

# New York State Alliance of Multiple Listing Services

## Multiple Listing Rules and Regulations – adopted by **MLS Name**

**Section 1.1 Types of Properties** - Following are some of the types of properties that may be published through the service, including types described in the preceding paragraph that are required to be filed with the service and other types that may be filed with the service at the participant's option provided, however, that any listing submitted is entered into within the scope of the participant's licensure as a real estate broker: (Amended 11/91) **O**

- residential
- residential income
- subdivided vacant lot
- land and ranch
- business opportunity (must include real property for sale and/or lease)
- motel-hotel
- mobile homes which include real property (lease negotiations)
- mobile home parks
- commercial income
- industrial

**Section 1.3 Exempt Listings**—~~If the seller refuses to permit the listing to be disseminated by the Service, the participant may then take the listing (office exclusive) and such listing shall be filed with the Service but not disseminated to the participants. Filing of the listing should be accompanied by certification (“office exclusive form”) signed by the seller that he does not desire the listing to be disseminated by the Service. The listing contract and certification form (office exclusive) must be received at the service within 1 business days of the listing date on the contract.~~

~~**Note 1:** Section 1.3 is not required if the service does not require all Exclusive Right to Sell and Exclusive Agency listings to be submitted by a participant to the service. **M** Multi-Family 5+, Rentals, and Commercial listings are not required to be submitted to the service.~~

### **Multiple Listing Options for Sellers**

**Office Exclusive:** ~~Where the seller has directed the listing broker to not publicly market their property and to not disseminate it through the MLS to other MLS Participants and Subscribers, the Participant may then take the listing as an office exclusive exempt listing and such listing shall be filed with the MLS, subject to its local filing rules, but not disseminated to other MLS Participants and Subscribers.~~

**Delayed Marketing:** ~~Where the seller has directed the listing broker to delay the public marketing of their property through IDX and syndication for [insert local delayed period as set by MLS's unfettered local discretion]. A delayed marketing exempt listing shall be filed with the MLS, subject to its local filing rules, and disseminated to other MLS Participants and Subscribers. The listing broker shall not be precluded from marketing the delayed marketing exempt listing in a matter consistent with the seller's choice.~~

~~\*The NAR Delayed Marketing Exempt option has not been adopted by NYSAMLSs (8/05/2025).~~

**Exempt Listing Disclosure:** ~~The filing of an exempt listing (office exclusive or delayed marketing) with the MLS must be pursuant to a certification, signed by the seller, obtained by the listing broker which includes:~~

- ~~• disclosure about the professional relationship between the Participant and the seller;~~
- ~~• acknowledgement that the seller understands the MLS benefits they are waiving or delaying with the exempt listing, such as broad and immediate exposure of their listing through the MLS; and~~
- ~~• confirmation of the seller's decision that their listing not be publicly marketed and disseminated by the MLS to other MLS Participants and Subscribers as an office exclusive listing or that their listing will not have immediate public marketing through IDX and Syndication as a delayed marketing listing.~~

~~Multiple Listing Options for Sellers requirements only apply to listing types that are subject to mandatory submission pursuant to the MLS local rules.~~

**Note 1:** ~~The Multiple Listing Options for Sellers policy is designed to give consumers greater choice and flexibility in marketing their homes for sale. Each MLS has the unfettered local discretion in determining what is most suitable for their marketplace regarding a Delayed Marketing Exempt listing which includes adopting “0” days or to not implement the Delayed Marketing aspects of the Multiple Listing Options for Sellers policy.~~

~~\* The NAR Delayed Marketing Exempt option has not been adopted by NYSAMLSs (8/05/2025).~~

**Note 2:** ~~MLS Participants must distribute Office Exclusive Exempt listings through the MLS to other MLS Participants and Subscribers within (1) one business day once after the listing has been publicly marketed. See Section 1.01, Clear Cooperation. **M**~~

## **Section 1.17 Monitoring Of Listings: \_\_\_\_\_**

### **Listing Contract Random Audit and Complaint Procedure**

#### **Random Audits**

The listing check software will randomly request a copy of a listing contract. Requested contracts must be received at the MLS office within 2 business days of the listing check request, preferably via email to: [xxxxxxx@abc.org](mailto:xxxxxxx@abc.org) (naming the document the MLS #), but it can be submitted via fax or USPS. Failure to submit the contract within the specified time frame will result in a fine to be paid within 30 days. If fine is not paid by the due date, a ten day suspension notice will be sent. Services will remain suspended until the fine is paid. The recipient of such a sanction may request a hearing before the appropriate MLS Rules review body for their Multiple Listing Service within twenty (20) days following receipt of the sanction notice.

The requested contracts will be reviewed for compliance with the MLS rules. Non-compliance may result in additional fines.

#### **Renewals**

The listing check software will randomly automatically send out requests for the renewal paperwork (either listing contract or form.) Requested paperwork must be received at the MLS office within 2 business days of the listing check request, preferably via email to: [xxxxxxx@abc.org](mailto:xxxxxxx@abc.org) (naming the document the MLS #), but it can be submitted via fax or USPS. Failure to submit the paperwork within the specified time frame will result in a fine to be paid within 30 days. If fine is not paid by the due date, a ten day suspension notice will be sent. Services will remain suspended until the fine is paid. The recipient of such a sanction may request a hearing before the appropriate MLS Rules review body for their Multiple Listing Service within twenty (20) days following receipt of the sanction notice.

The requested information will be reviewed for compliance with the MLS rules. Non-compliance may result in additional fines.

#### **Complaints**

If a complaint/challenge is received by the MLS and a copy of the listing or sale contract/withdrawal form/mutual termination form, etc. is requested, the agent/manager/office must produce a copy of the contract/form and or verify that a Buyer's Representation Agreement is in place, if applicable, within the following time frame:

~~AM request — by 4:00 p.m. the same day.~~

~~PM request — by Noon the following business day~~All requests require a response within 24 hours.

Failure to submit the contract within the specified time frame will result in a fine to be paid within 30 days. If the fine is not paid by the due date, a ten-day suspension notice will be sent. Services will remain suspended until fine is paid. The recipient of such a sanction may request a hearing before the appropriate MLS Rules review body for their Multiple Listing Service within twenty (20) days following receipt of the sanction notice.

**Note:** The request will be made via ~~phone call~~ email to the Designated REALTOR, office manager or ~~secretary~~ administrative resource. The request time frame will be based on the time that personal contact was made with the Designated REALTOR, manager or administrator~~secretary~~.