

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 of List Date, if defined in Exclusive Right to Sell or Exclusive Agency, otherwise**, 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)

A copy of the listing contract may be requested via computer audit and/or staff. Refer to Section 1.16 – Monitoring of Listings. The listing service member shall retain the listing agreement and the property data form for at least three (3) years.

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, 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 or image(s) of any identifiable person — real, animated, computer-generated, or otherwise. A banner on a photo 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.

NOTE: Photos shall not contain digitally enhanced modifications that alter or misrepresent the condition or appearance of the listed property's structure or grounds (e.g. adding/removing landscaping, changing the color of a wall or removing a structural defect). Images may include the use of virtual staging, which is limited to the addition of furnishings and wall décor that would otherwise be considered personal property and not conveyed in the sale of the property.

NOTE: "Courtesy" notices may be sent on any photos that may contain personally identifiable items (in photographs, paintings, license plates, etc.): It's a good idea to remove family photos and items printed with family names due to safety and security reasons.

- 5. **Virtual Tour/3D Virtual Tour/Aerial Drone Video Link Fields:** The Virtual Tour/3D Virtual Tour/Aerial Drone Video fields shall contain only a URL link directly to the Virtual Tour for that specific property listing. The URL is not to contain Agent/Company names. A Virtual Tour is defined as a 360-degree tour of a property, or a slide show of static pictures, which may include audio. Visual or audio information regarding the listing agent and/or company including contact information is prohibited. Advertisements are not allowed. Links or framing that show or lead to contact information or advertisements are also prohibited. For violations of this section, the MLS may remove the violation and/or fine the Participant. In addition, a **letter notice** will go to the Participant asking him/her to correct the information within Forty-Eight (48) hours 5-business days or the Participant's access to the MLS will remove the tour/video link, be terminated until the violation is corrected. **Virtual Tours/3D Virtual Tour/Aerial Drone Videos entered into the MLS cannot be reused by another broker without the consent of the listing broker who originated the tour(s).**

- 12. **Exclusive Right to Sell Contract:** All information in the Exclusive Right to Sell Contract must correspond with the Property Data Form and the information entered in the MLS. When taking a listing for a "To Be Built" lot (RES) or vacant land, an Exclusive Right to Sell Contract and Property Data Form for each lot listed is not required but the listing contract must list all of the lots to be sold. (ex: If twenty-two (22) lots are allocated to be sold in a subdivision, each lot will be listed on the one Exclusive Right to Sell Contract may be listed on one Exclusive Right to Sell Contract and should each be entered under a separate ML number in the MLS.)

- 13. **Changes -** All changes to the listing agreement information must be entered into the service within 24 hours. ~~and in any case no later than the next business day.~~

Section 1.4 Change of Status of Listing - Any change in listed price or other change in the original listing agreement shall be made only when authorized in writing by the seller and shall be filed with the service within twenty-four (24) hours (excepting weekends, holidays, and postal holidays) after the authorized change is received by the listing broker. R

M – Mandatory by NAR	R – Recommended by NAR, adopted by NYSAMLS's	O – Optional, adopted by NYSAMLS's
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Section 1.5 Withdrawal of Listing Prior To Expiration: Listings of property may be withdrawn from the Multiple Listing Service by the listing broker before the expiration date of the listing agreement provided notice is filed with the Service including a copy of the agreement between the seller and the listing broker which authorizes the withdrawal.

Sellers do not have the unilateral right to require an MLS to withdraw a listing without the listing broker's concurrence. However, when a seller(s) can document that his exclusive relationship with the listing broker has been terminated, the Service may remove the listing at the request of the seller. (Adopted 11/96) **M**

Withdrawals of listings must be submitted to the MLS within twenty-four (24) hours (~~excluding Saturdays, Sundays and holidays~~). The "Withdrawal" or "Change" form must be signed by the owner(s) and the Designated REALTOR/Office Manager/or any other authorized individual.

Section 1.8 Listing Multiple Unit Properties: All properties which are to be sold or which may be sold separately must be indicated individually in the listing and on the property data form. When part of a listed property has been sold, proper notification should be given to the multiple listing service. **O**

Note – When entering a listing with multiple parcels, only the primary parcel may be listed in the Tax ID field. The Tax ID, address(es) and individual acreage of the other parcel(s) should be listed in Public Remarks or on a PDF added as a Public Attachment and referred to in Public Remarks. When combining parcels, it is acceptable to enter the combined total acreage in the listing. If only one or some of the listed parcels have been sold, contact the multiple listing service for assistance in closing the listing in the MLS to ensure the accuracy of comparable sales and future statistics.

Section 2.5 Reporting Sales To The Service:

a) Status changes including final closing of sales, shall be reported to the multiple listing service by the listing broker within 24 hours (~~excepting weekends, holidays, and postal holidays~~) after they have occurred. If negotiations were carried on under Section 2a. or b. hereof, the cooperating broker shall report accepted offers to the listing broker within twenty-four (24) hours after occurrence and the listing broker shall report to the MLS within twenty-four (24) hours after receiving notice from the cooperating broker. (Amended 11/11)

b) Reporting Non-MLS Sales for Comparable Purposes Only (Comp Only): For sold data to be entered into the MLS for the sole purpose of comparable information, an MLS* subscriber/participant must represent the buying side of the transaction. These include listings that were not made available for cooperation/compensation such as a FSBO, New Construction, or a listing from a neighboring MLS (excludes wholesale, assigned contracts, and the acquisition side of distressed sales). These may be entered for Selling/Buyer's Agent credit only after the sale is finalized. Please contact your MLS for the written procedure on how to proceed which will include how to enter the listing so it will not show as available. The MLS will update the listing agent, replacing it with the unrepresented seller ID for that MLS, and then correct the listing, contract, and closing dates. Listings entered for comparable purposes only will have "For Comparable Purposes Only" added to the first line of private remarks. If the comparable sale is not submitted within thirty (30) calendar days of its closing date, it cannot be entered into the MLS. These entries are optional.

* MLS includes all MLS's that participate in the New York State Alliance of MLSs database.

In addition, no participant will report a single sale more than one time on any property filed with the Multiple Listing Service.

Use of MLS Information

Section 13 Limitations On Use Of MLS Information: Information from MLS compilations of current listing information, from statistical reports, and from any sold or comparable report of the MLS may be used by MLS participants as the basis for aggregated demonstrations of market share or comparisons of firms in public mass-media advertising or in other public representations. This authority does not convey the right to include in any such advertising or representation information about specific properties which are listed with other participants, or which were sold by other participants (as either listing or cooperating broker).

However, any print or non-print forms of advertising or other forms of public representations based in whole or in part on information supplied by the association or its MLS must clearly demonstrate the period of time over which such claims are based and must include the following, or substantially similar, notice:

Based on information data from the New York State Alliance of MLS's for the period (date) through (date) using this criteria: (show search criteria). **M**

Note – If a A subscriber chooses to may post their own production data and their company statistics (MLS reports, such as Agent Ranking) with their participant's permission but, they may only post their own name and production. may not post agent comparison reports which include other agents' production data.