



# **Nevada County Association of REALTORS®**

## **Multiple Listing Service Policies & Procedures**

**Effective January 1, 2018**

## Section A–Listing Input and Maintenance

- 1 All listings must be entered into the NCAOR MLS system within three (3) days of the date the contract is signed by all Principal(s) (owner/seller). Exception: a “Sellers Exclusion to the MLS” (SELM or Listing Agreement) form must be submitted to NCAOR at the time of input.
- 2 A listing shall not be placed in more than one (1) Area (see NCAOR Area Maps).
- 3 A listing must be placed in the correct Area (see NCAOR Area Maps).
- 4 Any Status/Transaction change to a listing must be reported in the database within three (3) days of said change.
- 5 All listings placed on the NCAOR MLS will have at least one (1) photo/image of the property (Exception for Confidential listings). This is mandatory at the time of inputting the listing into the NCAOR MLS. A plat map may be used as a temporary primary photo for two (2) business days only.
  - A The primary/main photo entered into the NCAOR MLS must be of the property or be taken from the property. 1-2 common facility photos may be part of the other photos, but not the main photo. And in the public remarks, it must say if it is a common or community amenity and/or how far away it is from the subject property (truth in advertising).
- 6 Listings shall be entered into the NCAOR MLS System prior to the “On Market Date.” DOM-begins with “On Market Date.”
- 7 All listings in listing history will be linked together under CDOM with two exceptions:
  - A When there is a thirty (30) days or more time lapse in between listings, whether “Cancelled”, “Withdrawn”, “Expired” or “Back on Market” and;
  - B When the property is “Sold”. Otherwise, the CDOM calculates the total of all linked listings, including properties re-listed with different companies.
- 8 There shall be no solicitation of a seller prior to the expiration or cancellation of a listing.
- 9 All Sales must be reported within three (3) days of close of escrow.
  - A Any listing that will be entered into MLS must be entered within three (3) days of Escrow Opening/Pending Status. The MLS citation schedule will apply to listings in violation of such policy. Listing entries will not be permitted in the NCAOR MLS database for properties that have previously closed escrow.
  - B An SELI and/or an SELM forms signed by the listing brokerage, must be submitted to the MLS prior to the listing being entered as “SOLD,” with zero (0) to four (4) days on the market, with permissions to put said listing in to MLS.
- 10 Listings entered as SOLD may only be reported under one (1) “Class.” The second listing “Class” should be reported as CANCELLED.
- 11 In order for an ACTIVE listing to be CANCELLED or WITHDRAWN for any reason, and be re-entered as a NEW, ACTIVE listing, the listing agent and the seller must enter into a new Listing Agreement and provide a copy of said agreement to NCAOR MLS (upon request). Under no circumstances will a CANCELLED listing be deleted from the NCAOR MLS database.

- 12 Deletions of listings in the NCAOR MLS system are not permitted (with the exception of duplicate listings at the time of input).
- 13 Confidential listings may be placed on the NCAOR MLS, provided that address withheld must read “**123 No Address Rd**” and the APN # “**00-000-00-000**” in order for the listing to be considered confidential. The SELI form acknowledging a listing without the address being published on MLS must be submitted to the MLS Department prior to or at time of entry in the MLS.

14 Statuses available on the Multiple Listing Service are as follows:

**Active**

- Active
- Active Short Sale
- Active REO
- Active Short Sale Contingent
- Active Release Clause (See Section B: 3, for description)

**Pending**

- Pending
- Pending Short Sale
- Pending REO

**Sold**

- Sold
- Sold Short Sale
- Sold REO
- Sold Before Entered (Not used by MLS, for Statistical Use ONLY)

**Cancelled**

**Withdrawn/Temporary Off Market**

**Expired**

**Leased**

- 15 Listings shall use appropriate APN number for Nevada County, including trailing zeros (i.e. 00-000-00-000).
- 16 NCAOR MLS shall have the right to demand a copy of such written listing agreements and verify the listing’s existence and adequacy at any time. NCAOR MLS shall also have the right to demand a copy of seller’s written authorization required under these rules. If the Broker Participant or R.E. Subscriber fails to provide documentation requested by NCAOR MLS within 1 day after the request, NCAOR MLS shall have the right to immediately withdraw any listings from the data base in addition to disciplining the Participant and Subscriber for a violation of MLS rules.
- 17 Virtual Tours may be branded.
- 18 Up to three (3) Virtual Tour links are available per listing.

## Section B–Remarks

- 1 Input of Confidential Information shall be limited to the designated confidential fields.
- 2 “Public” Remarks Field must contain a description of the property. No agent data or confidential information shall be included in the “Public” Remarks, addendum or any other public data fields. Information that may not be displayed in public data fields include, but are not limited to the following:
 

<ul style="list-style-type: none"> <li>* Occupancy information</li> <li>* Owner information</li> <li>* Agent/office information</li> <li>* Showing instructions</li> <li>* Tenant information</li> <li>* Identifying Sign-age in photos is not allowed</li> </ul>	<ul style="list-style-type: none"> <li>* Remarks disparaging other agents</li> <li>* Branding of photos is prohibited</li> <li>* Any other confidential information</li> <li>* Anything conveying information about other offices</li> <li>* Access information to the property</li> <li>* Anything conveying any other information that does not directly relate to the marketing of the listing</li> </ul>
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- 3 A “Contingency” Sale (including Active Release Clause) which is based on the sale of another property must indicate “XX Hour/Day Contingency” in the first line of the PUBLIC REMARKS section to allow it to remain “Active”. All other listings that have a signed purchase contract (buyers & sellers) or an open escrow must be marked “Pending” in the Status field.

## Section C–Tour

- 1 Tour listings must be entered or cancelled by 12 noon on the Tuesday/Friday prior to the Tour date. The distribution of the tour sheets will be posted on MLS by 2:30 pm the Tuesday/Friday prior to the tour date.
- 2 Please note: Listings that are marked in the Rapattoni system as “Open House” instead of “Tour” will not be placed on the Tour Sheet. “Open Houses” must be entered in to the MLS on Wednesday, prior to the showing, to allow for the newspaper input and provide a proof prior to printing.
- 3 NCAOR Affiliate members are welcome to attend MLS Tour meetings and to also go on tour. During the formal meeting, there will be no solicitations of products or services. With the exception of the hosting affiliate.
- 4 It is encouraged that an agent, or a representative for the agent with a listing on tour, be present at the Monday/Wednesday Marketing Meetings to pitch their listing, or it may be scratched from the tour sheet by the moderator.

## Section D–Website/IDX

- 1 Violation of EDD (IDX) data framing or transfer stipulations in MLS Rules and/or EDD Policies and Procedures.
- 2 All virtual tours entered into the NCAOR MLS database can be published in a “Branded” format. Including having the agent in the video showing the property.
- 3 Only “Active”, “Pending” and “Sold” listings are available for Website/IDX distribution.
- 4 Agents and their contracted IDX vendors are required to disclose the name of the agency and the agent within the IDX listing “detail” for any and all listings fed through the IDX search programs on their individual and company websites. Listing recognition shall be shown as “Listed By \_\_\_\_\_”, in the same typeface, font size and color as the listings, along with the broker reciprocity logo. When agents only place IDX fed listing “summaries” on their websites, void of a listing photo or link to a listing detail, on their websites, they must place the required listing agency/agent’s acknowledgment within the listing “summary.”
- 5 \$50 Application and Reinstatement fee for IDX vendors.

## Section E–Security/Safety

- 1 Participants and Subscribers who utilized key access at the property (which must be indicated on the MLS) shall use the designated or authorized lockbox required by the MLS where the listing is submitted in addition to any other type of key safe.
- 2 Misuse of Lockbox – The key use and the contents of the lockbox should only be used for the purpose of facilitating sale or lease of listed property. Participants and/or Subscriber must be present with the potential buyer(s) or buyers(s) in contract to gain access to a property and must remain on the property with them at all times.
- 3 Effective January 1, 2016 – The Nevada County Association of REALTORS designated lockbox is the Supra iBox BTLE Bluetooth. When a listing showing instruction states, “Vacant w/ Lockbox”, “Call First Lockbox”, “Text First Lockbox” and “CBS Restricted – CLA” the new I Box BTLE Bluetooth must be placed on the listed property as published.

## Section F–Miscellaneous

- 1 Mass Emailing to the entire NCAOR MLS Agents is prohibited. For select Group Emailing, the Federal CAN-SPAM Act of 2003 must be followed. See the Federal Trade Commission for guidelines and more information: ([www.ftc.gov/bcp/conline/pubs/buspubs/canspam.shtm](http://www.ftc.gov/bcp/conline/pubs/buspubs/canspam.shtm))
- 2 NCAOR MLS Service Fees  
Upon subscribing to the NCAOR MLS Service, Participants/Subscribers agree to remit, on a quarterly basis, prescribed fees by specifying “Due Dates” as noticed in the NCAOR Quarterly NCAOR MLS Service Billing. Payments postmarked after the designated “Due Date” will be subject to a 10% late fee. Participants/Subscribers who elect to suspend quarterly services as indicated by the absence of payment thirty (30) days beyond the due date will be subject to a reinstatement fee of \$50.00. Upon ninety (90) days lapse in service, the participant/subscriber will be required to remit new application and fees for service initiation. **Reminder Card Notice:** “The MLS Rules and Regulations require that MLS services be suspended if payment is not received or postmarked by *Month 30th* and that a 10% late fee will then be applied. Payments not received by *Month 10th* will be subject to a \$50 reinstatement fee. Please remit payment in a timely manner to avoid any additional charges. Disregard this notice if payment has already been made.”

- 3 “FOR SALE” Sign Placement  
All sign placements must be in accordance with the following policy:  
Conformance with the NCAOR MLS Rules & Regulations and County Land Use Code, Sec. L-II 4.2.12 Signs, H.14.a.b.c. Real Estate Signs
- 4 Statistical Reports  
Regarding agent and office/firm rankings, provided by Rapattoni MLS, are for the sole use of the subscribers of the NCAOR MLS. Reports regarding rankings may not be reproduced for the purpose of marketing or advertising or in any other way given to the public. Information contained in the reports may be used by the subscribers in another format as long as there is no violation of other NCAOR MLS rules or Code of Ethics.
- 5 Violation of any NCAOR MLS Rules & Regulations and/or MLS Policies not currently cited on the Citation Matrix are covered under the NCAOR Rules & Regulations: Exhibit B.
- 6 Code of Ethics, Article 11 Competency Standard  
The services which MLS participants provide to their clients and customers shall conform to the standards of practice and competence which are reasonably expected in the specific real estate disciplines in which they engage; specifically, residential real estate brokerage, real property management, commercial and industrial real estate brokerage, real estate appraisal, real estate counseling, real estate syndication, real estate auction, and international real estate.  
MLS participants shall not undertake to provide specialized professional services concerning a type of property or service that is outside their field of competence unless they engage the assistance of one who is competent on such types of property or service, or unless the facts are fully disclosed to the client. Any persons engaged to provide such assistance shall be so identified to the client and their contribution to the assignment should be set forth.

**NOTE:**

1. All fines will be levied against the AGENT, with notification to the Designated REALTOR® or Designated Broker on a per infraction basis.
2. Flagrant violations may be subject to membership sanctions under the NCAOR MLS Rules & Regulations.