all property types and confirms the listed property is available for
160 sale or lease, actively accepting offers, and available for showings during the timeframe in Active status.

161
162 2.5.2 Active with Contingency – Accepted contracts that may have a long term contingency (e.g. confirmation of
163 employment, short sale or with written directions from the seller which must be provided to CAAR.) The seller may still
164 consider other offers. This category shall not include contingencies for items such as financing and property inspections.

165
166 2.5.3 Contingent on Buyer Sale -- Accepted contract that is contingent on the buyer's sale of another home. The seller may
167 still consider other offers. This category shall not include contingencies for items such as financing and property
168 inspections.

169
170 2.5.4 Pending – Accepted contract that doesn't have any contingencies except those in the pre-printed portion of the
171 contract; however, the seller will still consider other offers as backups to the accepted contract.

172
173 2.5.5 Temporarily off the market – Property will be removed from the Multiple Listing Service – all other terms and
174 conditions of the listing agreement shall remain in effect through the listing term. Broker shall provide confirmation in
175 writing from Seller to CAAR with confirmation.

176
177 2.5.6 Cancelled – Listing permanently being removed from the market.

178
179 2.5.7 Expired – Upon expiration date of listing agreement. (Refer to lines 797-800, 808-899).

180
181 **2.6 PROPERTY DEFINITIONS**

182
183 2.6.1 Site built - Home may have any number of foundation and construction styles. If any portion of the structure consists
184 of a mobile or manufactured home, then it shall not be considered site built. Construction in accordance with local building
185 codes at time of completion.

186
187 2.6.2 Manufactured Home – When any portion of the home is constructed on a steel chassis frame in a factory and
188 constructed after June 15, 1976, and is transported to the site and installed. It may have one or more sections. The trailer
189 tongue, wheels and axles may be removed, but it is still considered a manufactured home. Home is built to HUD
190 specifications.

191
192 2.6.3 Mobile Home – When any portion of the home is constructed in a factory on a steel chassis frame and constructed prior
193 to June 15, 1976, and transported to the site and installed. The trailer tongue, wheels and axles may be removed, but it is
194 still considered a mobile home. Home was not built to HUD specifications.

195
196 2.6.4 Modular – Factory built building permanently attached to engineered concrete foundation and built to uniform
197 building code.

198
199 2.6.5 Park Model - Or park trailer, means a structure built on a single chassis, mounted on wheels or originally mounted on
200 wheels and from which the wheels have been removed and designed to be connected to utilities necessary for operation of
201 installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not
202 more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers. A park model
203 is defined by A.R.S. § 33-2102 as a recreational vehicle and governed by the Arizona Recreational Vehicle Long-term
204 Rental Space Act. * “Park Model” applies to the original structure and is applicable even with additions to the property.

205
206 2.6.6 Mobile Home Park - means and is defined at A.R.S. § 33-1409 as a parcel of land with four or more rental
207 spaces for these kinds of homes.

208
209 2.6.7 Time Share/Fractional Ownership – Homes with division of ownership or use of a resort unit on the basis of time
210 periods.

211
212 2.6.8 Condominium – Patio Home – Townhouse - A “complex”, portions of which are designated for separate ownership and
213 the remainder of which may be designated for common ownership solely by the owners of the separate portions.

214 **2.7 DEFINITION OF “BEDROOM”**

215 Room with an emergency exit defined by the local governing authority and a privacy door.

216 **SECTION 3. MEMBERSHIP RIGHTS AND RESPONSIBILITIES**

217
218
219 **3.1** If a REALTOR® chooses to participate in the MLS, the REALTOR® is required to exchange information on the same
220 basis, according to the same rules and costs imposed on all who participate. REALTOR® participation is elective. In
221 instances where the participant is representing the potential purchaser as an agent, the participant cannot function
222 simultaneously as the subagent of the listing broker without buyer and seller consent; cannot accept compensation from the
223 listing broker without the express consent of all parties to the transaction; and must make their true position clearly known to
224 all interested parties at first contact.

225
226
227 Listing participants or their representatives have the right to participate in the presentation of any counter-offer made by a
228 seller or a lessor. They do not have the right to be present at any discussion or evaluation of a counter-offer by the purchaser
229 or lessee (except where the cooperating broker is a sub-agent). However, if a purchaser or lessee gives written instructions to
230 the cooperating broker that the listing broker may not be present when a counter-offer is presented, the listing broker has a
231 right to a copy of those instructions.

232
233 Arbitration facilities of the Central Arizona Association of REALTORS®, may be invoked by a nonmember participant in
234 the multiple listing service, who can also be compelled to arbitrate using the association’s facilities.

235
236 MLS participants are entitled to electronic access to the MLS members database, subject to payment of applicable fees and
237 charges.

238 **3.2 Participation**

239 Any REALTOR® of this or any other association who is a principal, partner, corporate officer, or
240 branch office manager acting on behalf of a principal, without further qualification, except as
241 otherwise stipulated in these bylaws, shall be eligible to participate in multiple listing upon agreeing
242 in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto.*
243 However, under no circumstances is any individual or firm, regardless of membership status,
244 entitled to multiple listing service membership or participation unless they hold a current, valid
245 real estate broker’s license and cooperate, or are licensed or certified by an appropriate state
246 regulatory agency to engage in the appraisal of real property.** Cooperation is the obligation to
247 share information on listed property and to make property available to other brokers for showing to
248 prospective purchasers and tenants when it is in the best interests of their clients. Use of information
249 developed by or published by an association multiple listing service is strictly limited to the activities
250 authorized under a Participant’s licensure(s) or certification and unauthorized uses are prohibited.
251 Further, none of the foregoing is intended to convey participation or membership or any right
252 of access to information developed by or published by an association multiple listing service where
253 access to such information is prohibited by law. (Amended)
254

255
256 **Establishing Nonmember Participatory Rights (Open MLS)*** A nonmember applicant for
257 MLS participation who is a principal, partner, corporate officer, or branch office manager acting on
258 behalf of a principal, shall supply evidence satisfactory to the membership committee that he has no
259 record of recent or pending bankruptcy; has no record of official sanctions involving unprofessional
260 conduct; agrees to complete a course of instruction (if any) covering the MLS rules and regulations
261 and computer training related to MLS information entry and retrieval, and shall pass such
262 reasonable and non-discriminatory written examination thereon as may be required by the MLS;
263 and shall agree that if elected as a Participant, he will abide by such rules and regulations and pay
264 the MLS fees and dues, including the nonmember differential (if any), as from time to time
265 established. Under no circumstances is any individual or firm entitled to MLS participation or
266 membership unless they hold a current, valid real estate broker's license and cooperate or are
267 licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real
268 property. Cooperation is the obligation to share information on listed property and to make property
269 available to other brokers for showing to prospective purchasers and tenants when it is in the best
270 interests of their clients. Use of information developed by or published by an association multiple
271 listing service is strictly limited to the activities authorized under a Participant's licensure(s) or
272 certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to
273 convey participation or membership or any right of access to information developed by or
274 published by an association multiple listing service where access to such information is prohibited
275 by law. *(Amended)*

276
277 *Only adopt the following paragraph if the association's MLS is open to nonmember Participants
278 (otherwise qualified individuals who do not hold REALTOR® membership anywhere).

279 Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the
280 requirement that an individual or firm offers or cooperate means that the Participant actively
281 endeavors during the operation of its real estate business to list real property of the type listed on the
282 MLS, share information on listed property and make property available to other brokers for
283 showing to prospective purchasers and tenants when it is in the best interests of their client(s).
284 "Actively" means on a continual and ongoing basis during the operation of the Participant's real estate
285 business. The "actively" requirement is not intended to preclude MLS participation by a Participant or
286 potential Participant that operates a real estate business on a part-time, seasonal, or similarly time-
287 limited basis or that has its business interrupted by periods of relative inactivity occasioned by market
288 conditions. Similarly, the requirement is not intended to deny MLS participation to a Participant or
289 potential Participant who has not achieved a minimum number of transactions despite good faith
290 efforts. Nor is it intended to permit an MLS to deny participation based on the level of service
291 provided by the Participant or potential Participant as long as the level of service satisfies state law.
292 *(Adopted 11/08)*

293 The key is that the Participant or potential Participant cooperate with respect to properties of the type
294 that are listed on the MLS in which participation is sought.

295 Cooperation is the obligation to share information on listed property and to make property available to
296 other brokers for showing to prospective purchasers and tenants when it is in the best interests of their
297 clients. This requirement does not permit an MLS to deny participation to a Participant or potential
298 Participant that operates a "Virtual Office Website" (VOW) (including a VOW that the Participant uses
299 to refer customers to other Participants) if the Participant or potential Participant actively endeavors to
300 cooperate. An MLS may evaluate whether a Participant or potential Participant actively endeavors
301 during the operation of its real estate business to cooperate only if the MLS has a reasonable basis to
302 believe that the Participant or potential Participant is in fact not doing so. The membership requirement
303 shall be applied in a nondiscriminatory manner to all Participants and potential Participants. **M**

304
305 **3.2 MLS ANTITRUST COMPLIANCE POLICY**

306 The purpose of multiple listing is the orderly correlation and dissemination of listing information to participants so they may
307 better serve the buying and selling public. The Central Arizona Association of REALTORS® and The Rim Country
308 Multiple Listing Service shall not enact or enforce any rule which restricts, limits, or interferes with participants in their
309 relations with each other, in their broker/client relationships, or in the conduct of their business in the following areas.

- 310
311 Boards and associations of REALTORS® and their MLSs shall not:
- 312 1. Fix, control, recommend, or suggest the commissions or fees charged for real estate brokerage services.
 - 313
 - 314 2. Fix, control, recommend, or suggest the cooperative compensation offered by listing brokers to potential cooperating
 - 315 brokers.
 - 316

317 3. Base dues, fees, or charges on commissions, listed prices, or sales prices. Initial participation fees and charges should
318 directly relate to the costs incurred in bringing services to new participants.

319
320 4. Modify, or attempt to modify, the terms of any listing agreement; this does not prohibit administrative corrections of
321 property information necessary to ensure accuracy or consistency in MLS compilations.

322
323 5. Refuse to include any listing in an MLS compilation solely on the basis of the listed price.

324
325 **6. Inclusion of Exclusive Agency Listings in MLS Compilations and Databases (Policy**
326 **Statement 7.41)**

327 Multiple listing services shall not establish or maintain any rule or policy prohibiting inclusion of
328 exclusive agency listings that would be otherwise acceptable for inclusion in the compilation of
329 current listing information.

330 **Explanation:** This policy shall not be construed as requiring Participants to accept exclusive agency
331 listings if they determine acceptance is not in their best interest or the best interest of clients or
332 customers. However, this policy does preclude collective agreements between Participants affiliated
333 with different firms or others to refuse to accept exclusive agency listings. This policy contemplates
334 multiple listing services will clearly distinguish between exclusive right-to-sell and exclusive
335 agency listings in multiple listing compilations and databases to prevent confusion about the rights
336 and obligations of brokers who cooperate in the sale of such listings. *(Amended)* **M**

337
338 7. Prohibit or discourage participants from taking “office exclusive” listings; certification may be required from the seller or
339 listing broker that the listing is being withheld from the MLS at the direction of the seller.

340
341 8. Give participants or subscribers blanket authority to deal with or negotiate with buyers or sellers exclusively represented
342 by other participants. **Interpretation 10*

343
344 9. Establish, or permit establishment of, any representational or contractual relationship between an MLS and sellers, buyers,
345 landlords, or tenants.

346
347 10. Prohibit or discourage cooperation between participants and brokers that do not participate in the MLS.

348
349 11. Prohibit or discourage participants or subscribers from participating in political activities. **Interpretation 15*

350
351 12. Interfere in or restrict participants in their relationships with their affiliated licensees. **Interpretation 16 and 17*

352
353 As used in this policy, “rule” includes all rules, regulations, bylaws, policies, procedures, practices, guidelines, or other
354 governance provisions, whether mandatory or not.

355
356 These policy prohibitions are subject to and limited by applicable statutes, ordinances, and governmental regulations, to
357 agreements entered into by the MLS or Central Arizona Association of REALTORS® and an agency of government, and to
358 final decrees of courts or administrative agencies.

359
360 **The numbered references refer to the official interpretations of Article I, Section 2 of the bylaws of the NATIONAL*
361 *ASSOCIATION OF REALTORS®.*

362
363 **3.3 SERVICES ADVERTISED AS “FREE”**

364 MLS participants and subscribers must not represent that their brokerage services to a client or customer are free or available
365 at no cost to their clients, unless the participant or subscriber will receive no financial compensation from any source for
366 those services. **M**

367
368 **SECTION 4. STRUCTURE**

369
370 **4.1 ADMINISTRATION**

371
372 **4.2 TRADEMARK AND LOGO LAW**

373
374 **4.2.1 NATURE OF SERVICE MARK AND NECESSITY TO EFFECT LICENSE AGREEMENT TO USE**

375 The NATIONAL ASSOCIATION OF REALTORS® has approved for use by chartered associations of REALTORS® and
376 their members, a standard multiple listing service mark. However, the standard service mark may not be used without a
377 license from the NATIONAL ASSOCIATION OF REALTORS®. Such license will be granted only to those associations of
378 REALTORS® that own and/or control the multiple listing activity and only to such associations the governing documents of
379 which have been approved as being in compliance with multiple listing policy of the National Association. Further, the
380 design must not be used as a lapel pin or any type of jewelry.

381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444

4.2.2 SPECIAL NOTE CONCERNING MLS SERVICE MARK

The NATIONAL ASSOCIATION OF REALTORS® grants no variation of the design of the standard MLS service mark. Further, the National Association will not review and authorize any multiple listing service insignia other than its own service mark. Further, the term REALTOR® may not, in any instance, be used in connection with any multiple listing service not owned and/or controlled by an association of REALTORS®.

4.2.3 USE OF MLS LOGO BY NONMEMBER PARTICIPANTS

In any state where law requires that brokers (principals) who are not REALTORS® be admitted to the multiple listing service of an association of REALTORS®, or in any association which has voluntarily opened its MLS to nonmember brokers and/or appraisers, the official registered multiple listing service logo of the National Association should not be used by such a non-association member. Such use would be a misrepresentation and would violate the registration rights of the NATIONAL ASSOCIATION OF REALTORS®, the lawful owner of said collective service mark. Where such non-association member advertises that he is a member of the multiple listing service of an association of REALTORS®, the multiple listing service may properly require that such participant of the service additionally indicate in his advertisement that he is not a member of the association of REALTORS®.

4.3 PROHIBITIONS

4.3.1 INFORMATION FOR PARTICIPANTS ONLY

Any listing filed with the Service shall not be made available to any broker or firm not a Member of the MLS without the prior consent of the listing broker.

4.3.2 ‘FOR SALE’ SIGNS

Only the “For Sale” signs of the listing broker may be placed on a property.

4.3.3 “SOLD” SIGNS

Prior to closing, only the “Sold” sign of the listing broker may be placed on a property, unless the listing broker authorizes the cooperating (selling) broker to post such a sign.

4.3.4 SOLICITATION OF LISTING FILED WITH THE SERVICE

Participants shall not solicit a listing on property filed with the Service unless such solicitation is consistent with Article 16 of the REALTORS® Code of Ethics, its Standards of Practice and its Case Interpretations.

4.3.5 USE OF THE TERM MLS AND MULTIPLE LISTING SERVICE

No MLS participant, subscriber or licensee affiliated with any participant shall, through the name of their firm, their URLs, their e-mail addresses, their website addresses, or in any other way represent, suggest, or imply that the individual or firm is an MLS, or that they operate an MLS. Participants, subscribers and licensees affiliated with participants shall not represent, suggest, or imply that consumers or others have direct access to MLS databases, or that consumers or others are able to search MLS databases available only to participants and subscribers. This does not prohibit participants and subscribers from representing that any information they are authorized under MLS rules to provide to clients or customers is available on their websites or otherwise.

4.3.6 MLS Participation by Brokers Acting as Agents of Potential Purchasers (Policy Statement 7.40)

No association or association MLS may make or maintain a rule which would preclude an individual or firm, otherwise qualified, from participating in an association MLS solely on the basis that the individual or firm functions, to any degree, as the agent of potential purchasers under a contract between the individual (or firm) and the prospective purchaser (client). However, in instances where the Participant is representing the potential purchaser as an agent, the Participant cannot function simultaneously as the subagent of the listing broker without buyer and seller’s consent or as provided by state law; and must make his true position clearly known to all interested parties at first contact. *(Amended)* **M**

4.4 SERVICE FEE AND CHARGES

4.4.1 SERVICE CHARGES

The following services charges for operation of the multiple listing service are in effect to defray the costs of the service and are subject to change from time to time in the manner prescribed:

Initial Participation Fee: An applicant for participation in the service shall pay an application fee of \$200.00 with such fee to accompany the application.

Note: The initial participation fee shall approximate the cost of bringing the service to the participant.

445
446 **Recurring Participation Fee:** The quarterly participation fee of each participant shall be an amount equal to \$120.00
447 times each salesperson and licensed or certified appraiser who has access to and use of the service, whether licensed as
448 a broker, sales licensee, or licensed or certified appraiser who is employed by or affiliated as an independent contractor
449 with such participant. Payment of such fees shall be made on or before the first day of the quarter of the multiple listing
450 service. Fees shall be prorated on a monthly basis.

451
452 However, MLSs must provide participants with the option of a no-cost waiver of MLS fees, dues, and charges for any
453 licensee or licensed or certified appraiser who can demonstrate subscription to a different MLS or CIE where the principal
454 broker participates. MLSs may, at their discretion, require that broker participants sign a certification for nonuse of its
455 MLS services by their licensees, which can include penalties and termination of the waiver if violated. * (Adopted 11/17)
456 (Adopted 6/2019)

457 * Mandatory waiver provision is effective no later than July 1, 2018.

458
459 The following service charges for operation of the Multiple Listing Service are in effect to defray the costs of the Service
460 and are subject to change from time to time in the manner prescribed. Service fees and charges may include but shall not be
461 limited to Initial Participation Fee, Recurring Participation Fee, Listing Fee, New Salesperson Fee, and Transfer/Change
462 Fee.

463 **4.5 MEETINGS**

464 **4.5.1 MEETINGS OF THE MLS COMMITTEE**

465
466 The Multiple Listing Service Committee shall meet for the transaction of its business at a time and place to be determined by
467 the Committee or at the call of the Chairperson.

468 **4.5.2 MEETINGS OF MLS PARTICIPANTS**

469
470 The Committee may call meetings of the Participants in the Service to be known as meetings of the Multiple Listing Service.

471 **4.5.3 CONDUCT OF THE MEETINGS**

472
473 The Chairperson, or Vice Chairperson, shall preside at all meetings or, in their absence a temporary Chairperson from the
474 membership of the Committee shall be named by the Chairperson or, upon their failure to do so, by the Committee.

475 **SECTION 5 LISTINGS**

476 **5.1 LISTING PROCEDURES**

477
478 Listings of real or personal property of the following types, which are listed subject to a real estate broker's license, located
479 within the territorial jurisdiction of the Board of REALTORS® taken by Participants on Exclusive Authorization And Right
480 To Sell Listing Contract and Exclusive Agency Contracts shall be delivered along with the "Listing Data Form" to the MLS
481 within 72 hours after all necessary signatures of seller(s) and listing broker have been obtained. If available, each property
482 listed with the MLS shall be listed with its correct 911 address. Only properties that are zoned for both commercial and
483 residential use may be entered into the MLS more than once. Property may not be listed more than once in any category at
484 the same time, with the exception of lot and home combinations.

- 485
486
487
488 (a) Residential
489 (b) Land
490 (c) Multi-Family (d) Commercial
491 (e) Rental

492
493 Vacation Rentals are restricted, must be a term of 90 days or more.

494
495 Acceptable Forms: The Multiple Listing Service shall make available access to electronically generated Listing Data Forms.

496
497 The MLS shall not require a Participant to submit the listing on a form other than the form the Participant individually
498 chooses to utilize provided the listing is of a type accepted by the service, although the "Listing Data Form" may be required
499 as approved by the MLS. However, the MLS, through its legal counsel:

- 500
501 1. May reserve the right to refuse to accept a listing form which fails to adequately protect the interest of the public and the
502 Participants.
503 2. Assure that no listing form filed with the MLS established, directly or indirectly, any contractual relationship between the
504 MLS and the client (buyer or seller).

505
506 The MLS shall accept exclusive right to sell listing contracts and exclusive agency listing contracts and may accept other
507 forms of agreement which make it possible for the listing broker to cooperate with other Participants of the MLS acting as
508 subagents, buyer agents, or both.

509
510 The Listing Agreement must include the seller’s written authorization to submit the agreement to the MLS. The different
511 types of listing agreement accepted by the CAAR are:
512 The exclusive right-to-sell listing is the form of listing where the seller authorizes exclusive
513 authorization to the listing broker to cooperate with other brokers in the sale of the property.
514 *(Amended)*

515 The exclusive agency listing also authorizes the listing broker as exclusive agent, to cooperate
516 with other brokers in the sale of the property, but also reserves to the seller the general right to sell
517 the property on an unlimited or restrictive basis.

518 Exclusive agency listings and exclusive right-to-sell listings with named prospects exempt should
519 be clearly distinguished by a simple designation such as a code or symbol from exclusive right-to-
520 sell listings with no named prospects exempt, since they can present special risks of procuring
521 cause controversies and administrative problems not posed by exclusive right-to- sell listings with
522 no named prospects exempt. Care should be exercised to ensure that different codes or symbols are
523 used to denote exclusive agency and exclusive right-to-sell listings with prospect reservations.
524 *(Amended 4/92)*

525
526 The service may not accept net listings because they are deemed unethical and, in most states,
527 illegal.

528 Open listings are not accepted, except where required by law, because the inherent nature of an open
529 listing Cooperation is the obligation to share information on listed property and to make property
530 available to other brokers for showing to prospective purchasers and tenants when it is in the best
531 interests of their clients.

532
533 A multiple listing service may, as a matter of local option, accept exclusively listed property that is
534 subject to auction. If such listings do not show a listed price, they may be included in a separate
535 section of the MLS compilation of current listings. **M**

536 537 **5.1.1 CLEAR COOPERATION**

538 Within one (1) business day of marketing a property to the public, the listing broker must submit the listing to the MLS for
539 cooperation with other MLS participants. Public marketing includes, but is not limited to, flyers displayed in windows, yard
540 signs, digital marketing on public facing websites, brokerage website displays (including IDX and VOW), digital
541 communications marketing (email blasts), multi-brokerage listing sharing networks, and applications available to the general
542 public. (Adopted 11/19)

543 544 **5.1.2 Coming Soon Status**

545 “Coming Soon” is a listing status indicating that a property is not yet available for showings or full market exposure but will
546 become Active at a future date.

547 548 **Requirements**

- 549 (a) A fully executed listing agreement is required prior to entry into Coming Soon status.
550 (b) Listings may remain in Coming Soon status for a maximum of thirty (30) days.
551 (c) Listings shall automatically convert to Active status upon expiration of the Coming Soon period.

552 553 **Marketing and Visibility**

- 554 (a) Coming Soon listings shall be visible only to MLS Participants and Subscribers.
555 (b) Coming Soon listings shall not be syndicated to IDX or public websites.

556 557 **Restrictions**

- 558 (a) Showings are not permitted while in Coming Soon status unless otherwise authorized by MLS policy.
559 (b) A listing may not be placed back into Coming Soon status after becoming Active or any other status.

560 561 **Seller Disclosure**

562 The seller must acknowledge and consent to the limitations of Coming Soon status, including restricted exposure and
563 delayed marketing.

564 565 **5.1.3 Coming Soon – Showings and Marketing Restriction**

566 567 **No Showings Permitted**

568 Properties in Coming Soon status shall not be shown to any prospective buyers, whether in person, virtually, or by any other
569 means, regardless of whether the buyer is represented by the listing brokerage, another brokerage, or is unrepresented.

570

571 **No Selective Access or Previewing**
572 (a) Listing Participants and Subscribers shall not provide access to the property to any individual for the purpose of viewing
573 prior to Active status.
574 (b) This prohibition includes, but is not limited to:
575 (i) Showings to the listing broker's own clients;
576 (ii) Showings to agents within the same brokerage;
577 (iii) Office tours, broker opens, or internal previews.

578
579 **No Private Marketing Designed to Circumvent Cooperation**
580 A Coming Soon listing shall not be marketed or made available in a manner that allows selective exposure to a limited group
581 of buyers or agents while excluding other MLS Participants.
582

583 **Required Status Change Upon Showing or Offer Activity**
584 If the property is shown, previewed, or made available for viewing to any prospective buyer, the listing must be immediately
585 changed to Active status in the MLS.
586

587 **Offers During Coming Soon**
588 (a) Offers may be presented to the seller while in Coming Soon status.
589 (b) However, if the seller elects to accept an offer, the listing must be changed to Active status prior to acceptance or
590 concurrently with acceptance.
591

592 **Certification of Compliance**
593 The Listing Participant shall be responsible for ensuring compliance with this Rule and may be required to certify that no
594 showings or selective access occurred during the Coming Soon period.
595

596 **5.2 LISTING SUBJECT TO RULES AND REGULATIONS OF THE SERVICE**
597 Any listing taken on a contract to be filed with the MLS is subject to the Rules and Regulations of the Service upon
598 signature of the seller.

599 **5.3 DETAIL ON LISTINGS FILED WITH THE SERVICE**
600 A Listing Agreement or Property Data Form, when filed with the MLS by the listing broker, shall be complete and accurate
601 in every detail which is ascertainable as specified on the Property Data Form. The MLS listing must show the current
602 owner of the property unless written documentation from the Seller is provided stating that the ownership information is not
603 to be published.
604

605 The Broker is responsible for the input of his listing from the field. At random, the MLS may request a copy of the Listing
606 Contract and the Property Data Form from the Broker to ensure compliance with the Rules and Regulations. A copy of the
607 Forms must be given to the MLS within two business days of request.
608

609 **5.3.1 ACCURACY OF LISTING DATA**
610 Participants and subscribers are required to submit accurate listing data and required to correct any known errors. (Adopted
611 11/20) M
612

613 **5.4 EXEMPTED LISTINGS**
614 If the seller refuses to permit the listing to be disseminated by the Service, the REALTOR® may then take the listing
615 ("Office Exclusive") and such listing shall be kept in the Broker's file at his office. The listing should be accompanied by a
616 certification signed by the seller that he does not desire the listing to be disseminated by the Service. In the event the Seller
617 requests an "office exclusive" listing be added to the MLS compilation, the listing shall be accompanied by a certification
618 signed by the Seller that he does desire the listing to be disseminated by the service. MLS Participants must distribute
619 exempt listings within (1) business day once the listing is publicly marketed. See Section 5.1.1, Clear Cooperation.
620

621 Change of Status of Listing - Any change in listed price or other change in the original listing agreement shall be made only
622 when authorized in writing by the seller and shall be filed with the Service within twenty-four (24) hours (excepting
623 weekends, holidays, and postal holidays) after the authorized change is received by the listing broker.
624

625 **5.5 WITHDRAWN OR CANCELLED LISTING PRIOR TO EXPIRATION**
626 Listings of property may be withdrawn or cancelled from the MLS by the listing broker before the expiration date of the
627 listing agreement as defined in 2.5.4. Sellers do not have the unilateral right to require an MLS to withdraw a listing without
628 the listing broker's concurrence.
629

630 Sellers do not have the unilateral right to require an MLS to withdraw a listing without the listing broker's
631 concurrence. However, when a seller(s) can document that his or her exclusive relationship with the listing broker has
632 been terminated, the multiple listing service may remove the listing at the request of the seller. (Adopted 11/96) M
633

634 **5.6 CONTINGENCIES APPLICABLE TO LISTINGS**

635 Any contingencies or conditions of any listing shall be specified and noticed to the Participant's in the REALTOR® remarks
636 section.

637

638 **5.7 LISTING PRICE SPECIFIED**

639 The full gross listing price stated in the listing contract will be included in the information published in the MLS
640 compilation of current listings, unless the property is subject to auction. (Amended 11/92) **M**

641

642 **5.8 LISTING MULTIPLE UNIT PROPERTIES**

643 All properties which are to be sold or which may be sold separately must be indicated individually in the listing and on the
644 Property Data Form. When part of the listed property has been sold, proper notification should be given to the MLS.

645

646 **No Control of Commission Rates or Fees Charged by Participants**

647 The multiple listing service shall not fix, control, recommend, suggest, or maintain commission rates or
648 fees for services to be rendered by participants. Further, the multiple listing service shall not fix,
649 control, recommend, suggest, or maintain the division of commissions or fees between cooperating
650 participants or between participants and nonparticipants. **M**

651

652 **5.10 EXPIRATION, EXTENSION, AND RENEWAL OF LISTINGS**

653 Listings placed in the MLS will automatically be removed from the compilation of current listings on the expiration date
654 specified in the agreement unless prior to that date the MLS receives notice that the listing has been extended or renewed.

655

656 If notice of renewal or extension is received after the listing has been removed from the compilation of current listings, the
657 extension or renewal will be published in the same manner as a new listing if 30 days or more have passed. Extensions and
658 renewals of listings must be signed by the seller(s) and filed with the Service.

659

660 **5.11 TERMINATION DATE ON LISTINGS**

661 Listings filed with the Service shall bear a termination date as negotiated between the listing broker and the seller.

662

663 **5.12 JURISDICTION**

664 Only listings of the designated types of property located within the jurisdiction of the MLS are required to be submitted to
665 the Service. Listings of property located outside the MLS's jurisdiction will be accepted but cannot be required by the
666 Service.

667

668 **5.13 LISTINGS OF SUSPENDED PARTICIPANTS**

669 When a participant of the service is suspended from the MLS for failing to abide by a membership duty (i.e., violation of the
670 Code of Ethics, association bylaws, MLS bylaws, MLS rules and regulations, or other membership obligations except failure
671 to pay appropriate dues, fees, or charges), all listings currently filed with the MLS by the suspended participant shall, at the
672 participant's option, be retained in the service until sold, withdrawn or expired, and shall not be renewed or extended by the
673 MLS beyond the termination date of the listing agreement in effect when the suspension became effective. If a participant
674 has been suspended from the association (except where MLS participation without association membership is permitted by
675 law) or MLS (or both) for failure to pay appropriate dues, fees, or charges, an association MLS is not obligated to provide
676 MLS services, including continued inclusion of the suspended participant's listings in the MLS compilation of current listing
677 information. Prior to any removal of a suspended participant's listings from the MLS, the suspended participant should be
678 advised, in writing, of the intended removal so that the suspended participant may advise his clients.

679

680 **5.14 LISTINGS OF EXPELLED PARTICIPANTS**

681 When a participant of the service is expelled from the MLS for failing to abide by a membership duty (i.e., violation of the
682 Code of Ethics, association bylaws, MLS bylaws, MLS rules and regulations, or other membership obligations except failure
683 to pay appropriate dues, fees, or charges), all listings currently filed with the MLS by the expelled participant shall, at the
684 participant's option, be retained in the service until sold, withdrawn, or expired, and shall not be renewed or extended by the
685 MLS beyond the termination date of the listing agreement in effect when the expulsion became effective. If a participant has
686 been expelled from the association (except where MLS participation without association membership is permitted by law) or
687 MLS (or both) for failure to pay appropriate dues, fees, or charges, an association MLS is not obligated to provide MLS
688 services, including continued inclusion of the expelled participant's listings in the MLS compilation of current listing
689 information. Prior to any removal of an expelled participant's listings from the MLS, the expelled participant should be
690 advised, in writing, of the intended removal so that the expelled participant may advise his clients.

691

692 **5.15 LISTINGS OF RESIGNED PARTICIPANTS**

693 When a Participant resigns from the MLS, the MLS is not obligated to provide services, including continued inclusion of the
694 resigned Participant's listings in the MLS compilation of current listing information.

695

696 **5.16 PROTECTION CLAUSES IN ASSOCIATION MLS STANDARD LISTING CONTRACTS**

697 The Broker protection period contained in the MLS Listing form shall not contain any specific time period therein but shall
698 contain a blank space to indicate that the time period of such protection period is negotiable between the property owner and
699 the listing broker.

700
701 **5.17 PHOTOGRAPHS, RENDERINGS, FLOOR PLANS**

702 At a minimum, PRIMARY photo must be input with all listings in order for the listing to be active, except where sellers
703 expressly direct that photographs of their property not appear in MLS compilations. All photographs, floor plans and
704 renderings that appear in the MLS system for a listed property shall be a picture of either the exterior or interior of that listed
705 property, a view of the surrounding area from that listed property, or a view of specific community amenities associated with
706 the Homeowners Association of that listed property. At least one of the photographs provided must be of the subject's
707 property. (amended July 2014)

708
709 Photographs, floor plans or renderings, will not include people or text (e.g., agent, broker, real estate brokerage names,
710 images or logos, phone numbers, facsimile numbers, e-mail addresses, hyperlink(s), HTML coding, or any likenesses
711 thereof any kind.) Unless prior permission is given, an agent may not copy or use for any purpose a photograph, floor plan
712 or rendering from another agent's listing.

713
714 CAAR shall have the right to immediately delete any photograph, floor plan or rendering that is not in compliance with this
715 rule.

716
717 **5.17.1 Virtual Staging**

718 Virtual Staging is the digital alteration of a photograph to add, remove, or substantially modify furnishings, fixtures, décor,
719 or other physical elements of a property in a manner that changes the perceived use, layout, or condition of the space.

720
721 **Exclusions**

722 The following shall not be considered Virtual Staging and are permitted without disclosure:

- 723 (a) Minor cosmetic or ambient enhancements that do not alter the physical characteristics of the property;
724 (b) Digital addition of non-permanent elements such as flames in a fireplace, images on televisions, or similar lifestyle
725 enhancements;
726 (c) Standard photo editing adjustments, including brightness, contrast, color correction, sky replacement, or lawn
727 enhancement, provided such edits do not misrepresent the property.

728
729 **Requirements**

- 730 (a) Any virtually staged image must be accompanied by the original, unaltered image.
731 (b) The original image must be displayed immediately adjacent to the virtually staged image in the MLS photo sequence.
732 (c) The use of virtual staging must be clearly disclosed in the Public Remarks field of the listing.

733
734 **Prohibitions**

- 735 (a) Virtual staging may not misrepresent the condition, structure, or features of the property.
736 (b) Removal or alteration of permanent features (e.g., walls, windows, structural elements) is prohibited.

737
738 **Compliance**

739 Failure to comply may result in removal of media and imposition of penalties under MLS rules.

740
741 **5.18 VIRTUAL / VIDEO TOURS**

742 The MLS System includes a feature that allows the listing agent to include a virtual or video tour for a listed property. A
743 virtual or video tour for the listed property shall be a view of either the exterior or interior of that listed property, a view of
744 the surrounding area from that listed property or a view of specific community amenities associated with the Homeowners
745 Association of that listed property.

746
747 An agent may not copy and use for any purpose a virtual or video tour from another agent's listing. Any virtual or video
748 tour that is not in compliance with this rule shall be a violation of the rules and shall be handled in accordance with MLS
749 Rules. In addition, CAAR shall have the right to delete any virtual tours that are not in compliance with this rule.

750
751 **5.19 DAYS ON MARKET (DOM) AND CUMULATIVE DAYS ON MARKET (CDOM)**

752 Days on Market (DOM) means the number of days a listing is in an Active status. Cumulative Days on Market (CDOM)
753 means the total number of days a property has been exposed to the market across all listing periods, unless reset in
754 accordance with this Rule.

755
756 **5.19.1 Reset of DOM and CDOM**

757 DOM and CDOM shall reset only when the property has been in a true off-market status for a continuous period of more
than forty-five (45) days; and the property is subsequently entered as a new listing on or after the 46th day.

758 **5.19.2 Off-Market Status**
759 For purposes of this Rule, a “true off-market status” means a listing status of cancelled or expired.

760 **5.19.3 Statuses That Do Not Count Toward Reset**

761 Time spent in the following statuses shall **not** be considered off-market time and shall not count toward the 45-day reset
762 period:
763 (a) Coming Soon;
764 (b) Pending, Under Contract, or any contingent status;
765 (c) Temporarily Off Market (TOM).

766 **5.19.4 Accumulation of CDOM**

767 If a property is relisted prior to satisfying the 45-day off-market requirement, the new listing shall include and continue the
768 prior DOM and CDOM totals.

769 **5.19.5 Prohibition of Manipulation**

770 A listing may not be withdrawn, cancelled, or relisted for the purpose of circumventing the calculation of DOM or CDOM.
771 Any such activity may result in enforcement action under MLS Rules.

772 **5.20 PROPERTY ADDRESSES**

773 At the time of filing a listing, participants and subscribers must include a property address available to other participants and
774 subscribers, and if an address doesn’t exist a parcel identification number can be used. Where an address or parcel
775 identification number are unavailable, the information filed with the MLS must include a legal description of the property
776 sufficient to describe its location. (Adopted 3/22) **M**

777
778 **5.21 CO-LISTING ARRANGEMENTS** Any language advertising or promoting a co- listing arrangement with a non-MLS
779 Participant or non-MLS Subscriber, who is a Real Estate licensee, is prohibited from inclusion anywhere in the listing. This
780 includes all fields and attachments. Multiple listing services are only for the benefit of MLS Subscribers.

781
782 **SECTION 6 SELLING PROCEDURES**

783
784 **6.1 SHOWINGS AND NEGOTIATIONS**

785 Appointments for showings and negotiations with the seller for the purchase of listed property filed with the Multiple
786 Listing Service shall be conducted through the listing broker except under the following circumstances:

- 787
788 (a) the listing broker gives the cooperating broker specific authority to show and/or negotiate directly, or
789 (b) after reasonable effort, the cooperating broker cannot contact the listing broker or his representative. However, the
790 listing broker, at his option, may preclude such direct negotiations by cooperating brokers.

791
792 **6.2 PRESENTATION OF OFFERS**

793 The listing broker must make arrangements to present the offer as soon as possible or give the cooperating broker a
794 satisfactory reason for not doing so.

795
796 **6.3 SUBMISSION OF WRITTEN OFFERS AND COUNTER-OFFERS**

797 The listing broker shall submit to the seller all written offers until closing unless precluded by law, government rules,
798 regulation, or agreed otherwise in writing between the seller and the listing broker. Unless the subsequent offer is
799 contingent upon the termination of an existing contract, the listing broker shall recommend that the seller obtain the advice
800 of legal counsel prior to acceptance of the subsequent offer.

801
802 Participants representing buyers or tenants shall submit to the buyer or tenant all offers and counter-offers until
803 acceptance, and shall recommend that buyers and tenants obtain legal advice where there is a question about whether a
804 pre-existing contract has been terminated. (Amended 11/05) **M**

805
806 **6.4 RIGHT OF COOPERATING BROKER IN PRESENTATION OF OFFER**

807 Cooperating participants or their representatives have the right to participate in the presentation of any offer they secure to
808 purchase or lease to the seller or lessor. They do not have the right to be present at any discussion or evaluation of the offer
809 by the seller or lessor and the listing broker. However, if a seller or lessor gives written instructions to a listing broker that
810 cooperating brokers may not be present when offers they procure are presented, cooperating brokers have the right to a copy
811 of those instructions. This policy is not intended to affect listing brokers’ right to control the establishment of appointments
812 for presentation of offers.

813
814 Where the cooperating broker is not present during the presentation of the offer, the cooperating broker can request in
815 writing and the listing broker must provide, as soon as practical, written affirmation stating that the offer has been submitted
to the seller, or written notification that the seller has waived the obligation to have the offer presented. (Adopted 11/2019)

817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879

6.4.1 RIGHT OF LISTING BROKER IN PRESENTATION OF COUNTER-OFFER

The listing broker or his representative has the right to participate in the presentation of any counter-offer made by the seller or lessor. He does not have the right to be present at any discussion or evaluation of a counter-offer by the purchaser or lessee (except when the cooperating broker is a subagent). However, if the purchaser or lessee gives written instructions to the cooperating broker that the listing broker not be present when a counter-offer is presented, the listing broker has the right to a copy of the purchaser's or lessee's written instructions.

6.5 REPORTING OF SALES TO THE SERVICE

Status changes, including final closing of sales and sales prices, shall be reported to the multiple listing service by the listing broker within 72 hours after they have occurred. If negotiations were carried on under Section 6.1 a. or b. hereof, the cooperating broker shall report accepted offers and prices to the listing broker within 72 hours after occurrence and the listing broker shall report them to the MLS within 72 hours after receiving notice from the cooperating broker.

6.6 REPORTING RESOLUTIONS OF CONTINGENCIES

The listing broker shall report to the multiple listing service within twenty-four (24) hours that a contingency on file with the multiple listing service has been fulfilled or renewed, or the agreement cancelled.

6.7 ADVERTISING OF LISTING FILED WITH THE SERVICE

A listing shall not be advertised by any Participant, other than the listing broker, without the prior consent of the listing broker.

6.8 REPORTING CANCELLATION OF PENDING SALE

The listing broker shall report immediately to the multiple listing service the cancellation of any pending sale, and the listing shall be reinstated immediately. **M**

6.9 DISCLOSING THE EXISTENCE OF OFFERS

Listing brokers, in response to inquiries from buyers or cooperating brokers shall, with the seller's approval, disclose the existence of offers on the property. Where disclosure is authorized, the listing broker shall also disclose whether offers were obtained by the listing licensee, by another licensee in the listing firm, or by a cooperating broker.

6.10 AVAILABILITY OF LISTED PROPERTY

Listing Participant/Subscriber shall not misrepresent the availability of access to show any listed property. Except for Auction listings, all Active status listings FWA (Filed With Association) must be available for showings throughout the listing's timeframe in Active status. If property is not available for showings for more than a 24-hour period, listing may not remain in "Active" status. Appointments to show a property that is FWA, including showings where access to the property is gained by use of a lockbox, shall be conducted through the Listing Participant or as indicated in the MLS listing. Tenant occupied listed properties are not excluded from the showing rules, but the list agent may require a minimum of 48-hour notice, as per the Arizona Residential Landlord & Tenant Act, before a showing.

6.11 REFUSAL TO SELL

If the seller of any listed property filed with the MLS refuses to accept a written offer satisfying the terms and conditions stated in the listing, such fact shall be communicated to the Service and to all Participants by amending the remarks section of that listing in the MLS.

SECTION 7 Compensation Notice (Policy Statement 7.39)

It is recommended that MLSs publish the following notice to their general membership at least annually.

Compensation Notice

- 1. A broker's compensation and fees for services are not set by law and are fully negotiable.*
- 2. A broker's compensation for services rendered to a seller or for services rendered to a buyer is solely a matter of negotiation between the broker and their client, and is not fixed, controlled, recommended, or maintained by any persons not a party to the brokerage service agreement.*
- 3. The compensation paid by a listing broker to a cooperating broker in respect to any listing is established by the listing broker and is not fixed, controlled, recommended, or maintained by any persons other than the listing broker. (Amended*

(Amended) M

7.1 Non-filtering of Listings (Policy Statement 8.5)

MLS Participants and Subscribers must not, and MLSs must not enable the ability to, filter out or restrict MLS listings that are communicated to customers or clients based on the existence or level

880 of compensation offered to the cooperating broker or the name of a brokerage or agent.

881 *(Amended)***M**

882

883 **7.2 No Compensation Offers in MLS**

884 The MLS must not accept listings containing an offer of compensation in the MLS to other MLS
885 Participants and Subscribers. Further, the MLS may not create, facilitate, or support any non-MLS
886 mechanism (including by providing listing information to an internet aggregator's website for
887 such purpose) for Participants, Subscribers, or sellers to make offers of compensation to buyer
888 brokers or other buyer representatives. Use of MLS data or data feeds to directly or indirectly
889 establish or maintain a platform of offers of compensation from multiple brokers to buyer brokers
890 or other buyer representatives is prohibited and must result in the MLS terminating that
891 Participant's access to any MLS data and data feeds.

892 The multiple listing service must not have a rule requiring the listing broker to disclose the
893 amount of total negotiated commission in his listing contract, and the multiple listing service
894 shall not publish the total negotiated commission on a listing which has been submitted to the
895 MLS by a participant. The multiple listing service must prohibit disclosing in any way the
896 total commission negotiated between the seller and the listing broker, or total broker
897 compensation (i.e. combined compensation to both listing brokers and buyer brokers).

898 The multiple listing service must not have a rule requiring the listing broker to disclose the
899 amount of total negotiated commission in his listing contract, and the multiple listing service
900 shall not publish the total negotiated commission on a listing which has been submitted to the
901 MLS by a participant. The multiple listing service must prohibit disclosing in any way the
902 total commission negotiated between the seller and the listing broker, or total broker
903 compensation (i.e. combined compensation to both listing brokers).

904 **Note 1:** Multiple listing services must give Participants the ability to disclose to other Participants
905 any potential for a short sale. As used in MLS rules, short sales are defined as a transaction where
906 title transfers, where the sales price is insufficient to pay the total of all liens and costs of sale, and
907 where the seller does not bring sufficient liquid assets to the closing to cure all deficiencies.

908 Multiple listing services may, as a matter of local discretion, require Participants to disclose short
909 sales when Participants know a transaction is a potential short sale. *(Amended)***M**

910

911 **7.3 Required Consumer Disclosure**

912 **Disclosure of Compensation:** MLS Participants and Subscribers must:

913 1. Disclose to prospective sellers and buyers that broker compensation is not set by law and is
914 fully negotiable. This must be included in conspicuous language as part of any listing
915 agreement, buyer written agreement, and pre-closing disclosure documents (if any).

916 2. Conspicuously disclose in writing to sellers, and obtain the seller's authority, for any
917 payments or offer of payment that the listing Participant or seller will make to another
918 broker, agent, or other representative (e.g. real estate attorney) acting for buyers. This
919 disclosure must include the amount or rate of any such payment and be made in writing in
920 advance of any payment or agreement to pay. **M**

921 **No Compensation Specified on MLS Listings**

922 Participants, Subscribers, or their sellers may not make offers of compensation to buyer brokers and
923 other buyer representatives in the MLS. Use of MLS data or data feeds to directly or indirectly
924 establish or maintain a platform to make offers of compensation from multiple brokers to buyer
925 brokers or other buyer representatives is prohibited and must result in the MLS terminating that
926 Participant's access to any MLS data and data feeds.

927 **Note 1:** The multiple listing service must not have a rule requiring the listing broker to disclose the
928 amount of total negotiated commission in his listing contract, and the multiple listing service shall
929 not publish the total negotiated commission on a listing which has been submitted to the MLS by a
930 participant. The multiple listing service must prohibit disclosing in any way the total commission
931 negotiated between the seller and the listing broker, or total broker compensation (i.e. combined
932 compensation to both listing brokers and buyer brokers).

933 **Note 2:** The multiple listing service shall make no rule on the division of commissions between
934 Participants and non-Participants. This should remain solely the responsibility of the listing broker.

935 **Note 3:** Multiple listing services must give Participants the ability to disclose to other Participants
936 any potential for a short sale. As used in these rules, short sales are defined as a transaction where
937 title transfers, where the sale price is insufficient to pay the total of all liens and costs of sale and
938 where the seller does not bring sufficient liquid assets to the closing to cure all deficiencies. Multiple
939 listing services may, as a matter of local discretion, require Participants to disclose potential short
940 sales when Participants know a transaction is a potential short sale. *(Amended)* **M**

941 **Disclosures of Compensation: MLS Participants and Subscribers must**

- 942 1. Disclose to prospective sellers and buyers that broker compensation is not set by law
943 and is fully negotiable. This must be included in conspicuous language as part of any
944 listing agreement, buyer written agreement, and pre-closing disclosure documents (if
945 any).
- 946 2. Conspicuously disclose in writing to sellers, and obtain the seller’s authority, for any
947 payments or offer of payment that the listing Participant or seller will make to another
948 broker, agent, or other representative (e.g. real estate attorney) acting for buyers. This
949 disclosure must include the amount or rate of any such payment and be made in writing in
950 advance of any payment or agreement to pay. **M**

951

952 **7.4 Written Buyer Agreements Required**

953 Unless it is inconsistent with state or federal law or regulation, all MLS Participants working with a
954 buyer must enter into a written agreement with the buyer prior to touring a home.

955 The written agreement must include:

- 956 a. a specific and conspicuous disclosure of the amount or rate of compensation the Participant
957 will receive or how this amount will be determined, to the extent that the Participant will
958 receive compensation from any source.
- 959 b. the amount of compensation in a manner that is objectively ascertainable and not
960 open-ended.
- 961 c. a term that prohibits the Participant from receiving compensation for brokerage services
962 from any source that exceeds the amount or rate agreed to in the agreement with the
963 buyer; and a conspicuous statement that broker fees and commissions are not set by law
964 and are fully negotiable. **M**

965 Standard 16.15 On unlisted property, MLS Participants acting as buyer/tenant representatives or
966 brokers shall disclose that relationship to the seller/landlord at first contact for that buyer/tenant
967 and shall provide written confirmation of such disclosure to the seller/landlord not later than execution
968 of any purchase or lease agreement. (Amended)**O**

969

970 **7.5 DISCLOSING POTENTIAL SHORT SALES**

971 Participants must disclose potential short sales (defined as a transaction where title transfers, where the sale price is
972 insufficient to pay the total of all liens and costs of sale and where the seller does not bring sufficient liquid assets to
973 the closing to cure all deficiencies) when reasonably known to the listing participants.

974

975 Where participants communicate to other participants how any reduction in the gross commission established in the
976 listing contract required by the lender as a condition of approving the sale will be apportioned between the listing and
977 cooperating participants, listing participants shall disclose to cooperating participants in writing the total reduction in
978 the gross commission and the amount by which the compensation payable to the cooperating broker will be reduced
979 within 24 hours of receipt of notification from the lender.

980

981 **7.6 PARTICIPANT AS PRINCIPAL**

982 If a participant or any licensee (or licensed or certified appraiser) affiliated with a participant has any ownership
983 interest in a property, the listing of which is to be disseminated through the multiple listing service, that person shall
984 disclose that interest when the listing is filed with the multiple listing service and such information shall be
985 disseminated to all multiple listing service participants. **M**

986

987 **7.7 PARTICIPANT AS PURCHASER**

988 If a Participant or any licensee (including licensed and certified appraisers) affiliated with a Participant wishes to acquire an
989 interest in property listed with another Participant, such contemplated interest shall be disclosed in writing to the listing
990 broker not later than the time an offer to purchase is submitted to the listing broker.

991

992 **SECTION 8 KEYSAFE (LOCKBOX) RULES & REGULATIONS**

993 No listing broker need use a lock box on a property. Nothing shall prevent the owner’s right to refuse to have a lock box on
994 his property. If the seller authorizes the use of a lock box other than the MLS approved CAAR Keybox System (which are
995 loaned at no charge through CAAR), the property will be required to have both the MLS approved CAAR Keybox System
996 or other MLS approved lockbox system in addition to any make/model authorized by the seller(s). The purpose of this
997 requirement is to ensure participants have timely access to listed properties. The MLS may require that the devices be
998 submitted in advance for approval, and the access device may be any lock box or other access device that provides
999 reasonable, timely access to the listed property. The MLS also may revoke the approval and/or subject the participant to
1000 discipline if the device is used in a manner that fails to continue to satisfy this requirement. All lockboxes must be removed
1001 within 2 days of closing or expiring.

1002

1003 **8.1 LOCKBOX/KEYSAFE READING POLICY**

- 1004 (a) Homes With a Robbery: The listing office shall cooperate in providing showing records of keysafe to the proper
1005 authorities. The information will be forwarded to the police department and NOT released to the listing agent.
1006
- 1007 (b) Missing House Keys: The listing agent shall review the showing records to obtain the name of the last agent(s) to enter
1008 the property and will have the responsibility of tracking down the missing keys.
1009

1010 **8.2** Before a keysafe is placed on a property the MLS Participant shall obtain written authorization from the property
1011 owners. Nothing shall prevent the owner's right to refuse to have a keysafe on their property.
1012

1013 **8.3** Failure to secure property or to replace property keys into a keybox may be subject to a fine.
1014

1015 **8.4** A call to the listing office should be made before showing the property to:
1016

- 1017 (a) Disclose their agency status, if applicable.
1018 (b) Insure, that a vacant house does not have new tenants in it.
1019 (c) Insure, that the residents will not be disturbed or inconvenienced.
1020

1021 Only after the listing office has confirmed that the property can be shown at the requested time may the selling agent
1022 proceed to the property.
1023

1024 **8.4.1 CBS (Call Before Showing) codes**

1025 The use of CBS (Call Before Showing) codes is prohibited without prior written confirmation of the CAAR office.. If CBS
1026 code is used, it must be disclosed in private remarks. Showing agents must obtain confirmation from the listing office prior
1027 to accessing the property, in accordance with Section 8.4.
1028

1029 **8.5 REMOVING KEYS FROM THE LISTED PROPERTY.** Only the owner of the Lockbox may remove the keys from
1030 a listed property unless the Lockbox owner grants permission to another Subscriber to do so. If the Lockbox placed on a
1031 property is borrowed from another Subscriber, the authorized Listing Subscriber may grant permission to another Subscriber
1032 to remove the keys from the listed property.
1033

1034 If an agent showing the property opens a keysafe and discovers that the house keys are missing, he/she should contact the
1035 listing agent/office to report the missing keys immediately.
1036

1037 **8.6** Those Broker/Agents who don't have a programmer key wishing to show a listed property with a keysafe on it will have
1038 to make an appointment with the listing broker to show the property or obtain showing instructions.
1039

1040 **8.7 TIMELY REMOVAL OF LOCKBOX.** A LOCKBOX MUST BE REMOVED FROM THE PROPERTY WITHIN
1041 TWO (2) Days after the date that the Listing status is changed to sold, leased, cancelled, or expired.
1042

1043 **SECTION 9 COMPLIANCE WITH RULES – AUTHORITY TO IMPOSE DISCIPLINE**

1044 By becoming and remaining a Participant or Subscriber, each Participant and Subscriber agrees to be subject to these Rules
1045 and any other MLS governance provisions. The MLS may, through the administrative and hearing procedures established in
1046 these Rules, impose discipline for violations of these Rules and/or any other MLS governance provisions. Discipline that
1047 may be imposed may only consist of one or more of the following:
1048

- 1049 (a) Letter of warning
1050 (b) Letter of reprimand
1051 (c) Listing may be moved to "withdrawn" status where the participant has refused or failed to timely report status changes.
1052 Prior to removal of any listing from the MLS, the participant shall be advised of the intended removal so the participant
1053 can advise his or her client(s).
1054 (d) Attendance at MLS orientation or other appropriate courses or seminars which the Participant or Subscriber can
1055 reasonably attend taking into consideration cost, location, and duration.
1056 (e) Appropriate, reasonable fine not to exceed \$15,000.
1057 (f) Suspension of MLS rights, privileges and services for not less than thirty (30) days or more than one (1) year
1058 (g) Termination of MLS rights, privileges and services with no right to reapply for a specified period not to exceed three
1059 (3) years.
1060

1061 **Note 1:** A participant (or user/subscriber, where appropriate) can be placed on probation. Probation is not a form of
1062 discipline. When a participant (or user/subscriber, where appropriate) is placed on probation the discipline is held in
1063 abeyance for a stipulated period of time not longer than one (1) year. Any subsequent finding of a violation of the MLS
1064 rules during the probationary period may, at the discretion of the Board of Directors, result in the imposition of the
1065 suspended discipline. Absent any subsequent findings of a violation during the probationary period, both the probationary
1066 status and the suspended discipline are considered fulfilled, and the individual's record will reflect the fulfilment. The fact

1067 that one or more forms of discipline are held in abeyance during the probationary period does not bar imposition of other
1068 forms of discipline which will not be held in abeyance.

1069
1070 Note 2: MLS participants and subscribers can receive no more than three (3) administrative sanctions in a calendar year
1071 before they are required to attend a hearing for their actions and potential violations of MLS rules, except that the MLS may
1072 allow more administrative sanctions for violations of listing information provided by participants and subscribers before
1073 requiring a hearing. The MLS must send a copy of all administrative sanctions against a subscriber to the subscriber's
1074 participant and the participant is required to attend the hearing of a subscriber who has received more than three (3)
1075 administrative sanctions within a calendar year. (Adopted 11/20) M

1076 1077 **9.1 MLS FEES AND CHARGES**

1078 The Board of Directors (BOD) is responsible for establishing fees and charges for services that are provided by the MLS.
1079 The BOD is also responsible for establishing fines or other penalties that shall be imposed for violations of these Rules. The
1080 schedule of fines shall be adopted as Policy and may be amended from time to time as approved by the BOD. Fees and fines
1081 shall be published on the CAAR website and in such other forms as the BOD may direct.

1082 1083 **9.2 PENALTIES FOR VIOLATIONS OF THESE RULES**

1084 The Policies that govern the application of fines or penalties for violations of these rules are contained in the RCMLS
1085 Penalty Policy. A copy of this Policy can be found on the CAAR website. If two or more violations exist with respect to a
1086 single Listing and these violations are identified at the same time, the violations shall be noticed and handled together.

1087 1088 **9.3 COMPLAINTS OF UNAUTHORIZED USE OF LISTING CONTENT**

1089 Any participant who believes another participant has engaged in the unauthorized use or display of listing content, including
1090 photographs, images, audio or video recordings and virtual tours, shall send notice of such alleged unauthorized use to the
1091 MLS. Such notice shall be in writing, specifically identify, the allegedly unauthorized content, and be delivered to MLS not
1092 more than sixty (60) days after the alleged misuse was first identified. No participant may pursue action over the alleged
1093 unauthorized use and display of listing content in a court of law without first completing the notice and response procedures
1094 outlined in this Section 9.3 of the MLS rules.

1095
1096 Upon receiving a notice, the committee (Board of Directors) will send the notice to the participant who is accused of
1097 unauthorized use. Within ten (10) days from receipt. The participant must either: 1) remove the allegedly unauthorized
1098 content, or 2) provide proof to the committee (Board of Directors) that the use is authorized. Any proof submitted will be
1099 considered by the Committee (Board of Directors) and a decision of whether it establishes authority to use the listing content
1100 will be made within thirty (30) days.

1101
1102 If the Committee (Board of Directors) determines that the use of the content was unauthorized, the Committee (Board of
1103 Directors) may issue a sanction pursuant to Section 9 of the MLS rules, including a request to remove and/or stop the use of
1104 the unauthorized content within then (10) days after transmittal of the decision. If the unauthorized use stems from a
1105 violation of the MLS rules, that too will be considered at the time of establishing an appropriate sanction.

1106
1107 If after ten (10) days following transmittal of the Committee's (Board of Director's) determination the alleged violation
1108 remains uncured (i.e., the content is not removed or the rules violation remains uncured), then the complaining party may
1109 seek action through a court of law. (Adopted 5/2018)

1110 1111 **9.4 MLS RULES VIOLATIONS**

1112 MLS participants may not take legal action against another participant for alleged rules violation(s) unless the complaining
1113 participant has first exhausted the remedies provided in these rules. (Adopted 5/2018)

1114 1115 **9.5 COMPLIANCE WITH RULES**

1116 The following actions may be taken by MLS or the CAAR for failure to comply with these Rules:

- 1117 (a) For failure to pay any service charge, fine or fee on or before the specified date due, and provided that said failure
1118 continues thereafter for at least ten (10) days after notice has been given, the Subscriber's MLS service may be
1119 suspended until all service charges, fees and fines are paid in full and any identified errors are corrected.

1120 1121 **9.6 APPLICABILITY OF RULES TO SUBSCRIBERS**

1122 Non-principal brokers, salespersons, appraisers, and others authorized as Subscribers hereunder to access the MLS
1123 Compilation are subject to these Rules and may be disciplined for violations thereof provided that each such applicable
1124 Subscriber has executed, either by signature or by electronic means, an agreement acknowledging that access to and use of
1125 the MLS is contingent on compliance with the Rules. This provision does not eliminate the Participant's ultimate
1126 responsibility and accountability for Subscribers who are affiliated with the Participant.

1127 1128 1129 **9.7 NOTICES**

1130 Notices of violations and applicable fines associated with those violations shall be delivered according to the procedures
1131 defined in the MLS Penalty Policy as adopted by the BOD and amended from time to time. Subscribers shall be responsible
1132 for maintaining current contact information, including mailing and e-mail addresses with MLS and with the CAAR. Any
1133 notices required or permitted by these Rules to be sent by MLS may be sent by either of the following two methods.
1134

1135 (a) By e-mail to either the e-mail address on file in the MLS Roster Database or via internal e-mail delivery through the
1136 MLS system. Electronic messages are instantaneous. Therefore, Notice shall be deemed to have been constructively
1137 delivered at the time the e-mail message is sent to the recipient.
1138

1139 (b) By U.S. Postal Service (USPS) mail to a postal address on file for a Subscriber or Participant at the postal address
1140 shown for the Participant's office in the MLS Roster Database. Notice shall be deemed to have been constructively
1141 delivered two (2) USPS Service Days after being deposited in the USPS system for delivery.
1142

1143 **9.8 CONSIDERATION OF ALLEGED VIOLATIONS**

1144 The committee (Board of Directors) shall give consideration to all written complaints having to do with violations of the
1145 rules and regulations. By becoming and remaining a participant, each participant agrees to be subject to these rules and
1146 regulations, the enforcement of which are at the sole discretion of the Committee (Board of Directors). (Adopted 6/2019)
1147

1148 When requested by a complainant, the MLS will process a complaint without revealing the complainant's identity. If a
1149 complaint is subsequently forwarded to a hearing, and the original complainant does not consent to participating in the
1150 process, the MLS will appoint a representative to serve as the complainant. (Amended 11/20) M
1151

1152 **SECTION 9.9 VIOLATIONS OF RULES AND REGULATIONS**

1153 If the alleged offense is a violation of the rules and regulations of the service and does not involve a charge of alleged unethical
1154 conduct or request for arbitration, it may be administratively considered and determined by the multiple listing service
1155 committee, and if a violation is determined, the committee may direct the imposition of sanction, provided the recipient of
1156 such sanction may request a hearing before the professional standards committee of the Arizona Association of REALTORS®
1157 in accordance with the bylaws and rules and regulations of the Central Arizona Association of REALTORS® within twenty (20)
1158 days following receipt of the committee's decision.
1159

1160 If rather than conducting an administrative review, the multiple listing committee has a procedure established to conduct
1161 hearings, the decision of the multiple listing committee may be appealed to the board of directors of the Arizona Association
1162 of REALTORS® within twenty (20) days of the tribunal's decision being rendered. Alleged violations involving unethical
1163 conduct shall be referred to the Arizona Association of REALTORS® grievance committee for processing in accordance with
1164 the professional standards procedures of the association. If the charge alleges a refusal to arbitrate, such charge shall be
1165 referred directly to the board of directors of the Arizona Association of REALTORS®.
1166

1167 **SECTION 9.9a COMPLAINTS OF UNETHICAL CONDUCT**

1168 All other complaints of unethical conduct shall be referred by the board of directors to the secretary of the Arizona
1169 Association of REALTORS® for appropriate action in accordance with the professional standards procedures established in the
1170 association's bylaws. (Amended 11/88)
1171

1172 **SECTION 10 MLS INFORMATION**

1173 **10.1 CONFIDENTIALITY OF MLS INFORMATION**

1174 Any information provided by the MLS to the Participants shall be considered official information of the Service. Such
1175 information shall be considered confidential and exclusively for the use of Participants and real estate licensees affiliated
1176 with such Participants and those Participants who are licensed or certified by an appropriate state regulatory agency to
1177 engage in the appraisal of real property and licensed or certified appraisers affiliated with such Participants.
1178
1179

1180 **10.2 MLS NOT RESPONSIBLE FOR ACCURACY OF INFORMATION**

1181 The information published and disseminated by the Service is communicated verbatim, without change by the Service, as
1182 filed with the Service by the Participant. The Service does not verify such information provided and disclaims any
1183 responsibility for its accuracy. Each Participant agrees to hold the Service harmless against any liability arising from any
1184 inaccuracy or inadequacy of the information such Participant provides.
1185

1186 **10.3 ACCESS TO COMPARABLE AND STATISTICAL INFORMATION**

1187 Board Members who are actively engaged in real estate brokerage, management, appraising, land development, or building,
1188 but who do not participate in the MLS, are nonetheless entitled to receive all information other than current listing
1189 information that is generated wholly or in part by the MLS including 'comparable' information, 'sold' information, and
1190 statistical reports. This information is provided for the exclusive use of Board Members and individuals affiliated with
1191 Board Members who are also engaged in the real estate business and may not be transmitted, retransmitted or provided in
1192 any manner to any unauthorized individual, office or firm except as otherwise provided in these Rules and Regulations.
1193

1194 **10.4 INCLUSION OF EXPIRED OR WITHDRAWN LISTINGS IN AN ASSOCIATION’S COMPARABLE**
1195 **REPORT OR OTHER REPORT OF STATISTICAL INFORMATION**

1196 Any information concerning expired or withdrawn listings included in an association’s comparable report or other report of
1197 statistical information shall be clearly indicated as expired or withdrawn so that the users of such information will be aware
1198 of the actual status of such listings.
1199

1200 **10.5 STATISTICAL REPORTS**

1201 MLSs may, as a matter of local determination, make statistical reports, sold information, and other informational reports
1202 derived from the MLS available to REALTORS® who do not participate in the MLS but who are engaged in real estate
1203 brokerage, management, appraising, land development, or building. Additional expenses incurred in providing such
1204 information to REALTORS® who do not participate in the MLS may be included in the price charged for such information.
1205 Any information provided may not be transmitted, retransmitted, or provided in any manner to any individual, office, or
1206 firm, except as otherwise authorized in the MLS rules and regulations.
1207

1208 MLSs may, as a matter of local determination, provide statistical reports, sold information, and other informational reports
1209 derived from the MLS to government agencies. MLSs may, as a matter of local discretion, require that such agencies (or
1210 representatives of such agencies) hold an appropriate form of membership in the MLS or in the association of
1211 REALTORS® as a condition of such access.
1212

1213 **10.6 OWNERSHIP OF MLS COMPILATIONS AND COPYRIGHTS**

1214
1215 **10.6.1** By the act of submission of any property listing content to the MLS, the Participant represents and warrants that he or
1216 she is fully authorized to license the property listing content as contemplated by and in compliance with this section and
1217 these rules and regulations, and also thereby does grant to the MLS license to include the property listing content in its
1218 copyrighted MLS compilation and also in any statistical report on comparables. Listing content includes, but is not limited
1219 to, photographs, images, graphics, audio and video recordings, virtual tours, drawings, descriptions, remarks, narratives,
1220 pricing information, and other details or information related to listed property.
1221

1222 Each participant who submits listing content to the MLS agrees to defend and hold the MLS and every other participant
1223 harmless from and against any liability or claim arising from any inaccuracy of the submitted listing content or any
1224 inadequacy of ownership, license, or title to the submitted listing content. (Adopted 6/2019)
1225

1226 **Note:** The Digital Millennium Copyright Act (DMCA) is a federal copyright law that enhances the penalties for
1227 copyright infringement occurring on the Internet. The law provides exemptions or “safe harbors” from
1228 copyright infringement liability for online service providers (OSP) that satisfy certain criteria. Courts
1229 construe the definition of “online service provider” broadly, which would likely include MLSs as well as
1230 participants and subscribers hosting an IDX display.

1231 One safe harbor limits the liability of an OSP that hosts a system, network or website on which Internet
1232 users may post user-generated content. If an OSP complies with the provisions of this DMCA safe
1233 harbor, it cannot be liable for copyright infringement if a user posts infringing material on its website.
1234 This protects an OSP from incurring significant sums in copyright infringement damages, as statutory
1235 damages are as high as \$150,000 per work. For this reason, it is highly recommended that MLSs,
1236 participants and subscribers comply with the DMCA safe harbor provisions discussed herein.
1237

1238 To qualify for this safe harbor, the OSP must:
1239

- 1240 (1) Designate on its website and register with the Copyright Office an agent to receive takedown
1241 requests. The agent could be the MLS, participant, subscriber, or other individual or entity.
- 1242 (2) Develop and post a DMCA-compliant website policy that addresses repeat offenders.
- 1243 (3) Comply with the DMCA takedown procedure. If a copyright owner submits a takedown notice to the
1244 OSP, which alleges infringement of its copyright at a certain location, then the OSP must promptly
1245 remove allegedly infringing material. The alleged infringer may submit a counter-notice that the
1246 OSP must share with the copyright owner. If the copyright owner fails to initiate a copyright lawsuit
1247 within ten (10) days, then the OSP may restore the removed material.
- 1248 (4) Have no actual knowledge of any complained-of infringing activity.
- 1249 (5) Not be aware of facts or circumstances from which complained-of infringing activity is apparent.
- 1250 (6) Not receive a financial benefit attributable to complained-of infringing activity when the OSP is
1251 capable of controlling such activity.

1252 Full compliance with these DMCA safe harbor criteria will mitigate an OSP’s copyright infringement
1253 liability. For more information see 17 U.S.C. §512.
1254

1255 *The term MLS compilation, as used in Sections 3, 5, 9 and 10 herein, shall be construed to include any format in
1256 which property listing data is collected and disseminated to the participants, including but not limited to bound
1257 book, loose-leaf binder, computer database, card file, or any other format whatsoever.

1258
1259 **10.6.2** All right, title, and interest in each copy of every Multiple Listing Compilation created and copyrighted by the Central
1260 Arizona Association of REALTORS® and in the copyrights therein, shall at all times remain vested in the Central Arizona
1261 Association of REALTORS®.

1262
1263 **10.6.3** Each participant shall be entitled to lease from the Central Arizona Association of REALTORS® a number of copies of
1264 each MLS compilation sufficient to provide the participant and each person affiliated as a licensee (including licensed or
1265 certified appraisers) with such participant with one copy of such compilation. The participant shall pay for each such copy
1266 the rental fee set by the association.

1267
1268 Participants shall acquire by such lease only the right to use the MLS compilation in accordance with these rules.

1269 **10.7 USE OF COPYRIGHTED MLS COMPILATIONS**

1270
1271 **10.7.1 DISTRIBUTION:**

1272 Use of information developed by or published by a Board MLS is strictly limited to the activities authorized under a
1273 Participant's licensure(s) or certification and unauthorized users are prohibited. Further, none of the foregoing is intended to
1274 convey 'Participation' or 'Membership' or any right of access to information developed by or published by a Board MLS
1275 where access to such information is prohibited by law.

1276
1277 **10.7.2 DISPLAY:**

1278 Participants, and those persons affiliated as licensees with such Participants, shall be permitted to display the MLS
1279 Compilation to prospective purchasers only in conjunction with their ordinary business activities of attempting to locate
1280 ready, willing, and able buyers for the properties described in said MLS Compilation.

1281
1282 **10.7.3 COMPILATION OF CURRENT LISTING INFORMATION:**

1283 Any compilation of current listing information shall display the following notice in a conspicuous manner:

1284
1285 *"Notice to Association Members*

1286 Under the long-established policy of this association, the Arizona Association of REALTORS®, and the NATIONAL
1287 ASSOCIATION OF REALTORS®: 1. The broker's compensation for services rendered in respect to any listing is solely a
1288 matter of negotiation between the broker and his or her client, and is not fixed, controlled, recommended, or maintained by
1289 any persons not a party to the listing agreement. 2. The compensation paid by a listing broker to a cooperating broker in
1290 respect to any listing is established by the listing broker and is not fixed, controlled, recommended, or maintained by any
1291 person other than the listing broker."
1292

1293
1294 **10.7.4 REPRODUCTION**

1295 Participants or their affiliated licensees shall not reproduce any MLS Compilation or any portion thereof except in the
1296 following limited circumstances.

1297
1298 Participants or their affiliated licensees may reproduce from the MLS Compilation, and distribute to prospective purchasers,
1299 a reasonable number of single copies of property listing data contained in the MLS Compilation which relate to any
1300 properties in which the prospective purchasers are or may, in the judgment of the Participants or their affiliated licensees, be
1301 interested.

1302
1303 Nothing contained herein shall be construed to preclude any Participant from utilizing, displaying, distributing, or
1304 reproducing property listing sheets or other compilations of data pertaining exclusively to properties currently listed for sale
1305 with the Participant.

1306
1307 Any MLS information, whether provided in written or printed form, provided electronically, or provided in any other form
1308 or format, is provided for the exclusive use of the Participant and those licensees affiliated with the Participant who are
1309 authorized to have access to such information. Such information may not be transmitted or provided in any manner to any
1310 unauthorized individual, office or firm.

1311
1312 None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing information,
1313 sold information, comparables, or statistical information from utilizing such information to support valuations on particular
1314 properties for clients and customers. Any MLS content in data feeds available to participants for real estate brokerage
1315 purposes must also be available to participants for valuation purposes, including automated valuations. MLSs must either
1316 permit use of existing data feeds, or create a separate data feed, to satisfy this requirement. MLSs may require execution of
1317 a third-party license agreement where deemed appropriate by the MLS. MLSs may require participants who will use such

1318 data feeds to pay the reasonably estimated costs incurred by the MLS in adding or enhancing its downloading capacity for
1319 this purpose. Information deemed confidential may not be used as supporting documentation. Any other use of such
1320 information is unauthorized and prohibited by these Rules and Regulations.
1321

1322 **10.8 USE OF MLS INFORMATION**

1323 **10.8.1 LIMITATIONS ON USE OF MLS INFORMATION**

1324 Information from MLS compilations of current listing information, from statistical reports, and from any sold or comparable
1325 report of the association or MLS may be used by MLS participants as the basis for aggregated demonstrations of market
1326 share or comparisons of firms in public mass-media advertising or in other public representations. This authority does not
1327 convey the right to include in any such advertising or representation information about specific properties which are
1328 listed with other participants, or which were sold by other participants (as either listing or cooperating broker). However,
1329 any print or non-print forms of advertising or other forms of public representations based in whole or in part on information
1330 supplied by the association or its MLS must clearly demonstrate the period of time over which such claims are based and
1331 must include the following, or substantially similar, notice:
1332

1333 “Based on information from the Rim Country MLS for the period (date) through (date).”
1334

1335 **10.8.2 CHANGES IN RULES AND REGULATIONS**

1336 Amendments to the rules and regulations of the service shall be, by a 51% vote of the members of the MLS committee,
1337 subject to approval by the board of directors of the association of REALTORS®.
1338

1339 **10.8.3 ORIENTATION**

1340 Any applicant for MLS participation and any licensee (including licensed or certified appraisers) affiliated with an MLS
1341 participant who has access to and use of MLS-generated information shall complete an orientation program of 3 classroom
1342 hours devoted to the MLS rules and regulations and computer training related to MLS information entry and retrieval and
1343 the operation of the MLS within ninety (90) days after access has been provided.
1344

1345 Participants and subscribers may be required, at the discretion of the MLS, to complete additional training of not more than
1346 four (4) classroom hours in any twelve (12) month period when deemed necessary by the MLS to familiarize participants
1347 and subscribers with system changes or enhancements and/or changes to MLS rules or policies. Participants and subscribers
1348 must be given the opportunity to complete any mandated additional training remotely.
1349

1350 **10.9 ONE DATA SOURCE**

1351 MLSs must offer a participant a single data feed in accordance with a participant’s licensed authorized uses.
1352

1353 At the request of a participant, MLS must provide the single data feed for that participant’s licensed uses to that participant’s
1354 designee. The designee may use the single data feed only to facilitate that participant’s licensed uses on behalf of that
1355 participant. (Adopted 3/22) M
1356

1357 **10.10 BROKERAGE BACK-OFFICE FEED**

1358 That participants are entitled to use, and MLSs must provide to participants, the BBO Data, for BBO Use subject to the
1359 Terms below:
1360

1361 “BBO Data” means all real property listing and roster information in the MLS database, including all listings of all
1362 participants, but excludes (i) MLS only fields (those fields only visible to MLS staff and the listing participant), and (ii)
1363 fields and content to which MLS does not have a sufficient license for use in the Brokerage Back Office Feed.
1364

1365 “BBO Use” means use of BBO Data by participant and subscribers affiliated with the participant for the following purposes:
1366

- 1367 • Brokerage management systems that only expose BBO Data to participant and subscribers affiliated with
1368 participant.
- 1369 • Customer relationship management (CRM) and transaction management tools that only expose the BBO Data to
1370 participant, subscribers affiliated with participant, and their bona fide clients as established under state law.
- 1371 • Agent and brokerage productivity and ranking tools and reports that only exposes BBO Data to participant and
1372 subscribers affiliated with participant.
- 1373 • Marketplace statistical analysis and reports in conformance with NAR MLS Policy Statement 7.80, which allows
1374 for certain public distribution.
1375

1376 BBO Use may only be made by participant and subscriber affiliated with participant, except that at the request of a
1377 participant, MLS must provide BBO Data to that participant’s designee. The designee may use the BBO Data only to
1378 facilitate the BBO Use on behalf of that participant and its affiliated subscribers.
1379

1380 There is no option for participants to opt-out their listings from the Brokerage Back Office Feed Use as defined.
1381

1382 “Terms” mean the following:

- 1383
- 1384 • MLSs may impose reasonable licensing provisions and fees related to participant’s license to use Brokerage Back
 - 1385 Office Feed Data. MLSs may require the participant’s designee to sign the same or a separate and different license
 - 1386 agreement from what is signed by the participant. Such provisions in a license agreement may include those typical
 - 1387 to the MLS’s data licensing practices, such as security requirements, rights to equitable relief, and dispute
 - 1388 resolution terms. (The foregoing examples are not a limitation on the types of provisions an MLS may have in a
 - 1389 license agreement.)
 - 1390 • Use of roster information may be limited by the MLS participation agreement and license agreements.
 - 1391 • Brokerage Back Office Feed Use is subject to other NAR MLS policies and local rules.
 - 1392 • MLSs in their reasonable discretion may expand the definition of Brokerage Back Office Feed Use in conformance
 - 1393 with other NAR MLS policies, such as Policy Statement 7.85, which provides that “Use of listings and listing
 - 1394 information by MLSs for purposes other than the defined purpose of MLS requires participants’ consent.”
 - 1395 (Adopted 3/22) **M**
 - 1396

1397 **10.12 PROPERTY ADDRESSES**

1398 Residential listings filed with the MLS must include a property address where one exists at the time the listing is filed. If a
1399 property address is unavailable, then the parcel identification number must be submitted at the time the listing is filed. If no
1400 address or parcel identification number is available at the time the listing is filed, the listing must, at a minimum, contain a
1401 legal description of the property sufficient to describe the location of the property. This information shall be available to
1402 participants and subscribers at the time of filing. **M**

1403 **SECTION 11 INTERNET DATA EXCHANGE (“IDX”)**

1404 **11.1 IDX DEFINED**

1405
1406
1407 IDX affords MLS Participants the ability to authorize limited electronic display of their listings by other participants and
1408 delivery of their listings by other participants via the following authorized mediums under the participant’s control: websites,
1409 mobile apps, and audio devices. As used throughout these rules, “display” includes “delivery” of such listings. (Amended 5/17) **M**

1410 **11.2 AUTHORIZATION**

1411 Participants’ consent for display of their listings by other participants pursuant to these rules and regulations is presumed
1412 unless a participant affirmatively notifies the MLS that the participant refuses to permit display (either on a blanket or on a
1413 listing-by-listing basis). If a participant refuses on a blanket basis to permit the display of that participant’s listings, that
1414 participant may not download, frame or display the aggregated MLS data of other participants. Even where participants have
1415 given blanket authority for other participants to display their listings on IDX sites, such consent may be withdrawn on a
1416 listing-by-listing basis where the seller has prohibited all Internet display or other electronic forms of display or distribution.
1417 (Amended 05/12)

1418
1419
1420 **11.2.3** All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in a readily
1421 visible color and typeface not smaller than the median used in the display of listing data. Displays of minimal information (e.g.,
1422 “thumbnails”, text messages, “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only
1423 when linked directly to a display that includes all required disclosures. (Amended 11/17) **M**

1424 **11.3 PARTICIPATION**

1425
1426 Participation in IDX is available to all MLS participants who are REALTORS® and who consent to display of their listings
1427 by other participants.

1428
1429 **11.3.1** Participants must notify the MLS of their intention to display IDX information and must give the MLS
1430 direct access for purposes of monitoring/ensuring compliance with applicable rules and policies.

1431
1432 **11.3.2** MLS participants may not use IDX-provided listings for any purpose other than display as provided for in
1433 these rules. This does not require participants to prevent indexing of IDX listings by recognized search engines.

1434
1435 **11.3.3** Listings, including property addresses, can be included in IDX displays except where a seller has directed
1436 their listing broker to withhold their listing or the listing’s property address from all display on the Internet
1437 (including, but not limited to, publicly-accessible websites or VOWs) or other electronic forms of display or
1438 distribution. (Amended 05/17) **M**

1439
1440 **11.3.4** Participants may select the listings they choose to display through IDX based only on objective criteria
1441 including, but not limited to, factors such as geography or location (“uptown,” “downtown,” etc.), list price, or type
1442 of property (e.g., condominiums, cooperatives, single-family detached, multi-family or type of listing (e.g.,
1443 exclusive right-to-sell or exclusive agency)-Selection of listings displayed through IDX must be independently
1444 made by each participant. (Amended 3/22) **M**

1445

1446 **11.3.5** Participants must refresh all MLS downloads and IDX displays automatically fed by those downloads at
1447 least once every 12 hours.
1448

1449 **11.3.6** Except as provided in the IDX policy and these rules, an IDX site or a participant or user operating an IDX
1450 site or displaying IDX information as otherwise permitted may not distribute, provide, or make any portion of the
1451 MLS database available to any person or entity.
1452

1453 **11.3.7** Any IDX display controlled by a participant must clearly identify the name of the brokerage firm under
1454 which they operate in a readily visible color and typeface. For purposes of the IDX policy and these rules,
1455 “control” means the ability to add, delete, modify and update information as required by the IDX policy and MLS
1456 rules.
1457

1458 **11.3.8** Any IDX display controlled by a participant or subscriber that
1459

1460 (a) allows third parties to write comments or reviews about particular listings or displays a hyperlink to such comments or
1461 reviews in immediate conjunction with particular listings, or
1462

1463 (b) displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction
1464 with the listing,
1465

1466 either or both of those features shall be disabled or discontinued for the seller’s listings at the request of the seller.
1467 The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both of these
1468 features disabled or discontinued on all displays controlled by participants. Except for the foregoing and subject to
1469 Section 18.2.9, a participant’s IDX display may communicate the participant’s professional judgment concerning
1470 any listing. Nothing shall prevent an IDX display from notifying its customers that a particular feature has been
1471 disabled at the request of the seller.
1472

1473 **11.3.9** Participants shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the
1474 accuracy of any data or information that is added by or on behalf of the participant beyond that supplied by the
1475 MLS and that relates to a specific property. Participants shall correct or remove any false data or information
1476 relating to a specific property upon receipt of a communication from the listing broker or listing agent for the
1477 property explaining why the data or information is false. However, participants shall not be obligated to remove or
1478 correct any data or information that simply reflects good faith opinion, advice, or professional judgment.
1479

1480 **11.3.10** An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other
1481 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are
1482 consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in those
1483 MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search of
1484 multiple IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search
1485 results page; and that Participants may display listings from each IDX feed on a single webpage or display.
1486

1487 **11.4 DISPLAY** Display of listing information pursuant to IDX is subject to the following rules:
1488

1489 **11.4.1** Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all
1490 other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS participants and
1491 users may not be displayed.
1492

1493 **11.4.1.1** The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed.
1494

1495 **11.4.2** Participants shall not modify or manipulate information relating to other participants’ listings. MLS participants may
1496 augment their IDX displays of MLS data with applicable property information from other sources to appear on the same
1497 webpage or display, clearly separated from the data supplied by the MLS. The source(s) of the information must be clearly
1498 identified in the immediate proximity to such data. This requirement does not restrict the format of MLS data display or
1499 display of fewer than all of the available listings or fewer authorized fields.
1500

1501 **11.4.3** All listing displayed pursuant to IDX shall identify the listing firm, and the email or phone number provided by the
1502 listing participant in a reasonably prominent location and in a readily visible color and typeface not smaller than the median
1503 used in the display of listing data. (Amended 3/22) M Displays of minimal information (e.g., “thumbnails”, text messages,
1504 “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only when linked directly to a display
1505 that includes all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently delivered
1506 electronically to the registered consumer performing the property search or linked to through the device’s application. (Amended
1507 5/17)
1508

1509 **11.4.4** Non-principal brokers and sales licensees affiliated with IDX Participants may display information available through
1510 IDX on their own websites subject to their Participant’s consent and control and the requirements of state law and/or
1511 regulation.

1512
1513 **11.4.5** All listings displayed pursuant to IDX shall show the MLS as the source of the information. Displays of minimal
1514 information (e.g., “thumbnails”, text messages, “tweets”, etc., of two hundred [200] characters or less) are exempt from this
1515 requirement but only when linked directly to a display that includes all required disclosures.

1516
1517 **11.4.6** Participants (and their affiliated licensees, if applicable) shall indicate on their websites that IDX information is
1518 provided exclusively for consumers’ personal, non-commercial use, that it may not be used for any purpose other than to
1519 identify prospective properties consumers may be interested in purchasing, and that the data is deemed reliable but is not
1520 guaranteed accurate by the MLS. The MLS may, at its discretion, require use of other disclaimers as necessary to protect
1521 participants and/or the MLS from liability. Displays of minimal information (e.g., “thumbnails”, text messages,
1522 “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only when linked directly
1523 to a display that includes all required disclosures.

1524
1525 **11.4.7** The data consumers can retrieve or download in response to an inquiry shall be determined by the MLS but in no
1526 instance shall be limited to fewer than five hundred (500) listings or fifty percent (50%) of the listings available for IDX
1527 display, whichever is fewer. (Amended 11/17)

1528
1529 **11.4.8** The right to display other Participants’ listings pursuant to IDX shall be limited to a Participant’s office(s) holding
1530 participatory rights in this MLS.

1531
1532 **11.4.9** -Repealed

1533
1534 **11.4.10** Display of expired, withdrawn, and sold listings* is prohibited. To comply with this requirement MLSs must, if
1535 requested by a participant, promptly provide basic downloading of all active listings, sold* listing data starting from January
1536 1, 2012, non-confidential pending sale listing data, and other listings authorized under applicable MLS rules. MLSs may not
1537 exclude any listings from the information which can be downloaded or displayed under IDX except those listings for which
1538 a seller has affirmatively directed that their listing or their property address does not appear on the Internet or other
1539 electronic forms of display or distribution.

1540
1541 *Note: If “sold” information is not publicly accessible, “Publicly accessible” sold information as used in IDX policy and
1542 rules, means data that is available electronically or in hard copy to the public from city, county, state and other government
1543 records. MLSs must provide for its participants’ IDX displays publicly accessible sold information maintained by the MLS
1544 starting January 1, 2012. (Amended 3/22) M

1545
1546 **11.4.11** Display of seller’s(s’) and/or occupant’s(s’) name(s), phone number(s), and e-mail address(es) is prohibited.

1547
1548 **11.4.12** Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is
1549 prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the participant’s
1550 logo and contact information is larger than that of any third party.

1551
1552 **11.5 SERVICE FEES AND CHARGES**

1553 Service fees and charges for participation in IDX shall be as established annually by the Board of Directors.

1554
1555 **SECTION 12 – VOW (Virtual Office Website)**

1556
1557 **Section 12.1 (a):** A Virtual Office Website (“VOW”) is a Participant’s Internet website, or a feature of a Participant’s
1558 website, through which the Participant is capable of providing real estate brokerage services to consumers with whom the
1559 Participant has first established a broker-consumer relationship (as defined by state law) where the consumer has the
1560 opportunity to search MLS Listing Information, subject to the Participant’s oversight, supervision, and accountability. A
1561 non-principal broker or sales licensee affiliated with a Participant may, with his or her Participant’s consent, operate a
1562 VOW. Any VOW of a non-principal broker or sales licensee is subject to the Participant’s oversight, supervision, and
1563 accountability.

1564
1565 (b) As used in Section 19 of these Rules, the term “Participant” includes a Participant’s affiliated non-principal brokers and
1566 sales licensees – except when the term is used in the phrases “Participant’s consent” and “Participant’s oversight,
1567 supervision, and accountability”. References to “VOW” and “VOWs” include all VOWs, whether operated by a Participant,
1568 by a non-principal broker or sales licensee, or by an Affiliated VOW Partner (“AVP”) on behalf of a Participant.

1569
1570 (c) “Affiliated VOW Partner” (“AVP”) refers to an entity or person designated by a Participant to operate a VOW on behalf
1571 of the Participant, subject to the Participant’s supervision, accountability and compliance with the VOW Policy. No AVP
1572 has independent participation rights in the MLS by virtue of its right to receive information on behalf of a Participant. No

1573 AVP has the right to use MLS Listing Information except in connection with operation of a VOW on behalf of one or more
1574 Participants. Access by an AVP to MLS Listing Information is derivative of the rights of the Participant on whose behalf
1575 the AVP operates a VOW.
1576

1577 (d) As used in Section 19 of these Rules, the term “MLS Listing Information” refers to active listing information and sold
1578 data provided by Participants to the MLS and aggregated and distributed by the MLS to Participants.
1579

1580 **Section 12.2 (a):** The right of a Participant’s VOW to display MLS Listing Information is limited to that supplied by the
1581 MLS(s) in which the Participant has participatory rights. However, a Participant with offices participating in different MLSs
1582 may operate a master website with links to the VOWs of the other offices.
1583

1584 (b) Subject to the provisions of the VOW Policy and these Rules, a Participant’s VOW, including any VOW operated on
1585 behalf of a Participant by an AVP, may provide other features, information, or functions, i.e., Internet Data Exchange
1586 (“IDX”).
1587

1588 (c) Except as otherwise provided in the VOW Policy or in these Rules, a Participant need not obtain separate permission
1589 from other MLS Participants whose listings will be displayed on the Participant’s VOW.
1590

1591 **Section 12.3 (a):** Before permitting any consumer to search for or retrieve any MLS Listing Information on his or her
1592 VOW, the Participant must take each of the following steps:
1593

1594 (i) The Participant must first establish with that consumer a lawful broker-consumer relationship (as defined by state law),
1595 including completion of all actions required by state law in connection with providing real estate brokerage services to
1596 clients and customers (hereinafter “Registrants”). Such actions shall include, but are not limited to, satisfying all
1597 applicable agency, non-agency, and other disclosure obligations, and execution of any required agreements.
1598

1599 (ii) The Participant must obtain the name of, and a valid email address for, each Registrant. The Participant must send an
1600 email to the address provided by the Registrant confirming that the Registrant has agreed to the Terms of Use
1601 (described in subsection (d) below). The Participant must verify that the email address provided by the Registrant is
1602 valid and that the Registrant has agreed to the Terms of Use.
1603

1604 (iii) The Participant must require each Registrant to have a username and a password, the combination of which is different
1605 from those of all other Registrants on the VOW. The Participant may, at his or her option, supply the username and
1606 password or may allow the Registrant to establish its username and password. The Participant must also ensure that
1607 any email address is associated with only one username and password.
1608

1609 (b) The Participant must ensure that each Registrant’s password expires on a date certain but may provide for renewal of the
1610 password. The Participant must at all times maintain a record of the name, email address, username, and current password of
1611 each Registrant. The Participant must keep such records for not less than 180 days after the expiration of the validity of the
1612 Registrant’s password.
1613

1614 (c) If the MLS has reason to believe that a Participant’s VOW has caused or permitted a breach in the security of MLS
1615 Listing Information or a violation of MLS rules, the Participant shall, upon request of the MLS, provide the name, email
1616 address, username, and current password, of any Registrant suspected of involvement in the breach or violation. The
1617 Participant shall also, if requested by the MLS, provide an audit trail of activity by any such Registrant.
1618

1619 The Participant shall require each Registrant to review, and affirmatively to express agreement (by mouse click or
1620 otherwise) to, a “Terms of Use” provision that provides at least the following:
1621

1622 (i) That the Registrant acknowledges entering into a lawful consumer-broker relationship with the Participant.
1623

1624 (ii) That all information obtained by the Registrant from the VOW is intended only for the Registrant’s personal, non-
1625 commercial use;
1626

1627 (iii) That the Registrant has a bona fide interest in the purchase, sale, or lease of real estate of the type being offered through
1628 the VOW;
1629

1630 (iv) That the Registrant will not copy, redistribute, or retransmit any of the information provided except in connection with
1631 the Registrant’s consideration of the purchase or sale of an individual property;
1632

1633 (v) That the Registrant acknowledges the MLS’s ownership of, and the validity of the MLS’s copyright in, the MLS
1634 database.
1635

1636 (e) The Terms of Use Agreement may not impose a financial obligation on the Registrant or create any representation
1637 agreement between the Registrant and the Participant. Any agreement entered into at any time between the Participant and
1638 Registrant imposing a financial obligation on the Registrant or creating representation of the Registrant by the Participant
1639 must be established separately from the Terms of Use, must be prominently labeled as such, and may not be accepted solely
1640 by mouse click.
1641

1636 (f) The Terms of Use Agreement shall also expressly authorize the MLS, and other MLS Participants or their duly
1637 authorized representatives, to access the VOW for the purposes of verifying compliance with MLS rules and monitoring
1638 display of Participants' listings by the VOW. The Agreement may also include such other provisions as may be agreed to
1639 between the Participant and the Registrant.
1640

1641 **Section 12.4:** A Participant's VOW must prominently display an e-mail address, telephone number, or specific
1642 identification of another mode of communication (e.g., live chat) by which a consumer can contact the Participant to ask
1643 questions, or get more information, about any property displayed on the VOW. The Participant, or a non-principal broker or
1644 sales licensee licensed with the Participant, must be willing and able to respond knowledgeably to inquiries from Registrants
1645 about properties within the market area served by that Participant and displayed on the VOW.
1646

1647 **Section 12.5:** A Participant's VOW must employ reasonable efforts to monitor for, and prevent, misappropriation,
1648 "scraping", and other unauthorized use of MLS Listing Information. A Participant's VOW shall utilize appropriate security
1649 protection such as firewalls as long as this requirement
1650 does not impose security obligations greater than those employed concurrently by the MLS.
1651

1652 **Section 12.6 (a):** A Participant's VOW shall not display listings or property addresses of any seller who has affirmatively
1653 directed the listing broker to withhold the seller's listing or property address from display on the Internet. The listing broker
1654 shall communicate to the MLS that the seller has elected not to permit display of the listing or property address on the
1655 Internet. Notwithstanding the foregoing, a Participant who operates a VOW may provide to consumers via other delivery
1656 mechanisms, such as email, fax, or otherwise, the listings of sellers who have determined not to have the listing for their
1657 property displayed on the Internet.
1658

1659 (b) A Participant who lists a property for a seller who has elected not to have the property listing or the property address
1660 displayed on the Internet shall cause the seller to execute a document that includes the following (or a substantially similar)
1661 provision:
1662

1663 **Seller Opt-Out Form**

1664 1. Please check either Option a or Option b
1665

1666 a. I have advised my broker or sales agent that I do not want the listed property to be displayed on the Internet.
1667

OR

1668 b. I have advised my broker or sales agent that I do not want the address of the listed property to be displayed on the
1669 Internet.
1670

1671 2. I understand and acknowledge that, if I have selected option a, consumers who conduct searches for listings on the
1672 Internet will not see information about the listed property in response to their search.
1673

1674 _____
1675 initials of seller
1676

1677 (c) The Participant shall retain such forms for at least one year from the date they are signed, or one year from the date the
1678 listing goes off the market, whichever is greater.
1679

1680 **Section 12.7 (a):** Subject to subsection (b), a Participant's VOW may allow third parties:
1681

- 1682 (i) to write comments or reviews about particular listings or display a hyperlink to such comments or reviews in
1683 immediate conjunction with particular listings, or
1684 (ii) display an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate
1685 conjunction with the listing
1686

1687 (b) Notwithstanding the foregoing, at the request of the seller the Participant shall disable or discontinue either or both of
1688 those features described in subsection (a) as to any listing of the seller. The listing broker or agent shall communicate to the
1689 MLS that the seller has elected to have one or both of these features disabled or discontinued on all Participants' websites.
1690 Subject to the foregoing and to Section 19.8, a Participant's VOW may communicate the Participant's professional
1691 judgment concerning any listing. A Participant's VOW may notify its customers that a particular feature has been disabled
1692 "at the request of the seller."
1693

1694 **Section 12.8:** A Participant's VOW shall maintain a means (e.g., e-mail address, telephone number) to receive comments
1695 from the listing broker about the accuracy of any information that is added by or on behalf of the Participant beyond that
1696 supplied by the MLS and that relates to a specific property displayed on the VOW. The Participant shall correct or remove
1697 any false information relating to a specific property within 48 hours following receipt of a communication from the listing
1698 broker explaining why the data or information is false. The Participant shall not, however, be obligated to correct or remove
1699 any data or information that simply reflects good faith opinion, advice, or professional judgment.

1700
1701 **Section 12.9:** A Participant shall cause the MLS Listing Information available on its VOW to be refreshed at least once
1702 every three (3) days.
1703
1704 **Section 12.10:** Except as provided in these rules, the NATIONAL ASSOCIATION OF REALTORS® VOW Policy, or any other
1705 applicable MLS rules or policies, no Participant shall distribute, provide, or make accessible any portion of the MLS Listing
1706 Information to any person or entity.
1707
1708 **Section 12.11:** A Participant’s VOW must display the Participant’s privacy policy informing Registrants of all of the ways
1709 in which information that they provide may be used.
1710
1711 **Section 12.12:** A participant’s VOW may exclude listings from display based only on objective criteria, including, but not
1712 limited to, factors such as geography, list price, or type of property. (Amended 3/22) M
1713
1714 **Section 12.13:** A Participant who intends to operate a VOW to display MLS Listing Information must notify the MLS of its
1715 intention to establish a VOW and must make the VOW readily accessible to the MLS and to all MLS Participants for
1716 purposes of verifying compliance with these Rules, the VOW Policy, and any other applicable MLS rules or policies.
1717
1718 **Section 12.14:** A Participant may operate more than one VOW himself or herself or through an AVP. A Participant who
1719 operates his or her own VOW may contract with an AVP to have the AVP operate other VOWs on his or her behalf.
1720 However, any VOW operated on behalf of a Participant by an AVP is subject to the supervision and accountability of the
1721 Participant.
1722
1723 **Section 12.15:** A Participant’s VOW may not make available for search by, or display to, Registrants any of the following
1724 information:
1725
1726 (a) Expired and withdrawn listings.
1727
1728 (b) The type of listing agreement, i.e., exclusive right to sell or exclusive agency.
1729
1730 (c) The seller’s and occupant’s name(s), phone number(s), or e-mail address(es).
1731
1732 (d) Instructions or remarks intended for cooperating brokers only, such as those regarding showings or security of listed
1733 property.
1734
1735 **Section 12.16:** A Participant shall not change the content of any MLS Listing Information that is displayed on a VOW from
1736 the content as it is provided in the MLS. The Participant may, however, augment MLS Listing Information with additional
1737 information not otherwise prohibited by these Rules or by other applicable MLS rules or policies as long as the source of
1738 such other information is clearly identified. This rule does not restrict the format of display of MLS Listing Information on
1739 VOWs or the display on VOWs of fewer than all of the listings or fewer than all of the authorized information fields
1740
1741 **Section 12.17:** A Participant shall cause to be placed on his or her VOW a notice indicating that the MLS Listing
1742 Information displayed on the VOW is deemed reliable but is not guaranteed accurate by the MLS. A Participant’s VOW
1743 may include other appropriate disclaimers necessary to protect the Participant and/or the MLS from liability.
1744
1745 **Section 12.18:** A Participant shall cause any listing that is displayed on his or her VOW to identify the name of the listing
1746 firm and the listing broker or agent in a readily visible color, in a reasonably prominent location, and in typeface not smaller
1747 than the median typeface used in the display of listing data.
1748
1749 **Section 12.19:** A Participant shall limit the number of listings that a Registrant may view, retrieve, or download to not more
1750 than one hundred (100) or five percent (5%) of the current listings in the MLS, whichever is less, and not more than one
1751 hundred (100) or five percent (5%) of the sold listings in the MLS, whichever is less, in response to any inquiry.
1752
1753 **Section 12.20:** A Participant shall require that Registrants’ passwords be reconfirmed or changed every 90 days.
1754
1755 **Section 12.21:** A Participant may display advertising and the identification of other entities (“co-branding”) on any VOW
1756 the Participant operates or that is operated on his or her behalf. However, a Participant may not display on any such VOW
1757 deceptive or misleading advertising or co-branding. For purposes of this Section, co-branding will be presumed not to be
1758 deceptive or misleading if the Participant’s logo and contact information (or that of at least one Participant, in the case of a
1759 VOW established and operated on behalf of more than one Participant) is displayed in immediate conjunction with that of
1760 every other party, and the logo and contact information of all Participants displayed on the VOW is as large as the logo of
1761 the AVP and larger than that of any third party.
1762

1763 **Section 12.22:** A Participant shall cause any listing displayed on his or her VOW that is obtained from other sources,
1764 including from another MLS or from a broker not participating in the MLS, to identify the source of the listing.
1765

1766 **Section 12.23:** A Participant shall cause any listing displayed on his or her VOW obtained from other sources, including
1767 from another MLS or from a broker not participating in the MLS, to be searched separately from listings in the MLS.
1768

1769 **Section 12.24:** Participants and the AVPs operating VOWs on their behalf must execute the license agreement required by
1770 the MLS.
1771

1772 **Section 12.25:** Where a seller affirmatively directs their listing broker to withhold either the seller's listing or the address of
1773 the seller's listing from display on the Internet, a copy of the seller's affirmative direction shall be provided to the MLS
1774 within 48 hours.
1775

1776 **Appendix 1**

1777 **National Association's Interest**

1778 The concept of cooperation in real estate transactions can be enhanced by a mechanism such as the
1779 multiple listing service which enables a REALTOR® to cooperate with other REALTORS®.

1780 Cooperation is the obligation to share information on listed property and to make property available
1781 to other brokers for showing to prospective purchasers and tenants when it is in the best interests of
1782 their client(s). *(Amended)*. I