

**Multiple Listing Service
Policies and Procedures**

Revised August 2018

These Policies and Procedures hereby support, reinforce and clarify the Highland Lakes Association of REALTORS® Multiple Listing Service Rules and Regulations.

The power to alter, amend or repeal the MLS Policy and Procedures is vested in the MLS Committee and is subject to review and approval by the Board of Directors.

The Purpose of the Multiple Listing Service is to list, sell, lease and appraise Real Estate. Any other use for any other purpose would be a violation of these policies. An automatic **\$250** fine will be imposed for each violation.

Section 1. LISTING PROCEDURES & APPLICABLE FINES

The MLS will not accept “open” listings.

Any member who is not a co-listing agent of a property, may not accept and list, in our MLS, a property from a non-member agent.

All Listings in the HLAoR MLS must be supported with a listing agreement signed by the HLAoR member placing it in the MLS. This also applies to all **co-listing** of properties with non-member agents. This violation carries an **immediate \$2000** fine. The Board Office or MLS Committee can request a copy of the listing agreement at any time. A copy must be submitted within 24 hours. (May 2011)

Following violations will result in an **immediate \$150 fine**.

- Listing of a non-member Agent or Broker **ANYWHERE** in the MLS.
(Including but not limited to virtual tours, photos, and Associated Documents.)

Where properties are suitable for listing in more than one type or class of the MLS, that listing may be entered in duplicate without penalty or fee; however, NO listing may be entered into more than one (1) geographical area.

All **Residential** listings are **required** to have a **minimum of three (3) photos**, and **ALL other listings** are **required** a **minimum of one (1) photo**. Photos must be submitted within **5 days** after a listing has been entered in the MLS database. If a photo has not been put in the system or received by the HLAoR office on the 5th day after the listing submission, the listing will be withdrawn from the database. Any listing withdrawn for violation from lack of photo must be reactivated by HLAoR Board Office and not re-entered as new listing by agent. A **\$25** per listing fine will be assessed for photo violations and must be paid prior to reactivation of listing.

The **FIRST** photo in all residential listings must be an exterior photo. Additionally, the first photo for lots listed under residential must be a rendering, floor plan, or virtual photo. All virtual photos must be labeled “virtual”.

When a listing is “under contract” or “pending” or “pending taking backup” and the contract fails, the listing status should be restored to “active”.

Any listing withdrawn by one office may not be re-entered in the MLS by another office unless the original listing has been released by the Participating Designated REALTOR® or has expired.

Section 2. UNAUTHORIZED USE.

Unauthorized use results in an **immediate** fine of **\$2,000**. Including, but not limited to the following:

- Use of an MLS lockbox key by anyone other than the assigned key holder.
- Access and/or Use of the MLS Computer Database by a non-subscribing agent, including unregistered non-licensed assistants.

NOTE: A fine of \$2,000 will be imposed by the MLS Committee for unauthorized use. Additional actions could include the filing of a complaint with the TAR Professional Standards Committee and initiating legal action should the circumstances so indicate.

Section 3. SUBMISSION OF “SOLD” SALES PRICE.

The true (actual) sales price of Real Property must be entered in the MLS within 72 hours after the property is sold. The first offense of failing to report the sales data timely will result in a warning notice being sent by the Board office. On the second and subsequent offenses **there is an immediate fine of \$100 for failure to report the sale data timely on each property.**

No submission of “0” shall be entered as the sold price. **Sold** data must be entered into the **MLS within 72 hours** of the closing date. (Closing date is to be defined as the date on the closing documents.) **There is an immediate fine of \$100 for failure to report.** Ten days after notification, if the sold data is still not entered in the MLS, there will be an additional fine of **\$250**. If after 30 days the data is still not entered in the MLS, the listing Broker will be subject to review by the HLAoR Board of Directors and/or possible suspension of Board Membership and/or denial of use of MLS.

Any listing entered in the MLS as “*withdrawn*” or “*expired*” and subsequently sells within 90 days must be reported in the MLS. Listings are not to be withdrawn or allowed to expire to avoid reporting sold data. Any compensation received from listing a property, shall be considered “Sold” and must therefore be reported in MLS.

The Board office or the MLS Committee can request a copy of the closing statement at any time. A copy must be submitted within 24 hours of the request.

Section 4. DATABASE VIOLATIONS.

Following database, violations are subject to a **fine of \$25** per listing after notification is given and failure to provide data **by 5pm the next business day**. Notification will be by email. Please make sure that your email address is current with the Board Office.

- Inclusion of disparaging remarks in listing
- No legal description
- No complete owner(s) name (unless requested by owner, in which case agent will denote on listing to “See Agent”)
- No features

- No directions
- No tax rate
- No approx. year built
- No approx. square footage
- No waterfront (if waterfront)
(Continued on next page)
- Omission of Subdivision or Survey Name
(if new subdivision is in Burnet or Llano Counties – contact board office in writing to have subdivision added to MLS)
- Comments that could be harmful or derogatory to the interest of the Seller
- No City, State, Zip Code
- No Property ID Number – *[6 numeric characters – if PIDN is < 6 digits use leading 0's.] [For multiple PIDN's, use primary property number and list additional PIDN's in Confidential Agent Remarks.]*
- *No duplicate listings under a “Classification” will be allowed. The “Type” selection should clearly define the subject property type (i.e. Single Family Site Built, Condo, Townhouse, Duplex, Manufactured Home w/ Real Property, Manufactured Home Only, or Modular Home. (The only exception to this policy would be if the property is listed both For Sale and For Rent).*

Following database, violations are subject to an **immediate fine of \$25** per listing

- Late submission of Listing *(based upon list date)*
- Inclusion of Gate Code in Listing *(except in Associated Documents)*
- Inclusion of Security Code in Listing *(except in Associated Documents)*
- Failure to disclose a non-exclusive right to sell listing

Posting of listing agent or agency information **ANYWHERE** in a listing, *except where required, (name, phone number, email, website, etc.)* including but not limited to “Public Remarks, Addendum, Virtual Tours, Videos, Associated Documents & Signs in Photos” is prohibited. “Call Listing Agent” or similar verbiage is also prohibited. These offenses are subject to an **immediate \$50 fine**. *(The “Agent Confidential Remarks” field is reserved for this type of personal information.)*

Following database, violations are subject to an **immediate fine of \$50** for the first occurrence and **\$100** thereafter, per listing. There will be a 24 hr. grace period.

- Late Reporting of “Pending” status
- Late Reporting of “Pending Taking Backup” status
- Personal or Business websites hyperlinked to the field reserved for virtual tours

NOTE: Failure to correct any database violations by 5 PM of the following business day, after receipt of notification, will result in withdrawal of the listing and the imposition of an additional \$25 fine each 10 days after the date of the original notification. Where there is continuing, and apparent willful violation relative to a property listing or the collective listings of a Participant, a fine of up to \$250 may be imposed by the MLS Committee.**

NOTE: All dues (except those with stated due dates), fines or other financial obligations to HLAoR are due and payable within 10 business days of notification. Failure to meet any and/or all financial obligations to HLAoR within the allotted time period will result in the member’s**

and/or office's interruption of the MLS service until such obligation has been satisfied.
(Brokers will be notified of all delinquencies.)

**** Notifications are sent via email. Please make sure that your contact information is current with the Board Office.**

Section 5. WITHDRAWN / EXPIRED LISTINGS

Any listing which has been *withdrawn/expired* under 90 days, may be reactivated by Board Office at the request of the agent, any listing over 90 days must be re-entered. Additionally, all reactivation requests should be made via fax or email to the Board Office. Each agent is allowed 3 free reactivations in a calendar year. All reactivations over 3 will be subject to a **\$10** per listing charge.

Any listing that has been *withdrawn* or forcibly expired from the MLS may not be re-entered, as a new listing, by the same REALTOR® within 30 days. The violation carries an immediate **\$50** fine. Additionally, the property must maintain a non-active active status in the MLS for 30 days.

Section 6. TEMPORARILY OFF MARKET STATUS

All listings with a Temporarily Off Market (TOM) status must be supported with an active listing agreement. The property cannot be shown under this status. The listing is off market, but a contract still exists between the seller and the listing broker AND the listing is expected to come back on the market. The maximum days a listing can be TOM is sixty (60) days, at which time the status will automatically update back to active.

Section 7. MEMBERSHIP REQUIREMENTS

All agents under the sponsorship of a Designated Realtor/Broker who holds primary board status in HLAoR must join a Board of Choice within **2 weeks** from the TREC stated Broker Sponsorship Date or there will be a **\$500** fine for Non-Compliance. This includes all New Agents and Agents Changing Sponsoring Brokers. (All NEW Agents: Broker must have license in-hand before a newly licensed salesperson can join a local board and MLS.)

- **Any member who drops or withdraws membership to HLAoR Board and/or MLS and wants to rejoin after 30 calendar days, must pay all joining fees.**

Each Broker is responsible for notifying HLAoR when a salesperson's TREC license has expired. Failure to notify the Board Office in writing within 48 hours will result in a **\$250 fine.**

Assistants to HLAoR's brokers or agents must register with HLAoR and pay quarterly MLS fees in order to have access to the MLS. Assistants may **not** have an active real estate license. Agents or Brokers who allow Assistants to have access to the MLS by sharing their login credentials are in violation of Section 2 Unauthorized Use (above) and subject to an immediate fine of \$1,000.

All HLAoR members with MLS access must complete the Association's New Member Orientation Course within 120 days of application and successfully complete Paragon Online Academy's six modules with 30 days of application or membership will be terminated. Upon failure to complete either of these two requirements within the appropriate time period, membership will be

discontinued and a \$250 fine will be assessed. Once payment of the fine is received by the Board Office, MLS service may be restored; however, the member must attend the next scheduled New Member Orientation and/or complete Paragon's Online Academy with 30 days in order to bring their membership back into good standing with the Board of Directors. Should the member fail to attend the next scheduled New Member Orientation and/or fail to complete Paragon's Online Academy with 30 days, the process and fine will be repeated.

Section 8: NOTIFICATION OF TERMINATION OF AGENT OR ADMIN ASSISTANT

The broker must send written notification to the Board Office within 48 hours when an Agent or Assistant, with MLS access, leaves an office. If no notification is received, Broker must pay Agent's or Assistant's current quarterly MLS dues (if not already paid) in addition to a fine of \$250.