



Regional Multiple Listing Service of Minnesota

RMLS Rules & Regulations:

**PROMOTING ACCURACY,
TIMELINESS,
CONSIDERATION, COURTESY AND
COOPERATION**

This summary highlights a subset of the RMLS Rules and Regulations and the MLS Rules and Regulations Compliance Guidelines. The complete documents take precedent over this summary. As a subscriber, you are responsible for complying with all RMLS Rules and Regulations.

Understanding the Rules and Regulations

Nearly 18,000 real estate professionals participate in the NorthstarMLS and contribute to the listing database. The Rules and Regulations are designed to ensure that every listing is current, complete, and accurate. Understanding and complying with the rules ensures a better system for all participants.



The following list highlights some of the most common violations. If you have questions, contact the RMLS Rules and Regulations Department at 651-251-3210.

1. **Accurate and complete data:** All information entered in the property listing must be accurate to ensure the integrity of the data. Agents and their customers rely on this data to make informed decisions. Some common examples of incorrect information:
 - a. Counting a nonconforming bedroom as a regular bedroom;
 - b. Entering the wrong MLS Area Number or incorrect PID;
2. **Enter Active Listings only once:** No two active listings should have the same PID. There are two exceptions:
 - a. Farms where the land and dwelling may be sold separately or together may be entered in Single Family Residential and Lots & Land. (Broker must inform RMLS to ensure one listing is cancelled so sale is only recorded once.)
 - b. A property with four or fewer dwelling units may be entered in Multi-Family and in Commercial/Mixed Use if the building has a commercial component.
3. **Make a listing correction within 48 hours after a Notice to Correct is received:** The notice may be to correct inaccurate data, remove promotional remarks or an inappropriate photo, etc. You have 48 hours (including weekends, excluding state & federal holidays) to correct before a fine is levied or escalated (see pg 7 for fine amounts). This rule does not impact most agents, but is in place to discourage flagrant disregard for the RMLS Rules.
4. **Entering a listing into the MLS only when you have a signed listing contract:** The listing broker must have the seller's written authorization to list the property. Do not list the property in anticipation of the signature. If the property was previously listed with another office, that listing must be canceled or expired before the new listing may be entered.



- 5. Within 3 days of the contract effective date, either enter the Listing or submit a Certification to Withhold to RMLS:** As an agent, you rely on access to new listings to best serve your buyers. If you work with sellers, they rely on you to make their property available as quickly as possible. To ensure these needs are met, listings must be entered no later than three days after the contract effective date (**including** weekends, but excluding state or federal holidays). If your customer wants to withhold the listing from the MLS, you must submit a Certification to Withhold form **to RMLS** (Fax to 651-251-5457) within three days of the contract effective date.
- 6. Upload a photo to the listing within 3 days:** Having one or more photo on a listing greatly enhances the value of the listing to other agents and potential buyers. A property photo must be loaded within three days (including weekends but excluding state/federal holidays). A photo is required for any listing that is Single-Family, Multi-Family or Commercial/Mixed Use; AND has Previously Owned, Completed New Construction or Model properties selected in Construction Status. A photo is required regardless of listing status (active, temporarily not available for showing, pending, sold, cancelled, or expired). The photo may not contain any broker/agent/builder signs or promotional materials. Also, no text (regardless of message) is allowed on any photographs submitted.
- 7. Move Listings to “Temporarily Not Available for Show” (TNAS) Status when unavailable for showing for 24 hours or longer:** You may enter a listing before it is available for show (to refinish floors, seller on vacation, etc.). To do this, enter the listing as “Active,” then Fax a Change Form (available from NorthstarMLS.com) to your REALTOR® Association, indicating that the listing should be in TNAS Status. When the property is available for showings, including an open house, it must then be changed back to “Active” status within 24 hours of being available. While in TNAS, no showings whatsoever may occur, even by the listing agent or agent’s office. Listings do **not** accrue Market Time while in TNAS status.
- 8. Enter a status change on a listing within 24 hours of the change:** If you’ve ever called to schedule a showing only to find that the property is pending, then you probably understand the importance of timely system updates. If there is any change in the property status (cancellation, pending sale contract, closed sale, change in price, TNAS), you must edit the listing to reflect the change within 24 hours. If there is a contingency on the offer and you want to continue showing the property, you may leave the listing in “Active” status. However, your office is required to disclose that there is a contingency when scheduling a showing.



CONSIDERATE, COURTEOUS, COOPERATIVE

- 9. Promotional information in Public Remarks, Media Uploads, Open House Remarks, Supplements or Driving Directions:** The MLS is a professional resource tool; not advertising. It may not be used for marketing or promotion of an agent, listing office or 3rd party services.

When entering Public Remarks for your listings, only describe the physical traits of the property for sale and its vicinity and any incentives provided by the seller to the buyer specifically related to the property and with specific purpose. You may **not** include:

- a. the listing agent's name, contact info, or any agent, broker or third party promotional material (such as incentives to use a mortgage or title company);
- b. Web Links: Unbranded virtual tours are the only allowed web link. The tour must only describe the property for sale and its vicinity. The listing office name may appear in 10 point font (in compliance with Commerce Department regulations). No other contact or promotional info is allowed, including links to other sites.
- c. You may list the name of the builder or brand names (for example "Acme Windows") only to the extent that they describe the property.
Acceptable: Built by Acme Homes
Unacceptable: Built by Acme Homes—premiere builder of quality homes.
- d. In Public Remarks stating buyers incentives are acceptable. No agent incentives or incentives not related to the physical property are allowed.
Acceptable: Seller will pay \$3,000 closing costs. Price Reduced by \$15,000.
Unacceptable: Free Plasma TV. Seller will give trip to Mexico. \$500 Gift Card.

There are many ways agents may market their listings outside of the MLS. Keeping the MLS database free of agent/business promotion allows you to share valuable property information (that you pay to access) with your customers without encouraging them to go around you to contact other agents directly or to leave you for one of your competitors.

- 10. Appropriate Photos:** Most photos accurately depict the property for sale and are entirely appropriate. Occasionally, inappropriate photos are reported. Examples include:
- a. Any photo that does not depict the property for sale or its vicinity (for example the house next door, a different condo, a model, empty lot, etc.).
 - b. Photos that have been digitally altered in a manner that does not accurately reflect the property and its surroundings (removing power lines or a water tower, adding a lake front, etc. O.K. to remove a non-permanent structure).
 - c. Company logos or cartoons.
 - d. Photos of an obscene nature.

11. Do not copy photos from the listing of another Participant. Use your own photos

12. Keep your NorthstarMLS ID and password private!: Your access to the MLS is one of the things that makes you valuable to your customers. Do not share your password with anyone, including colleagues, customers, non-member agents, friends and family. Be on guard for third party companies that attempt to strike a deal to share your access (if you are contacted for this purpose, inform RMLS immediately). Unauthorized dissemination of system access is a serious violation, resulting in a \$1000 fine.

13. Unauthorized use of MLS data: Sections 10 and 11 of the rules specify **authorized** uses of MLS information. If a particular use of MLS data is not specified as authorized there, then it is likely not authorized.

Examples of **acceptable** use:

- a. Reports for prospective buyers
- b. CMAs or comparables if prepared for a particular property and particular person.
- c. Use of compilations for demonstration of market share or to compare firms is authorized as described in section 11.4.
- d. Marketing materials using any data for listings in which you are the listing agent. The selling agent may also use the data, but only after the sale has closed.
- e. Marketing materials with aggregate statistics drawn from the MLS and footnoted as "Based on information from the REGIONAL MULTIPLE LISTING SERVICE OF MINNESOTA, INC for the period (*date*) through (*date*)."

Examples of **unacceptable** use:

- a. Use of compilations to compare the performance of **individual agents**. Statistics on individuals may be inaccurate and misleading.
- b. Providing a list of properties to a non-MLS member (such as a list of "pending" properties to a friend at a moving company to help generate new business).
- c. Sending **unsolicited** data (usually mass mailings) on any properties not in "Sold" status for which you are not the Listing Agent.
- d. Sending **unsolicited** data (mass mailings) on any properties in "Sold" status that do not comply with the Sold Listing Data policy (see section III of this booklet).

14. Access a listed property only with proper authorization. Do not disseminate your property access information: Having an agent enter their property without authorization is *extremely* upsetting to the owner. All access to a listed property must be arranged with the listing broker *even if the property is vacant*. Also, do not give information providing a means for someone to enter a property without specific permission from the listing broker. If a mistake occurs, we encourage you to contact the Listing Agent immediately to let them know what happened. This will often help avoid any snowballing. Unauthorized access is a serious violation resulting in a \$1,000 fine.

15. Use of "MLS" in Member Firm Name and Web Address: Participants are restricted from use of the terms "multiple listing service" and "MLS," especially in company names, web addresses, web domain names, email addresses, and URLs. The purpose is to ensure there is no inference that a broker/agent is or operates the MLS, nor inference that the public has access to MLS through any broker/agent Web site.

16. Commission offered in the MLS must be either a percentage of the gross sales price or a flat dollar amount. RMLS supports the National Association of REALTORS® position that any comments describing the compensation in any other manner should not be placed on the MLS. Common examples include, "Commission not paid on seller concessions," and "Commission based on net." There is nothing to prevent these kinds of changes to the compensation being negotiated between the parties before an agreement is reached. However, the listing broker may not **require** (through statement on the MLS) the cooperating broker to accept a commission based on the net sales price (or other deviations from the rule). Compensation offered strictly according to the rule of flat dollar amount or percent of gross selling price is essential to preserve the contract relationship between brokers that is created by participation in the MLS.

Q & A: Administration of RMLS Rules

How are MLS violations identified? How are MLS fines and warnings issued?

Violations may be reported to the RMLS by Participants, clerical staff, Association staff, RMLS staff, or consumers. Potential violations are also identified electronically. When a violation is confirmed, a Notice or Fine is issued, depending on the violation.

The purpose is not to generate fine revenue. The purpose is to make a system that works well for everyone – a system that is accurate, timely and cooperative.

Why does RMLS send Notifications to the broker and not to the agent?

The broker is the MLS Participant. Individuals are “agents” of the MLS Participant. The broker office is responsible for any violations, communicating any notifications, and ensuring that corrections are made. If you believe that notifications are not being communicated to agents in a timely manner, contact your broker regarding your office procedure. Each broker determines whether the office or the individual agent pays fines. It will usually depend on the specific violation, but normally the cost is passed on to the agent.

How much time is given to pay the fine? What are the late fees?

A fine must be paid within 30 days or an additional \$200 late fee will be assessed (and an additional \$200 every 30 days thereafter). Failure to pay accumulated fines of \$500 or more may result in the termination of MLS services for the entire office. Because the broker is the MLS Participant and ultimately responsible, all access to the MLS is at risk.

What if I disagree with a fine and want to contest it?

If you believe that a fine does not have merit, you may request an MLS Compliance Hearing. The process is described on pages 6-9 of the MLS Rules and Regulations Compliance Guidelines. Even if a hearing is requested, the fine must be paid within the time allotted. If the Hearing Panel finds in the Participant’s favor, the fine is refunded.

Who creates the rules? How can I petition to have one changed?

The rules are created and revised by the RMLS Board of Governors upon recommendation by the Rules & Regulations Committee. RMLS staff cannot change the rules. RMLS’s role is to interpret, educate and consistently enforce. To request a rule change, follow the Rule Change Request Procedure available at www.northstarmls.com.

What state and federal holidays are recognized by the RMLS?

Throughout the RMLS Rules and Regulations, you will find references to “state or federal holidays.” The following are recognized by RMLS for these purposes:

New Years Day

Martin Luther King Jr. Day

Presidents Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Christmas Day

Fine Amounts

While over 60% of notices sent by RMLS are Notices to Correct and do not include a fine, some violations are serious and unacceptable in any circumstance. Fines in these cases are immediate and automatic. The table below lists the violation and the fine assessed. All timelines for correction include weekends and exclude state or federal holidays. Fine amounts listed below are for first time offenders. Fines may be appeals by requesting a Compliance Hearing. More information is available at www.NorthstarMLS.com under the Rules and Regulations tab.

<u>Rules Violation</u>	<u>Fine</u>
Incorrect or Missing Data Duplicating an Active listing Entering a listing as "Active" that is not available for showing Not entering a status change within 24 hours of the change	a. Notice to Correct within 48 hours b. \$100 fine if not corrected within 48 hours c. Escalating fine every 48 hours not corrected
Promotional or any contact information in Public Remarks, Media Uploads, Financial Remarks, or Driving Directions Uploading an inappropriate photo to a listing	a. \$100 fine and 48 hours to correct b. Escalating fine every 48 hours not corrected
Not entering a listing into the system (or submitting a Certification to Withhold) within three days of the contract effective date	a. \$100 fine first offense b. Escalating fine for subsequent offenses
Failure to upload a photo within three days	a. \$15 administrative fee b. \$100 fine added every 48 hours photo is not loaded
Unauthorized dissemination of password Unauthorized use of MLS data Unauthorized access to listed property or dissemination of property access information Entering a listing without valid listing contract.	a. Automatic \$1000 fine for first offense. b. Fine doubles for subsequent offenses.
Use of MLS in company name, URL and website.	a. Notice to correct within 7 days b. Web site data feed terminated until corrected.

Using MLS Data in Advertisements

The rule regarding use of MLS data in advertisements is strictly enforced to protect the data submitted by participants as well as the MLS compilations. Improper display of MLS data is a serious violation and subject to an automatic \$1,000 fine. To avoid a costly lesson, it is important to understand this rule as you create your advertisements, whether they are postcards, fliers, newsletters, or other communications.

Requested Information or Unsolicited Advertisements? If a client or potential client asks you to provide information, such as a CMA, you are not bound by the data reproduction rules of Section 11. The rules draw a line between a **potential** client and an individual who **is** your client. Sending a monthly newsletter to someone does not make that person a client. If that individual called you or sent you an email asking for market updates, he/she becomes a customer. (The Commerce Department requires that the customer sign an agency disclosure statement at a first substantive contact.) Asking an individual their name, mailing address and area they have interest would probably qualify as a first substantive contact.

Data Aggregation: Many ads provide a statistical summary for an area (number of homes sold over the past year, average sale price). Such MLS statistical summaries are acceptable with the required disclosure, [*Based on information from the REGIONAL MULTIPLE LISTING SERVICE OF MINNESOTA, INC. for the period (date) through (date).*]. When you include information about specific listings, the requirements are much more specific, as described below.

Specific Listings: You may use specific listings in your ad without limitation if you were the listing agent or selling agent (*only* after the sale has closed for selling agents).

How To Use Sold Data In Compliance with the Rules: The following are acceptable:

1. You may include a reasonable number of **Sold or Comp Sold** listings from the MLS. You may not use listings from any other status (Active, Pending, etc.).
2. For each listing where you are not the listing or selling agent, you must **include the listing office name** in 10-point font minimum. This protects the participant's data and ensures compliance with Commerce Department regulations.
3. You may provide the data in verbal, printed or email communications. Display of the data in any other manner, including a **Web site**, is not permitted. Displays of data on Web sites are bound by the rules of the Broker Reciprocity program.
4. You may only use the **data fields** specified in the Sold Listing Data Policy (available at www.NorthstarMLS.com). The easiest way to obtain this data is through a Custom Report.
5. You must include the **disclosure** (per the Sold Listing Data Policy) in at least 10-point font on every page containing Sold or Comp Sold listing data.
6. The listings **may not be co-mingled** with property data obtained from other sources. If you wish to include other data, it must be separated from the data pulled from the MLS, and it must carry its own disclosure.






Example: This advertisement is not in compliance with the rules. The violations are noted.

Sold Property Report
Welch, Minnesota
Single Family Residential Properties Sold
 November 1, 2002 through April 30, 2003

Rita May
REALTOR



Here are some of the homes sold recently in your area:

1	Property Address	Year Built	Beds	Baths Total	Style	Finished Sq Feet	Acres	2 List Price	Sold Price	Days On Market	3
	14323 Hwy 61 Blvd	1890	5	1	Two Story	2080	4.27	\$170,000	\$170,000	22	4 Prudential Metro Wide Realty
	20220 Rowan Ave	1992	4	2	Split Entry, Bi-Level	1824	4.96	\$265,000	\$220,000	45	5
	20430 Rhonda Avenue	1975	4	3	One Story	3380	5	\$268,000	\$275,000	13	5
	25044 Cty Rd. 7	1986	3	2	One Story	1440	3.75	\$184,500	\$184,500	32	5
	30505 148th Ave	1910	3	1	Two Story	2616	10	\$208,000	\$215,000	9	4 Star Realty

I have been a real estate professional for
 In my experience I have
 If you are thinking of

Rita May
999-999-9999

6

Copyright 2003 Regional Multiple Listing Service of Minnesota, Inc. All Rights Reserved. Information deemed reliable but not guaranteed. Property data presented reflects information otherwise available from public records.

This example is in violation in six areas and would result in a \$1,000 fine:

- Property photos from the MLS are included. The photos in NorthstarMLS are the property of RMLS and are not available from public records. They are therefore not specified as allowed in the Sold Listing Data Policy.
- The List Price data field is included. List Price is not available from public records and therefore not allowed. All allowable fields are specified in the Sold Listing Data Policy.
- The Days on Market data field is included. Days on Market is not available from public records and therefore not allowed. All allowable fields are specified in the Sold Listing Data Policy.
- For the listings where the Listing Office Name was included, the font is 6-point and therefore too small. The font must be at least 10-point to ensure readability.
- Several listings do not have the Listing Office Name displayed. It must be displayed in at least 10-point font.
- The last sentence of the disclosure is missing and therefore not complete. Also, it is in 7-point font. It must be at least 10-point to ensure readability. The full disclosure is specified in the Sold Listing Data policy.

Frequently Asked Questions

What is a Certificate to Withhold?

If a seller does not want their property listed on the MLS, notify RMLS of the new listing within 3 days of the contract effective date by filing a [Certification to Withhold Form](#) and faxing it to your REALTOR® Association. You may still advertise and show the property when it's withheld.

What is TNAS Status: Temporarily Not Available For Showing?

If a listed property is not available for showings for 24 hours or longer, the listing must be changed from Active status to Temporarily Not Available For Showing (TNAS) status. It is not correct to state that the property is unavailable in a Remarks section. A property in TNAS status does not accumulate days on market time (DOM) and will not appear on Broker Reciprocity Web Sites.

By definition, an Active listing is a property available for showings. When agents search Active listings, they expect to be able to arrange for showings. If an agent calls to schedule an appointment and is told the property is unavailable, it is an inconvenience to the agent and customer.

Examples of When to Use TNAS:

1. If the seller does not want any showings for one week after the contract effective date, you must still enter the listing within three days. After entered, send a Change Form to your Association to change the status to TNAS. If you know when the property will be available for showing, you may state that in the Remarks section. Within 24 hours of being available for showing, return the listing to Active status.
2. The seller offers limited show times, such as weekends only. Within 24 hours of the final showing of the weekend, switch the listing to TNAS status. Within 24 hours of the first showing availability, switch the listing back to Active status. State in the Remarks section that it is available for weekend showings.
3. The seller accepts a Letter of Intent which includes an agreement to suspend marketing of the property. Change the status to TNAS. Once a purchase agreement is signed, you can change it to Pending status. If the property is still available for showing, the listing should stay Active but the signed purchase agreement must be disclosed when future showings are arranged.

What is a Comp Sold (Formerly Sold Before Print)?

If you help a buyer purchase real estate, and the seller has **not** signed a listing contract with an agent, you may (with the buyer's signature on an Input form) record the sale on NorthstarMLS. It **must** be entered as a Comp Sold. This means that the sold data is entered for a property that was never an available property (Active status) at any time, even momentarily. (In other words, it is sold before print.) A Comp Sold in NorthstarMLS will never have a listing agent as there was no listing contract.

If you are the buyer's agent for a Comp Sold, we encourage you to enter it, but it is not required. If entered, the listing is bound by the same rules as regular listings, with fewer required fields. Photos are encouraged but not required. Comp Solds **do** count towards broker market share.

Why Can't I Enter a Comp Sold simply as "Sold"?

A Comp Sold never has an Active status on NorthstarMLS. It has not accumulated MLS Market Time, and is not listed with an MLS Subscriber. Entering it as an Active property, then pending and closing it, would create Market Time. This Market Time would not be accurate because Market Time on NorthstarMLS is calculated off the List Date, which in this case does not exist.

Property Photos

Any listing in Single Family, Multi-Family, or Commercial/Mixed Use must have a property photo loaded within 3 days, regardless of status (photos are required for listings that quickly change to expire, cancel, or pending). Photos are not required for Lots and Land, Comp Sold, or while a status is "Under Construction" or "To-Be-Built." If the photo is not loaded within 3 days, a \$15 administrative fee is assessed. If the photo is still not loaded, a \$100 fine is assessed every 48 hours until loaded.

Is Any Type of Photo Acceptable for My MLS Listing?

The photo must depict the *actual* property for sale and may not be digitally altered in such a manner that does not present a true picture of the property. Examples of items that may not be displayed include:



- Photos that were copied from a previous listing without permission from the previous listing broker;
- Photos altered to remove a water tower, power lines, electrical poles or other permanent fixtures;
- Photos in which the broker sign or builder sign appears;
- Photos of an inappropriate nature or any added text;
- Unrelated business or retail from the property vicinity



**BrokerSM
Reciprocity**

Maintaining a Website

NorthstarMLS participants may, with broker approval, display listing data on a web site through the Broker Reciprocity data sharing agreement. Use the summary below to make sure your site is in compliance with BR rules. The complete BR rules are available at www.NorthstarMLS.com.

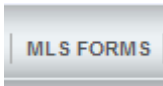
- **BROKER'S LOGO ON EVERY PAGE:** A BR site must identify the name or logo of the responsible broker.
- **RMLS – APPROVED ICON:** The BR logo must appear on the first page where any listing data is displayed with a disclosure that the properties are provided courtesy of the Regional MLS of Minnesota, Inc., Broker Reciprocity Database.  or 
- **REQUIRED DISCLOSURES:**
 - "Information Deemed Reliable But Not Guaranteed"
 - "Copyright 2008 (year) Regional Multiple Listing Service of Minnesota, Inc. All rights reserved" or "© 2008 (year) Regional Multiple Listing Service of Minnesota, Inc. All rights reserved."
- **REQUIREMENT OF THUMBNAIL DISPLAY VS. DETAILED DISPLAY:** Any data in a brief or "thumbnail" display (2 horizontal lines of data or less), must include the BR logo. A detailed display (more than 2 horizontal lines of data) must include the listing broker's name, the BR logo, and the RMLS copyright notice. No site branding may appear within the body of another broker's data.
- **USE OF THE TERM MLS:** Site may not indicate or imply that it is an MLS or that the public may search the MLS. Use of the term MLS or Multiple Listing Service is prohibited in member names, domain names, web addresses, email addresses and URLs.
- **END-USER LICENSE AGREEMENT:** Prior to display of BR data, the site must require the visiting consumer to assent to the terms of the End-User License Agreement (EULA). A copy is available at www.northstarmls.com/forms/EULA.doc.

Rule Change Request Procedure

To ask for an RMLS Rule change, send a request in writing to the Rules & Regulations Committee specifying which rule you want changed and why. Please give specific examples of the issue. Request may be sent via email to mlshelp@northstarmls.com or regular mail to the RMLS office. The Committee reviews all written requests for rule changes. If the Committee decides a change to the RMLS Rules is warranted, a motion for action will be directed to the RMLS Board of Governors. Rule changes are not retroactive.

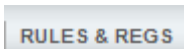
The RMLS Rules Committee is made up of three to four members of the RMLS Board of Governors and the Executive Officers of the four shareholder associations (or their staff appointee). Several RMLS staff members participate in meeting discussions but do not vote on action items. The RMLS Board of Governors consists of nine individuals appointed by the four shareholder associations and nine individuals appointed by market leading brokers (as determined by market share).

For more information go to www.NorthstarMLS.com:



Under the

- Listing Input Forms
- Certification to Withhold Form
- Change Form
- MLS Compliance Hearing Request Form



Under the

- RMLS Rules and Regulations
- RMLS Compliance Guidelines
- Sold Listing Data Policy
- Guide for Easy Compliance
- Fine appeal forms

For assistance, contact:
NorthstarMLS Help Desk
651-251-5456
mlshelp@northstarmls.com

Regional MLS of MN, Inc
2550 University Ave W, Ste 259 S
St. Paul, MN 55114