

TCMLS Rules Summary

Listed rules are not inclusive of all MLS rules and policies. Please refer to the TCMLS Rules available at tcmls.org.

Citation Policy. TCMLS has a self-reporting policy. Members are responsible for policing the integrity of the database by reporting inaccurate data and rules violations. Complaints must be submitted using the designated reporting method. Verbal complaints will not be accepted. Reporting of violations are confidential unless otherwise agreed by the complainant. Members may use the Report Violation button in the MLS or send an email to complaints@tcmls.org. 14.3

Accuracy. The listing broker represents that information submitted to the service is accurate to the best of the listing broker's knowledge, must use good faith effort to determine the accuracy of the information and must not submit information that is known to be inaccurate. 8.6

Business Day. Days that exclude Saturday, Sundays and all recognized federal and state holidays. 7.4.1

Clerical User. Clerical Users may join through their employing broker-participant and must perform only administrative and clerical tasks that will not require a real estate license or appraiser's certificate. Clerical users can be licensed or unlicensed but must be identified as NBA (No Broker Attached) by DRE to remain eligible for Clerical User services. 4.3

Change of Listing Information. Listing changes (information, price, status, etc) must be reported to the MLS within 1 business day. Expired and canceled listings cannot be re-activated unless written authorization of renewals/extensions was obtained. Any renewals or extensions received after the expiration date shall be treated as a new listing. 7.8; 7.9; 7.16; 10.2

Co-Listing. Only listings of members will be accepted. Inclusion of co-listings where the co-listing broker/agent is not a member is not permitted. Use of MLS service by non-MLS members including but not limited to adding contact information of non-MLS members in the MLS is not allowed. 7.21, 5.1.6

Coming Soon. Coming Soon listings shall be submitted to the MLS with the 'Coming Soon' status. Additional requirements include: Marketing must clearly advertise property is Coming Soon, can remain in Coming Soon status for no more than 7 days, will automatically change to Active at the end of 7 days, cannot be changed to Coming Soon unless withdrawn/canceled for 30 days, offers can be made for properties in Coming Soon, Days on Market (DOM) will not accumulate and listing will be displayed at agent, office and other public search portal websites. 10.1,10.1.1.

Comparable Sales (Comp-Only). Comparable sales are MLS excluded properties, sold by TCMLS member that have been added to the MLS for valuation purposes. Comparable sales may be submitted at the option of the broker if the following requirements are met: Sold in Tulare County area; MLS exclusion and listing agreement submitted to MLS within 1 business day of contract date; Excluded from the MLS for entire duration of contract; No public marketing; Submitted as a closed listing within 30 days after close of escrow; Include all standard required listing information and include agent remarks verbiage: "Property was excluded from the MLS by seller and was not publicly marketed. Submitted as comparable sale by broker in accordance with MLS rules and policies". 10.2

Compensation Offer to Buyer Broker and Concessions. Members are prohibited from making offers of compensation to buyer brokers and other buyer representatives in the MLS. MLS rules does not prevent sellers from offering buyer concessions on the MLS so long as such concessions are not limited to or conditioned on the retention of or payment to a Buyer Broker or other buyer representative. 7.12

Directions. Directions must include a starting point (ie: cross streets) with N,W,E,S instructions to the property. Instructions to call for direction or go to a website for directions are not permitted. 23

DOM/CDOM. Days on Market (DOM) and Cumulative Days on Market (CDOM) measure how long a property has been available for purchase and is determined using the listing date, the address and the APN of the property. DOM in TCMLS is calculated from the active status date of the listing to the off-market status date. DOM will reset when the property is listed with a new agent. CDOM will reset when the property is sold or not available for purchase with no listing agreement in effect for 90 days. Once sellers' signatures have been obtained to create an enforceable contract, the listing agent may use the 1.) Start date of the listing contract OR 2.) Date of the seller's signature as the listing date in the MLS. Listing brokers must submit accurate information to the service and must not misrepresent how long a property has been on the market. 7.22

Duplicate Listings. Submission of listings by the same broker-participant within the same property class is not permitted. 7.3

Listing Documentation and Buyer Broker Agreement. All listings submitted to the service must have listing agreements and will be assigned listing numbers on a per contract basis. All members must enter into a written buyer broker agreement with the buyer prior to touring a home. Written buyer broker agreement must include fees paid to buyer agent, fees to be ascertainable, compensation from any source may not exceed the amount in the agreement and that fees and commissions are not set by law and fully negotiable. The MLS may ask for listing and buyer broker documentation at any time and must be received within 1 business day of request. 8.1; 8.2; 8.3; 8.4; 8.5

Lockbox Requirement, Key Access and Showing Availability. Supra BTLE is the MLS lockbox of TCMLS. Listings where showings are permitted using access devices must have an MLS lockbox on the property. Members may use combo lockboxes and keypad door-locks BUT must include an MLS lockbox (or an MLS-approved lockbox) on the property. Members may submit access devices to the MLS Committee in January and July for MLS-approved lockbox consideration. Lockboxes must be removed within 1 business day after the close of escrow or expiration/cancellation of the listing. Lockbox keys cannot be used under any circumstance by anyone other than the keyholder. Listing broker must not misrepresent the availability of access to show or inspect a listed property. 9.3; 9.8; 13.1; 13.2; 13.11

Lot Dimensions. Measurements of two-dimension properties must be indicated (eg: 80' x 75'). Listing agent may use the term "Irregular" only for non-perfect rectangular lots such as cul-de-sac, curved lots, etc. 21

Mandatory Submission & MLS Exclusion. TCMLS abides to NAR's MLS Clear Cooperation Policy. A listing must be filed with the MLS within one (1) business day once the property is publicly marketed OR after all necessary signatures of the seller(s) have been obtained on the listing or at the beginning date of the listing as specified in the contract, whichever is later. 7.5

MLS Exclusion / Exempted Listings. 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 listing broker must submit a signed certification (MLSA form) to the MLS within one (1) business day of the effective date of the listing. Listing brokers cannot opt-out of the Clear Cooperation Policy. TCMLS requires a copy of the listing agreement be included with all exclusions. In the event MLS exclusion is cancelled, modified or the listing is newly authorized by the seller to be disseminated to the MLS, the listing broker must submit the written authorization to the MLS within 1 business days. 7.6

MLS Fees. MLS fees are calculated equal to the number of Broker-participant plus the number of salespersons or appraisers who have access to and use of the MLS that are employed by or affiliated with the firm. Broker-participants must complete a certification of non-use for salespersons or appraisers that will not use the MLS or the MLS compilation in anyway. Certified non-use individuals are not permitted to use MLS services. 5.1.2; 5.1.6

MLS Tour. No property will be toured if agent or representative is not at MLS tour meeting to represent it. *Three separate tours are held each week: Tuesday 9AM at Porterville branch office, Tuesday 9AM at TDES Hall in Tulare and Thursday 830AM at Visalia Elks Lodge in Visalia. Homes can be added to MLS tour under Change Listing > Broker Tour.* 22

Neighborhood Market Report. NBHD market report is an advertising printed info sheet compiled for use that sets forth a list of home activity in a particular neighborhood area. Listing agent may permit other members to use agent's listings for NBHD market reports created by other members in the same area. If listing agent elect NOT to permit other members to use agent's listings on NBHD market reports, listing agent cannot use listings of other members in the same area. Listing attribution required. 12.8.1

Photograph. At least one front exterior photograph is required at the submission of the listing. Photos may not be copied unless written permission was given by the listing agent or appropriate party with legal rights. Digitally enhanced photos (including AI generated/augmented images) must be disclosed. 11.5

Physical Presence. Members must be physically present on the property at all times when providing access to a listed property unless the seller has consented otherwise. 9.8

Remarks. Information in the public remarks must only relate to the marketing, description, and condition of the property. No contact information including names, phone, fax number, email addresses, websites, showing instructions, lockbox, alarm, security codes or occupancy of the property is permitted. 12.5

Social Media Advertising. Listing agent controls marketing permission and may advertise and/or limit the public display of listing as directed by the seller. When a listing is submitted to the service, listing agent shall indicate if other members are allowed to market listing agent's listing on social media platforms (Facebook, Instagram, Twitter, etc). 12.8.2; 12.8.3

Statuses. 10.1

Active: Valid listing contract exists and no offer has been accepted. Advertising is occurring.

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. Advertising is occurring.

Active with No Showings: 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. Advertising is occurring.

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.

Withdrawn: A valid listing contract is in effect; however, the property is no longer being marketed.

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).

Canceled: The listing agreement has been canceled in writing.

Expired: The listing agreement has expired.

Closed: Escrow has closed.

Coming Soon: A temporary, optional starting status that can be selected by the Listing Broker, with consent by the Seller, for when property is not ready for Active status even though the listing must be submitted to the MLS pursuant to Rule 7.5. See additional restrictions Rule 10.1.1

Truthful Representation. Members must present a true picture in their advertising and representation. Properties with conflicting representation is not permitted. 12.10