

**MLS POLICIES SET BY THE
KNOXVILLE AREA ASSOCIATION OF REALTORS® MLS COMMITTEE
IN ADDITION TO THE MLS RULES AND REGULATIONS:
Update January 2019**

The MLS Committee will assess any Broker who allows another agent to list property for a non-member licensee \$250.00 for the 1st offense to be paid within 10 days or all listings will be suspended until paid. \$1000.00 will be assessed for the 2nd offense to be paid within 10 days or your MLS Membership will be suspended until paid and all offenses corrected. Any licensee who uses the KAAR MLS Service should pay all applicable fees.

Section 6.1 RECURRING PARTICIPATION FEE: The annual participation fee of each Participant (the Principle Broker - Designated REALTOR®) shall be the scheduled amount times each sales associate and licensed or certified appraiser who has access to and use of the Multiple Listing Service, whether licensed as a broker or sales associate or licensed or certified appraiser who is employed by or affiliated as an independent contractor with such Participant. Payment of such fees shall be paid in advance of the scheduled date due. Fees shall be prorated on a monthly basis.

Section 6.2 USE OF THE MULTIPLE LISTING SERVICE: If a licensee brings listings to the Participant or shows/co-shows or sells/co-sells properties published by the Multiple Listing Service, this constitutes use of the Multiple Listing Service.

The MLS Committee and the Board of Directors have approved to impose a fine to members who share MLS Logins. Per the Subscriber Agreement that all members have to agree to -

13. Confidentiality. Subscriber shall maintain the confidentiality of its user ID and password and the KAAR Database; Subscriber shall not provide its ID and password to any third party. To maintain the confidentiality of all user IDs, passwords, the KAAR Database, and the KAAR System, Subscriber shall take the greater of reasonable care or the care it takes to protect its own confidential information. Failure to comply with this provision will result in a significant fine, as set forth in the KAAR Policies. Subscriber may disclose information confidential under this Agreement if, and to the extent, the order of a court or other tribunal with jurisdiction requires disclosure; provided however, Subscriber first gives reasonable notice to KAAR to permit KAAR to seek a protective order.

The Penalties for allowing *anyone* to use your MLS Login will be:

1st Offense - \$250.00

2nd Offense - \$3,000.00

3rd Offense - Loss of access to MLS for 30 days and must take MLS education before reinstated.

Infractions of the following policies will be assessed a \$50.00 fine for each violation per listing. – Fines will be billed on the monthly invoice sent to the Broker. Any violation not corrected, will continue to be assessed additional fines and late charges each month until infraction is corrected. Continued violations could result in suspension of services. You may request to appeal any fines assessed to the MLS Committee by contacting Donna Roach, MLS Director by e-mail to donna@kaarmls.com

Listing Information

1) The Listing Agent and Company name are not to appear in the property description or in any other field other than that is specified by the LAG and LO fields upon listing input. Reference to any contact information, including, but not limited to Listing Agent, Listing Office, websites, or owners information are not to appear in the public remarks, direction, assets, photos, etc. of the MLS Printouts.

The MLS Staff is to remove any reference to contact information from the listing other than the LAG and LO fields and will also assess the fine.

2) The Paper form of the listing agreements, Data Input forms and amendments will no longer be mailed to the Association. However, the MLS reserves the right to request a copy of a listing agreement, data input form and amendments at any time.

3) Condominium and Zero Lot Line listings are to be listed under Single Family and must be marked as Property Sub Type Condominium. Only properties that stand alone with no shared walls and the homeowner owns the land would be considered as Residential Property Sub Type.

- 4) The change of listing agent can only be made prior to the listing being reported "contract pending". A list agent cannot be changed after the listing has been reported "contract pending". If the listing agent was not changed prior to the "contract pending" credit will be given to the agent who signed the original listing agreement.
- 5) Any listing with "POR" in the owners name field must have a letter on file at the Listing Office from the owner requesting their name be withheld from the MLS. The MLS retains the right to request a copy of the letter.
- 6) All required fields must be completed with the correct information. Any listing placed in the system for "comp only" must have all required fields completed with the correct information.
- 7) Policy on merging company sales: Any sales closed prior to the merge will remain with the Listing Company. Any sales closed after the merge will be combined under the new company.
- 8) There may not be any reference to commission splits in the Agent Instructions, public remarks, or directions you must remove this reference immediately. This also includes any listings with "in-house" codes for commission splits.
- 9) Any listing with misleading or misrepresentation of the property information
Examples: Putting the # of Bedrooms in the BR field different from the Septic System allowance. Stating the property is Lake Front when it is only Lakeview. These are only a couple of examples of misrepresentation.
- 10) If a listing is being offered at auction the listing is to be updated to an Auction listing and all Auction fields to be completed. (added 12/15)
- 11) All listings posted in an Active status must be available to show at the time of listing input. (4/17)
- 12) Anyone who removes all photos and/or alters listing data on a listing prior to it going off market in order to prevent the seller from being contacted, to hide the history or to generate 0 days on market will have their Add/Change privileges removed for a period of one year. The Main photo must remain on the listing.
- 13) Listings must be entered into the MLS within 2 business days of the list date as either Coming Soon or as a New listing. (7/18)

Property Photos

- 1) Photos and/or renderings are required, with the exception of Timeshare properties, on Single Family, Commercial, Multi-Family, Rental and Auction properties within 10 days of entering the listing in the MLS System. One picture that shows the front of the listing is to be displayed as the first photo on the MLS site prompting the Listing. This photo shall show a view that faces the street, road or entrance to the residence or business. For listings under construction or proposed construction, a photo of the lot or a rendering of the elevation that faces the street, road or entrance to the residence or business will be allowed. To simplify this, if it is not clear, the first pictured in the MLS listing must be a true representation of the listed Real Estate. The seller may request that a photo of the property not be submitted to the MLS.
- 2) Lots & Acreage listings are required within 10 days of entering the listing in the MLS System. Any photo that depicts the lot from any angle will be accepted as the main photo. All photos should pertain to the subject property and cannot include any information of any kind, including, but not limited to signs, names, phone numbers, email address, company logos and website addresses. (Updated 6/17)
- 3) No Member shall use any photos in his/her MLS online listing or other marketing materials whether printed or digital, which are copied from any other agent's prior listing without prior written consent of the copyright holder of the photos. Violation of same shall result in a minimum fine of \$250. (added 10/11)
- 4) The Association staff will not remove photos on Off Market listings due to other members and appraisers needing to view photos of comps they use. (updated 10/15)

Lock Box

Members who never need "to gain access" to a property with a Supra Lock Box will be exempt from obtaining a Supra Lock Box Key when a [Lock Box Key Waiver Form](#) has been filed with the Association. However, any report of any

MLS member requesting an agent to meet them at a house with a Supra lockbox, that member will then need to obtain their own key. REALTOR® Appraisers are exempt. Agents will be allowed to loan their lock box key to other agents within their principle office whose key is malfunctioning only, provided an incident report is filed at the Association. [Supra Key Incident Report](#).

Penalty for violation of Section 2.5 of the MLS Rules and Regulations.

The MLS Committee and Board of Directors have voted to assess fines beginning **September 1, 2015** for violation of the MLS Rule Section 2.5. The Broker will be fined \$100.00 for the first violation and the same listing agent will assess a fine of \$250.00 for each subsequent violation.

Section 2.5 STATUS CHANGES, INCLUDING FINAL CLOSING OF SALES: Sales 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 2 (a) or (b) hereof, the cooperating broker shall report the accepted offer 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.

This was put in to place due to the numerous complaints from members who call to set up an appointment for a client to show a property, only to be told that it's under contract or has closed when in the MLS it is showing Active and even weeks later it is not in a "pending" status nor has a "pending" status ever been indicated.

This violation also has to do with truth in advertising. The Broker's Act states that an agent can be disciplined for "**Misleading or untruthful advertising**" – Tenn. Code Ann. 62-13-312(b)(4). This is explained in Rule 1260-2-.12(4)(c), which states, "**Listing information must be kept current and accurate.**"

The Realtor Code of Ethics also addresses this issue! Article 12 states in part, "**Realtors shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing, and other representations.**"

Listing brokers should inform sellers of the broker's obligation to comply with MLS rules and state law. Participation rights in MLS come with the responsibility to abide by the rules. Deliberately misrepresenting the status of the listing may violate the Code of Ethics in addition to the MLS rules. It would appear that the MLS's "Pending Continue to Show" category would adequately address the seller's desire to continue to market the property after an offer has been accepted.

Be sure to place your listings in a pending status within 72 hours of an accepted contract and to close your listings within 72 hours of the closing.

Coming Soon Status Penalties

•If a Coming Soon Status listing is shown prior to going Active in the MLS, the Agent and Broker will be assessed the following penalties:

- 1st offense - \$500 fine to the List Agent and \$500 fine to the Broker
- 2nd offense - \$1000 fine to the List Agent and \$1000 fine to the Broker
- 3rd offense – Appear before the MLS Committee for review. Agent subject to Section 7 of the MLS Rules and Regulations. (7/18)