

## **IMLS Rules & Policies FAQ**

The following information is provided to our MLS participants and subscribers as a reminder of current MLS Rules, Regulations, and Policies. While this is not intended to be a comprehensive list of MLS Rules and Policies, it contains much of the information that is often asked of MLS staff during the regular course of business.

### What are the definitions for each property type in the Residential Class?

The following are the property definitions adopted by the MLS for use in defining property types within the Residential Class.

- Single Family - A stick/site/manufactured/modular built home with no common (or shared) exterior walls on a single parcel of less than one acre on foundation
- Single Family with Acreage - A stick/site/manufactured/modular built home with no common (or shared) exterior walls on one or more parcels of land totaling one acre or more on foundation.
- Condo - A single dwelling with or without shared (attached) walls where no individual lot ownership exists. Unit number rather than lot and block define legal descriptions.
- Townhouse - A single dwelling with or without shared (attached) walls that is part of a community that shares common area, but ownership of lot is included in the property.
- Mobile/Manufactured Home on Rented Lot - A mobile or manufactured home that is located on a rented lot.
- Mobile/Manufactured Home on Owned Lot - A mobile or manufactured home located on an owned lot that is included.
- Recreational Land with Home - A home on land that could be determined to be recreational.

### How is Compensation expressed in the MLS system?

The compensation specified on listings published by the MLS shall be shown in one of the following forms:

- by showing a percentage of the gross selling price.
- by showing a definite dollar amount.

It is important that the "\$" or "%" sign is used to provide ultimate clarity on the actual compensation. Simply placing a numerical value without a \$ or % could leave doubt regarding compensation amounts and give rise to potential conflict.

### What is a variable rate commission and how do I disclose it?

The existence of a dual or variable rate commission arrangement (i.e. one in which the seller agrees to pay a specified commission if the property is sold/leased by the listing broker without assistance and a different commission if the sale/lease results through the efforts of a cooperating broker; or one in which the seller/landlord agrees to pay a specified commission if the property is sold/leased by the listing broker either with or without the assistance of a cooperating broker and a different commission if the sale/lease results through the efforts of a seller/landlord) shall be disclosed by the listing broker by a key, code or symbol as required by the MLS. The listing broker, in response to inquiries from potential cooperating brokers, must disclose the differential.

To properly disclose a variable rate commission in the MLS, place a "Y" for yes or an "N" for no in the field provided. Members can also explain the terms of the variable rate commission in the addendum section of the MLS if they choose to.

### What is the best way to express property directions in the MLS?

Property directions in the MLS should always start from a main arterial road (preferably including a main cross street) and use directionals such as North, South, East and West instead of left and right. Members should be cautious of fair housing issues when using landmarks to express location. (I.e. located right behind the First Christian Church).

### What do I do if the subdivision code for my listing is not listed?

If you need a subdivision code added please contact the MLS technical support staff and they will add the code for you. Once the code has been added you will be able to input the proper subdivision code for your listing. Please do not use the "not applicable" code unless the listing truly is not in a subdivision. Many of our members use subdivision as part of their search criteria and listings that are in the wrong subdivision code will be excluded from their search results.

### How do I find the appropriate School District and boundary information for my listing(s)?

- If your seller does not know the school boundaries, [click this link](#) to locate the appropriate school.
- If a new school needs to be added to the MLS system, please contact MLS technical support staff. What is the difference between the Remarks section of the MLS and the Agent Remarks section?
- The remarks section of the MLS is intended to be used for marketing remarks related to the listing itself, including features not previously described in any of the MLS fields. For example, there is no need to put "great 3 bdrm 2 bath home" in the remarks since the listing information already indicates it is a 3 bdrm, 2 bath home. The Remarks field is often used on websites the broker chooses to advertise on. As always, members should be cognizant of potential fair housing violations with the information they place in the Remarks field.

- The agent remarks section is intended to provide any additional information to potential selling agents or brokers. Information such as bump clauses on contingent listings, bonuses being offered, special showing instructions, etc should be placed in the addendum section of the MLS system. In addition, the addendum can be used to disclose special circumstances in a transaction and/or the commission (for example new construction list agents can use the Addendum to disclose that commissions are to be paid on base asking price only, not on upgrades or add ons.)
- The agent remarks section is not intended to be overflow space for additional remarks. Members who use the agent remarks for additional remarks may risk having part of the information not seen if the agent remarks section is omitted from the listing.

How do I accurately report a change in the status of my listing to the MLS?

The following rules and guidelines apply to the various status changes in the MLS system:

- "Sold" listings must be reported to the MLS by the next business day. Sold listings must include a sales price, closing date (remember to update your proposed closing date to actual when marking listings sold) and the type of financing.
- "Pending" listings must be reported to the MLS by the next business day. All listings with an accepted offer must be marked pending unless they have a signed "Sellers Right to Continue to Market".
- Pending listings must include the contract date (date of final acceptance by all parties) and a proposed closing date.
- "Withdrawn" listings must be reported to the MLS by the next business day. Temporarily Off Market listings are still under contract and will automatically expire on the expiration date. Temporarily Off Market listings cannot be relisted until they have Expired or have been Cancelled. Cancelled listings are terminated contracts and these listings will always remain in the cancelled status.
- "Contingent" listings must be reported to the MLS by the next business day. Since, Contingent is an active status, listings may only be marked Contingent if it is written in the contract that the property will continue to be marketed and offers accepted. Listings marked as Contingent should include the terms of the contingency (including the bump clause) in the Agent Remarks section of the MLS system.
- "New" listings must be reported to the MLS by the next business day after advertising and/or marketing begins. IMLS members are required to report all Residential and Vacant Land listings to the MLS unless they have the seller's request to withhold the listing from MLS. A copy of the Waiver of Benefits form must be provided to MLS (via email or fax) by the next business day after marketing and/or advertising begins. New listings must include all the appropriate required fields and are subject to inaccurate information sanctions if they are submitted with inaccurate or incomplete information.

What is the difference between "exclusive right to sell" and "exclusive agency" in the listing type field of the MLS system? And what is an "office exclusive" listing?

- Exclusive Right to Sell listings are the conventional form of listing submitted to the MLS in that the Seller authorizes the listing broker to cooperate with and to compensate other brokers. Exclusive Agency listings can also be submitted to the MLS.
- Exclusive Agency listings authorize the listing broker, as exclusive agent, to offer cooperation and compensation, but also reserves to the seller the general right to sell the property themselves on an unlimited or restrictive basis.
- Exclusive Agency should not be confused with an "office exclusive" listing where the seller has chosen to "opt out" of submission of their listing to the MLS. All office exclusive listings are required to be on file with the MLS (send a copy by mail or fax to the MLS office) within three business days and must include specific language signed by the seller that indicates they do not wish to have their listing submitted to the MLS.

Can I report a previously unpublished sold to the MLS and if so, how do I do it?

Yes! Previously unpublished sold listings can be reported to the MLS. In fact, to ensure the MLS has the most comprehensive database of properties available for comparables, it is preferable to report everything you sell. In order to report a previously unpublished sold property to the MLS, you must have the buyer and seller's permission. Completion of an MLS property data form with the property details and an owner signature will suffice. Enter the listing into the system just as you would a new listing but include the status as "Unpublished Sold". Use the correct listing date and selling date.