

MLS RULES UPDATE – May 1st 2020

The MLS Committee would like to inform our members of recent changes to the Tulare County MLS Rules and/or Policies. The changes will go into effect on May 1st. Please familiarize yourself with the changes below:

NAR-Mandated Revisions (Clear Cooperation Policy)

- **7.4.1 Time Frame Definitions** has been revised to add a definition of business days;
- **7.5 Mandatory Submission** has been revised to incorporate the new standard for submission of 1 business day after any public marketing and includes a definition of public marketing;
- **7.6 Exempted Listings** has been revised to incorporate the new standard for allowable exclusion from mandatory submission which is only for an office exclusive and includes a definition of office exclusives;
- **8.2 Written Documentation** is the new location of the language defining necessary signatures and disclosure of additional property owners not part of the listing agreement which was moved out of Section 7.5 Mandatory Submission.
- **8.5 Buyer, Seller, Purchase and Sale Defined** clarifies that definitions sweeping in rental arrangements do not apply for purposes of Sections 7.5 and 7.6.

Summary: **Once a listing is publicly marketed, the listing must be filed with the MLS and be provided to other brokers within (1) one business day.** The listing broker must submit a signed certification (SELM form) to the MLS within one (1) business day of the effective date of the listing if the seller has instructed the listing broker to do no public marketing [and has permitted limited scope of marketing to direct one-on-one promotion between the brokers and licensees affiliated with the listing brokerage (ie: office exclusive listing)]. The seller and listing broker cannot 'opt-out' of the Clear Cooperation Policy if the MLS has adopted the rule and will supersede any conflicting seller opt-out instructions as per C.A.R. SELM (12/19).

CAR Recommended & TCMLS DOM Clarification Revisions

- **10.1 Statuses** has been revised in the following ways:
 - (b) the Active Under Contract status has been tightened to require more than a seller merely looking for back-up offers, but instead to require that a seller be willing to show the property and accept back-up offers from potential buyers;
 - (c) a Delayed Showing status has been added;
 - (d) the Hold status now prohibits marketing;
 - (f) the Pending status clarifies that incidental remaining marketing in this status is not a violation of its off-marketing status;
- **7.19.1 Extension for Protected Buyer** has been revised to add a reference to cancelled listings;
- **9.3 Availability to Show or Inspect** has been revised to give this section more teeth to enforce rules where agents misrepresent showing instructions.

Summary: TCMLS has adopted CAR recommended revisions to compliment NAR's Clear Cooperation policy and added clarification verbiage for DOM Calculation. Members are to review the changes and use the accurate status for each listing.

Active Under Contract: Offer accepted and either 1) Seller requests that property remain in an On-Market status and is willing to show the property and accept back-up offers, or 2) the sale is subject to court or other third party approval. This is an On-Market status.

Delayed Showing: A valid listing contract is in effect, but Seller has instructed Listing Broker not to show the property to any potential buyers for a period of time. This is an On-Market status.

Hold: A valid listing contract is in effect, however, because of various reasons such as repairs, illness, guests, etc., the Seller has requested that temporarily there be no showings and no marketing. This is an Off-Market status.

Pending: The Seller has accepted an offer and is not soliciting further offers through the MLS. This is an Off-Market status (however any incidental remaining marketing is not a violation of said status).

MLS Rule 7.26. Days On Market (DOM) is calculated from the effective date of the listing to the close of escrow, expire or cancel date.

TCMLS Rules can be downloaded at tcmls.org. Do not hesitate to contact the board/MLS office (559-627-1776) with any questions.