

April 24, 2017 (updated)

Dear MLS Subscriber/Participant:

As you might recall from past newsletters, escalating MLS fines are a part of the New York State Alliance of MLS's (NYSAMLS's) Rules and Regulations. In conjunction with the Syracuse and Buffalo MLS's, we were waiting to get through the Matrix conversion before we worked to coordinate this transition in our fining system.

The NYSAMLS's will begin enforcing the following policy regarding notifications of infractions and discipline as of **May 8th, 2017**. You have through May 7th to clean up any listing information that will be in violation of any rules. In the meantime, we will still be sending you rule violation notifications as we have been, with the regular fining system in place.

**Beginning May 8th, here is how the fining will work:**

Upon notification to the MLS of any infraction of the MLS Rules and Policies, the MLS Staff has been directed to do the following:

1. Contact the listing agent and/or manager/Designated REALTOR® of the firm to resolve the infraction (via e-mail through our fine checker program).
2. If the infraction is not corrected within forty-eight (48) hours, and/or happens on another listing, the second notification will be sent along with an immediate first offense fine to the Designated REALTOR®.
3. The third notification for same rule violation (for any listing) sets grounds for an immediate second offense fine to DR® (refer to Appendix A), etc.

EXAMPLE 1:	EXAMPLE 2:
1. First offense of rule – warning letter received and 48 hours given to correct	1. First offense of rule – warning letter received and 48 hours given to correct
2. Violation is corrected, no fine issued.	2. Violation is <i>not</i> corrected, 2nd notice sent and first fine automatically issued. Ex. \$100
3. At a later point, same rule violation by same agent - second notice and automatic fine issued (no warning letter). Ex. \$100	3. At a later point, same rule violation by same agent - 3rd notice sent with automatic fine issued (no warning letter) - escalated to \$200 fine using same example
4. At a later point, same rule violation by same agent – third notice and automatic second fine issued (no warning letter) - escalated to \$200 fine, using same example	4. At a later point, same rule violation by same agent – 4th notice sent and automatic third fine issued (no warning letter) - escalated to \$300 fine, using same example
5. If infraction keeps occurring, the fine will continue to escalate with no warning letters.	5. If infraction keeps occurring, the fine will continue to escalate with no warning letters.

To help you prepare for this transition, and to assist in maintaining the highest accuracy of data in our MLS, here are a few of the violations we are seeing most often and need to be addressed. Please remember, listings are subject to ALL of UNYREIS's MLS Rules and Regulations, not only these below.

**1. Broker responsibility to ensure data accuracy**

As a reminder, it is the listing Broker's responsibility to make sure all listing information is accurate when entered into the MLS system. This responsibility cannot be shifted to the buyer or buyer's agent/broker/attorney. **The public and/or private remarks cannot contain content that instructs another party to "verify" data or like words with the same meaning as "verify"**.

Here are some examples that we are seeing in the MLS that qualify as a violation (but not limited to these):

"Property taxes per public record. Buyer agent to verify"



“Buyers &/or buyer’s agent/attorney to verify all tax information, lot size, and boundaries”

“Buyer’s agent to verify square footage”

**Please remove all items such as these examples above, or any language that infers that the listing information may not be correct, from your Active and Continue to Show status listings by May 7th, 2017. Fining for this violation will begin on May 8th, 2017.**

## **2. Statuses**

One of the top violations has to do with not changing listing statuses when the status has in fact changed. If the listing is no longer being shown, it MUST go into an off-market status (U or P). If still being shown and there is a contract, it MUST go into C status **with the exception of a contract with the contingency of a property to sell, to be identified in the Showing Instructions as “Contingent Upon Sale of a Property”**.

### ***On Market Statuses***

A - Active Property available to be shown. No signed contract exists, **with the exception of a contract with the contingency of a property to sell, to be identified in Showing Instructions as “Contingent Upon Sale of a Property”**.

C - Continue to Show. Property available to be shown, contract exists - See Private Remarks

### ***Off Market Statuses***

U - Under Contract. Property is not being shown, contract exists – See Private Remarks - Do Not Show.

P - Pending Sale. Contract exists and is waiting for closing.

S - Closed Sale/Rented Property Closed/Rented.

T - Temporarily Off Market. Property temporarily unavailable, should be back on market.

W - Withdrawn listing. Property no longer on the market. **Cannot be listed by another broker until expiration date.**

X - Expired listing. May be listed by another broker.

## **3. Tax ID #s**

The Tax ID violation occurs when the full tax ID is not incorporated into the listing (located in NY) including the 6 digit NY State SWIS Code (as shown in Realist and within the ‘Area’ field in Matrix). The tax id should show a format similar to this in the MLS: 000000-000-000-0000-000-0000. Please use Realist to import the Tax ID #s into your listing when possible, in order to avoid an MLS violation.

## **4. Delayed Showings**

We are seeing an increase in “Delayed Showings” in the MLS. Please remember that in order to put a delayed showing notice in private remarks, you must have the “Do Not Show Until” section of the UNYREIS MLS Change Form, signed by owner and Designated REALTOR®, on file with UNYREIS. If there is no form on file with us, you will receive a violation notice. It is a violation to show the property to ANYONE (agents or buyers) prior to that date.

As always, we appreciate your cooperation with this issue. We strive to have the most accurate data in our MLS as possible, and this would not be feasible without these regulations. If you wish to view all of NYSAMLS’s Rules and Regulations, you can view them from the MLS Rules button in the MLS Portal or at [www.Grar.org/MLS/MLSRules](http://www.Grar.org/MLS/MLSRules).

Please let us know if you have any questions or concerns.

Sincerely,

James P. Yockel  
GRAR Chief Executive Officer