

Listing Procedures

Section 1 Listing Procedures: Listings of real or personal property of the following types:

- a) single family homes for sale or exchange, including condominiums and townhouses
- b) vacant lots and acreage for sale
- c) two-family, three-family and four-family residential buildings for sale or exchange,

which are listed subject to a real estate broker's license, and are located within the territorial jurisdiction of the multiple listing service, and taken by Participants on an Exclusive Right to Sell or an Exclusive Agency listing contract, shall be delivered (entered into the computer system) to the Multiple Listing Service within **Twenty-Four (24) hours, and excludes weekends, holidays, and postal holidays**, after all the necessary signatures of seller(s) have been obtained. Listings of property located outside of the MLS's jurisdiction will be accepted if submitted voluntarily by a Participant, but cannot be required by the Service. (Amended 11/01)

Section 1.2 Detail on Listings Filed with the Service

3. **Photos:** All property types, except vacant land and all statuses must include an exterior view of the home (main building) as the first photo and it must be submitted **at the time the property is made Active in the MLS within twenty-four (24) hours (excepting weekends, holidays, and postal holidays) from when the property was listed**, unless the sellers expressly direct that photographs of their property not appear in MLS compilations. An exterior front (street) view of the home (main building) is required as one of the photos. (An exception would be a "to be built" property). New Construction may use a comparable rendering or photo. Office, agent and personal promotion information is prohibited from being included anywhere on the property photo. **Photos entered into the MLS cannot be reused by another broker without the consent of the listing broker who originated the photo(s)**. Any and all photos submitted cannot contain a watermark. A banner on a photo is considered 'personal promotion' and is not allowed with the exception of virtually staged photos. If using a banner, it should read "This photo is virtually staged". For violations of this section, the MLS may remove the violation and/or fine the Participant.
7. **Delayed Showings/Negotiations:** Delayed Showings/Negotiations (DNS notices) are allowed. All listings in the Service that are not immediately available for showing/negotiations must have the owner(s) complete the **required** Delayed Showing/Negotiation Form. This form must be filed as an attachment to the listing AT THE SAME TIME the listing is entered into the MLS and entered individually under the appropriate description. The date(s) and time(s) that the property will be available for showing and/or negotiations **MUST** be put into the PRIVATE & PUBLIC Remarks. Open houses are not to be scheduled during the "No showing" time frame. Note: The property is to be considered "Active" and days on market will continue to be counted. **Once signed, the showing and or negotiations time frame cannot be shortened.** \
14. **Square Footage** – Square Footage should match the tax records (**Realist**). **If the tax records are incorrect and the square footage is changed from what the tax records indicate, an explanation of the difference must be disclosed in the public remarks.** *Note – please indicate the source of the adjusted square footage*. For reference, Square Footage is area which measured from the exterior is "above grade and heated living area."

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 **2 1** business days of the listing date on the contract.

Section 1.16 Property Addresses: At the time of filing a listing, participants and subscribers must include a property address available to other participants and subscribers, and if an address doesn't exist a parcel identification number can be used. Where an address or parcel identification number are unavailable, the information filed with the MLS must include a legal description of the property sufficient to describe its location. **(Amended 05/21) M**

Prohibitions

Section 4.5 Services Advertised as "Free": MLS participants and subscribers must not represent that their brokerage services to a client or customer are free or available at no cost to their clients, unless the participant or subscriber will receive no financial compensation from any source for those services. **(Amended 11/21) M**

Division of Commissions

Section 5.4 **Display of Listing Broker’s Offer of Compensation** - Participants and subscribers who share the listing broker’s offer of compensation for an active listing must display the following disclaimer or something similar.

The listing broker’s offer of compensation is made only to participants of the MLS where the listing is filed. (Amended 11/21) M*

*** Note: MLS includes all MLS’s that participate in the New York State Alliance of MLSs database, including Central New York Information Service, Inc. (CNYIS), Upstate New York Real Estate Information Services LLC (UNYREIS), Western New York Real Estate Information Services, LLC. (WNYREIS), Chautauqua-Cattaraugus BOR, Cortland County BOR, Jefferson-Lewis BOR, McKean County AOR and Mohawk Valley AOR.**

Compliance with Rules

Section 7.1 **Compliance with Rules:** The following action may be taken for noncompliance with the Rules:

- a. For failure to pay any service charge or assessment within one (1) month of the date due, and provided that at least ten (10) days’ notice has been given, the service shall be suspended until service charges or fees are paid in full.
- b. For failure to comply with any other rule, the provisions of Sections 9 and 9.1 shall apply.

Upon notification to the MLS of any infraction of the MLS Rules and Policies, the MLS Staff or Automated Compliance Program will do the following: Contact the listing agent or manager or Designated REALTOR® of the firm to resolve the infraction. If the infraction is not corrected within forty-eight (48) hours, the appropriate sanction will be imposed on the Designated REALTOR®. The first notification of a rule violation is used to educate the agent of the infraction and the Listing Brokerage is given 48 hours to correct or the applicable fine will be assessed. The second notification for same rule violation (for any listing) to the same agent sets grounds for an immediate first offense fine to the ~~agent and~~ DR® (refer to Appendix A). 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.

Internet Data Exchange ("IDX")

Section 18.2.4 Participants may select the listings they choose to display on their IDX sites based only on objective criteria including, but not limited to, factors such as geography or location (“uptown,” “downtown,” etc.), list price, type of property (e.g., condominiums, cooperatives, single-family detached, multi-family), ~~cooperative compensation offered by listing brokers, or type of listing (e.g., exclusive right-to-sell, or exclusive agency), or the level of service being provided by the listing firm.~~ Selection of listings displayed on any IDX site must be independently made by each participant. (Amended 11/21) **M**

Section 18.2.12 All listings displayed pursuant to IDX shall identify the listing firm and the email or phone number provided by the listing participant in a reasonably prominent location and in a readily visible color and typeface not smaller than the median used in the display of listing data.* (Amended 11/21; Implementation Deadline 9/01/2022) **M**

Section 18.3.1 Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS Participants and users (e.g., ~~cooperative compensation offers, showing instructions, and property security information, etc.~~) may not be displayed on IDX sites. (See IDX Field List.) (Amended 11/21) **O**

Section 18.3.12 Display of expired, and withdrawn ~~and sold~~ listings* is prohibited. (Amended 5/21) **O**
 *Note: If “sold” information is publicly accessible, display of “sold” listings may not be prohibited. (Adopted 11/14)

Virtual Office Websites (VOWs)

Section 19.12 - A participant’s VOW may exclude listings from display based only on objective criteria, including, but not limited to, factors such as geography, list price, type of property, ~~cooperative compensation offered by listing broker, and whether the listing broker is a REALTOR®.~~ (Amended 5/21) **M**

M – Mandatory by NAR	R – Recommended by NAR, adopted by NYSAMLS’s	O – Optional, adopted by NYSAMLS’s
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