



MLS RULES UPDATE – Effective 1/1/18

The MLS Committee would like to inform our members of recent changes to the Tulare County MLS Rules and/or Policies. Please familiarize yourself with the changes below:

- **Days on Market (DOM/CDOM) Calculation**
- **Photographs/Images on the MLS**
- **Citation Policy / Fine Schedule**

Days on Market (DOM/CDOM) calculation

DOM/CDOM will now increase for all statuses EXCEPT Pending, Canceled and Expired.

Photographs/Images on the MLS

The allowable time to upload a front exterior photo of a property to the MLS has been reduced from 3 days to 2 days.

11.5 Photographs/Images on the MLS. ...At least one (1) front exterior photograph or image accurately displaying the listed property (except where sellers expressly direct that photographs of their property not appear in MLS compilations) is required to be posted on the MLS within 2 days of submission of the listing in all categories other than business opportunity. The MLS reserves the right to remove any non-compliant photographs and or images from MLS display should Participant or Subscriber refuse or fail to bring said photographs and or images into compliance with the requirements of this rule after being notified and instructed to correct by the MLS...

Citation Policy / Fine Schedule

Fine schedule changed to 4 tiers. Similar violations have been re-categorized into the same tier with all correctable violations moved into tier1. Respondents also now eligible to receive 50% reimbursement for first violation fine in Tier2, Tier3 and Tier4 if fine paid in full and compliance training class attended within 60 days.

	Tier1	Tier2	Tier3	Tier4
1st violation	200	300	500	2000
2nd violation	600	900	1500	6000
3rd+ violation	1200	1800	3000	12000

Violator is eligible to receive 50% reimbursement for first violation fine in Tier 2, Tier 3 and Tier 4 by paying the full fine amount first and then completing a compliance training class within a 60-day period. Second and subsequent violation fines will not be eligible. For citations with multiple fines, only the first fine will be reimbursed.

Tier1:

- Failure to Update/Change Listing Information 7.8
- Failure to Provide Complete Listing Information 7.11
- Failure to Offer Unconditional Compensation 7.12
- Failure to Comply with Auction Listing Requirements 7.24
- Failure to Disclose REO Status 7.27
- Failure to Disclose Short Sale Status 7.28
- Failure to Input Accurate Information 8.3
- Failure to Timely/Accurately Report Listing Status, Status Changes and Sales 10.1; 10.2
- Failure to Timely Report Cancellation of Pending Sale 10.4
- Wrongful Use of Photographs 11.5
- Misuse of Public Remarks; Failure to Limit Public Remarks to Marketing, Description and Condition of the Property 12.5
- Failure to Include Proper Directions 23.0

Tier2:

- Non-Completion of Required MLS Orientation Program Within Set Time Allowed 4.0
- Failure to Properly Designate/Correlate License Type 4.1.3; 4.2.3

Failure of Participant or Subscriber to Notify the MLS of Termination, Transfer, or Addition of Any Clerical Users Affiliated with Participant or Subscriber 4.3
Failure of Participant to Notify the MLS of Termination, Transfer, or Addition of any Licensees Under Participant's License 4.4
Failure to Comply with "Certification of Nonuse" (back fees owing under Certification to be cumulatively added to citation amount) 5.1.6
Failure to Properly Specify Listing Type or Class 7.2; 7.3
Failure to Input a Required Listing within 3-5 days; Failure to Disclose Known Additional Property Owner Information 7.5
Failure to Provide Signed Seller Exemption; Failure to Submit Compliant Signed Seller Exemption 7.6
Unauthorized Cancellation/Withdrawal of Listing; failure of ongoing obligation to report solds 7.9
Failure to Remove Expired Listing 7.19
Failure to Disclose Dual Variable Commission 7.22
Failure to Correct Incomplete or Inaccurate Information after MLS Notification 8.3
Unauthorized Use of Term "Sold" 12.7
Failure to Timely Remove Lockbox after COE or Expiration/Cancellation of Listing 13.12

Tier3:

Failure to Input a Required Listing after 5 days 7.5
Entry of a Listing as New after Withdrawn without a New or Amended Listing Contract 7.8
Failure to Disclose Interest by a Broker Participant or R.E. Subscriber in the Subject Listing 7.17
Failure to Obtain Seller's Written Authorization before Extension/Renewal 7.19
Prohibited Co-Listing 7.25
Violation of DOM/CDOM Calculation 7.26
Failure to Provide Appropriate Written Documentation of Listing 8.2
Misrepresent Availability of Access 9.3
Failure of Requisite Authority to Submit Listing Content 11.4
Use of Photographs on a Listing Without Proper Authorization 11.5
Wrongful Use of Remarks on a Listing Without Proper Authorization 12.5
Impermissible Use of Listing Content/Display of Non-Allowable Listing Content 12.7
Unauthorized Advertisement of Listing of Another Broker 12.8; 12.8.1
Failure to Provide Listing Attribution 12.8.1b; 12.16e; 12.19.18
Unauthorized Use of Statistical Reports, Sold Data or Comparable Reports in Advertising 12.9
Failure to Provide Adequate Informational Notice and/or Disclaimers on Print or Non-Print Forms of Advertising or Other Forms of Public Representations 12.9; 12.15.1; 12.16s; 12.19.17
False Representations; Failure to Abide by True Picture Standard of Conduct 12.10
Violation of Competency Standard 12.21
Failure to Follow Lockbox Requirements 13.2.2

Tier4:

Failure to obtain sellers authority to list in MLS 8.1
Failure to be Physically Present when Providing Access to a Listed Property 9.9
Failure to timely notify of DRE or OREA adverse action 12.1
Unauthorized Use of MLS Information 12.11
Sharing the MLS compilation or portion thereof with any third party vendor not authorized by the MLS 12.11; 12.12; 12.15
Unauthorized Sharing of MLS Information and Pass Codes; Use of MLS by Unauthorized Party 12.12
Unauthorized Clerical User Access and Use of MLS Information 12.12.1; 12.14.1
Misuse of Reproduction of MLS Information 12.15
Unauthorized Reproduction of Confidential Fields and Information 12.15.2
Unauthorized Compilation Downloading or Transmission of Data; Failure to Restrict Access to Authorized Party 12.15.4
Misuse of MLS Data on Public Website; Violation of IDX Rules 12.16
Misuse of MLS Data on Public Website; Violation of VOW Rules 12.19
Unauthorized Sharing of Lockbox Key 13.2
Wrongful Use or Removal of Lockbox Contents 13.2.1
Failure to Account for Lockbox Key 13.4
Failure to Obtain Seller's Permission to Place a Lockbox 13.6
Unauthorized Entrance into a Listed Property; Failure to Follow Showing Instructions 13.7
Failure to Report Lost or Stolen Lockbox Keys 13.8

TCMLS has a "self-policing policy." MLS users are responsible for policing the integrity of the MLS Data and reporting inaccurate data or rules violations to the MLS Committee. Reports shall be submitted using the designated reporting method. Verbal reports will NOT be accepted. Staff shall be authorized to contact reporting members to clarify the reports and collect any documentary evidence. Staff shall contact reported members and allow two (2) days for reported members to modify the listing(s) if the reports are considered correctable. As defined by the Fine Schedule, only Tier1 rules violations are considered correctable. No notices or calls will be made for reports that are not correctable. Reports shall be presented to the MLS Committee if the reports are not correctable or if the listing(s) have not been modified after the allowed time period. Staff does not make determinations (rulings). Only the MLS Committee, the Board of Directors, or other authorized body shall make such determinations.

The **TCAOR MLS Rules** can be downloaded at www.tcmls.org > About Us. Do not hesitate to contact the board office (559-627-1776) with any questions.