

## Course Notes for MLS Compliance

*Creating a better MLS experience for all subscribers!*

### MLS Education Requirements

New subscribers must take within 60 days:

- **MLS Basic**
- **MLS Compliance 101**

Brokers and agents adding their own listings must take:

- **Adding & Editing Listings**

A **Compliance Refresh course** is required every 2 years.

### Course Overview

- Overview of the MLS and framework for Rules and Regulations
- Where to find Rules and Regulations
- Listings
- Required Disclosures
- Compensation and Cooperation
- Photos and Virtual Tours
- Listing Remarks
- Status Changes
- MLS Data
- Top Violations

### Why an MLS?

- Provides a framework for Data Integrity (*Data accuracy and up to date*)
- Provides a means of cooperation (*Blanket Unilateral Offers of Compensation*) as nationally, in-house sales are under 25%
- Cooperation fuels business (*level playing field*)

### Why this class?

- Understanding the MLS Rules ensures that we all have better data
- Violations can be costly to your business, and to the business of others
- By ensuring all agents are on the same page, we all have a better tool

### Stellar MLS Overview

- Largest MLS in the state of Florida
- Serves multiple REALTOR® boards throughout Florida and Puerto Rico
- Offers a variety of tools and services to customers

### MLS Subscriptions

- An MLS subscription is only for one user
- The MLS contains highly sensitive data
- Password sharing is strictly prohibited, and fines can range from \$500 (first offense) to \$15,000 (multiple offenses)
- Unlicensed assistants must have their own account purchased through your local Realtor® Board
- In lieu of sharing passwords, use the team settings feature in Matrix
- Login patterns are closely monitored

## Rules and Regulations

### MLS Rules and Regulations

- Rules and Regulations ensure that accurate and timely data is shared
- Rules also maintain cooperative nature of MLS
- Rules are easily searchable and available to all subscribers at any time

### From Where do the Rules Come?

- Several rules come directly from the National Association of Realtors®' Handbook on Multiple Listing Policy.
- Other rules, more specific to our market, are enacted by the Stellar MLS Board of Directors.

### Where to Find

- [Rules and Regulations](#) can be accessed from the External Links widget on the Matrix Home page, the Resource tab at [www.stellarmls.com](http://www.stellarmls.com), or at the bottom of the Stellar MLS University Home Page, and at the bottom of the Products and Services page in your Stellar Central workspace in the MLS Education and Compliance area.

### How to Search

- By Article – there is a list of each article on the Rules and Regulations home page.
- By Keyword/Topic – Search for keywords or topics in the “Search for a solution” box

## Listings

### The MLS Accepts:

- Exclusive Right to Sell Listings
- Exclusive Agency Listings
- *Exclusive Listings with Exceptions\** -- Named prospect in a listing agreement where if that person buys, no commission is owed (must be disclosed). Cooperating broker responsible for inquiring about terms of exclusion.

### The MLS Does Not Accept:

- Net Listings
- Open Listings

### Submission of Listings

- Mandatory listing types must be entered into the MLS within **5 business days** of the latter of the date the owners signed the listing agreement or the beginning date of the listing agreement.
- If there is any public marketing of the property, it must be activated in the MLS within one-business day. [per Clear Cooperation – Policy 8.0]
- Mandatory listing types:
  - Single family homes for sale or exchange
  - Condominiums, Co-ops and townhouses for sale or exchange
  - Vacant residential lots or parcels for sale or exchange
  - Mobile homes with land for sale or exchange
  - Duplexes, triplexes or quadruplexes for sale or exchange

## Exempt Listings: Article 5.11

- If seller chooses delay entry in the MLS beyond the 5-business days, an “Owners Authorization to Temporarily Exclude Listing from the MLS” form is **required**.
- If seller chooses not to have the listing in the MLS for the entire listing period, an “Office Exclusive—No Entry into the MLS” form is **required**.
- Public marketing of the listing triggers one-business day to enter the listing in the MLS

## What Counts as Public Marketing?

Public Marketing includes but is not limited to

- Flyers displayed in windows
- Yard signs
- Digital marketing on public facing websites
- Brokerage website displays (including IDX and VOW)
- Digital communications marketing (email blasts)
- Multi-brokerage listing sharing networks

## Where to Find Form

- External Links on Matrix Homepage (Listing Exclusion Form)
- Document Library Under Resources Tab at StellarMLS.com
- Form Simplicity or Transaction Desk

## Listing Service Types

*Limited Service Listings –*

- Specific wording in Listing Agreement (Not a **FSBO**)
- Broker performs a la carte functions for set fee
- Cooperating broker may be instructed to work directly with seller
- Still makes offer of compensation
- Listing agent fully responsible for maintaining listing in MLS

*Sold Data/For Entry Only Listings (SDEO)*

- Agents bringing buyers to listings outside of MLS or for the sale of a non-listed property may enter transaction as a “Sold Data/For Entry Only” Listing
- Must be entered within 30 days after closing and contain at least one photo
- Separate entry forms for these.
- See [Article 5.1H](#) for Details

## The Online Submission or Reporting Process

1. Go to StellarMLS.com and login to your Stellar Central workspace.
2. Go to the “My MLS Account” link.

## Submitting and Managing Exclusion Forms

1. Click on “Owner(s) Exclusion.”
2. Submit form.

## Searching Exclusion Forms and Reporting Violations

1. Click on “Report a Violation.”
2. Search the address in question.
3. If no Exclusion form is found, upload proof (photo, screenshot, etc.) with the property information and submit the form.

## Listing Data Entry Forms

- Prior to entering a listing in the MLS, a **Data Entry form** must be completed and signed by sellers
- Form available for each type of listing
- Why is form required?
  - It provides an avenue to collect comprehensive data about the listing.
  - The seller signs an “indemnification statement.” This provides broker, board, and MLS with additional protection if seller gave incorrect information for MLS listing, or seller disputes what is in the MLS.

## Listing Classifications

- Be sure to enter listings under the proper classification
- Multi-family income generating property such as duplexes, triplexes, etc. go under “Income Property,” not “Residential”
- Residential vacant lots go under “Vacant Land”

## Common Items Regulated and Requiring Disclosure

### Special Sale Provisions

The following Special Sale Provisions must be disclosed:

- Short Sales ([Article 4.14](#) & [Article 5.1](#))
- REO/Bank Owned ([Article 4.18](#))
- Auctions ([Article 5.24](#))
- See appropriate section of Rules and Regulations for disclosure requirements

### New Construction

- To be considered Residential, must have:
  - Specific Lot
  - Specific Structure
  - Specific Price
- Otherwise, enter under Vacant Land.
- For Pre-construction (ground not broken), see [Article 4.21](#).
- For Under Construction (ground broken but no Certificate of Occupancy), see [Article 4.22](#).

### Manufactured/Mobile Homes

- Must be on seller owned land or in Resident Owned Mobile Home Park
- Otherwise, not allowed in MLS
- Check tax records for ownership details

### Housing for Older Persons/55+

- It must be disclosed if the listing is located within a 55+ community. This appears as a required Yes/No field in Matrix during the listing entry process.

## Agent Owned Property

- Must disclose if listing personal property or property of family member – [Article 9.4](#)
- Realtor Information field and Remarks
- Must also disclose in writing if purchasing property for yourself or family member to listing broker no later than the time of submitting offer

## Other Required Disclosures

- HUD Listings - [Article 4.17](#)
- Fractional Listings (partial ownership) - [Article 5.3](#)
- Joint Listings (multiple brokers) - [Article 5.3](#)
- Pre-Foreclosures - [Article 4.19](#)

## Compensation & Cooperation

### Compensation Rules

- Commission amounts and splits are at **sole** discretion of listing broker. Stellar MLS cannot be involved in these decisions.
- Prior to activating listing, must enter the compensation amount offered to cooperating broker. *Should not contradict the cooperation amount to which the seller was given notice.*
- Must be blanket, unilateral offer of compensation (no additional terms in remarks)

### Variable/Dual Compensation

- A higher commission amount is owed if cooperating broker brings buyer versus if listing broker brings buyer
- Must be disclosed, as cooperating broker has disadvantage in case of multiple offers

### Offers (not needed)

- Listing agents must present offers to sellers ASAP
- Cooperating Broker/Agent may participate in presenting offer
- Listing Broker/Agent may participate in presenting counter-offer

## Photo! – Smile

### Listing Content, Photos and Virtual Tours

#### Listing Photos

- At least one photo required prior to activating listing (100 max.)
- First photo must be one of following:
  - Front exterior photo (**no broker signage**)
  - Water view FROM subject property
    - A photo of a swimming pool does not qualify as a water view
  - Aerial photo (**not from copyrighted source**)
- If water view or aerial photo in first slot, front exterior must be second photo
- No copying of other brokers' photos without written consent
- No agent/company branding, signage, or any other text in photos
- Photos & virtual tours with people, even in costume, are prohibited in the MLS.

## Virtual Tours

- Only unbranded virtual tours allowed in MLS
- No contact information or agent/office branding
- Only virtual tours may be placed in Virtual Tour links
- YouTube videos must be an embedded link (no visible channel information)

## Virtual Staging

- Using photo editing software to create a photo or conceptual rendering of what the interior of the property **could** look like if it were staged or lived in
- Must indicate “Virtually Staged” in the caption of each virtually staged photo
- Must check Virtually Staged Y/N box to populate the Public Remarks of a listing

## Allowed

- Modify interior photo to include personal property items not conveyed with sale (i.e. furniture, artwork, plants, etc.)
- Removing and/or replacing existing furniture
- Add outdoor furniture or potted plants on patio or lanai

## Prohibited

- Changing paint colors (interior or exterior) or landscaping
- Making a room appear larger or smaller than it actually is
- No permanent fixtures may be removed, altered, or added
- Views cannot be modified
- Cannot change material aspects of property (patch walls, remove stains, etc.)
- No branding or text

## Listing Remarks & Text Fields

### Public Remarks

- Public Remarks are viewable on public sites and on customer reports
- Stick to facts about the property
- No agent/company information, web sites, vendor recommendations, showing information, open house information, etc.

### Public Remarks, Ethics, & Fair Housing

- Be careful to not misrepresent property or use overly vague terms (i.e. Close to the beach.)
- Avoid financing terms that may trigger required disclosures
- Be careful not to “steer” buyers (Fair Housing)
- Restricted Words—The system may highlight words in yellow for you check that you have not violated Fair Housing in their use. If the context is correct, you will be able to submit your listing. Any word highlighted in red is on the restricted word list and must be replaced.

### Showing Remarks

- Only place to enter confidential showing information (codes, etc.)
- Only viewable by clicking on the ShowingTime button in listing
- Subscribers must have valid real estate license to access

### Driving Directions

- Turn by Turn Direction required from a major intersection
- No references to a GPS or electronic map
- No URLs or contact information

## Status Changes

### Status Change Rules

- Status Changes must be made within 2 business days (including price changes and expiration date changes)
- Must have something in writing from seller(s)

### Pending Listings

- Change status to Pending within 2 business days of effective date of contract
- Indicate whether Backups are accepted, per seller's instructions
  - If yes, property must remain available to show.**
- If contract falls through, change back to Active within 2 business days
- If Expected Closing Date is pushed back, be sure to update

### Sold Listings

- Change to sold within 2 business days of transaction closing
- Provide all relevant information (sold price, selling agent, terms, etc.)

### Temporarily Off-Market

- Active Listings in MLS must be available to show
- If a listing becomes unavailable for showings, status can be changed to "Temporarily Off Market" (**with seller's written permission**)
- May stay in "Temporarily Off Market" status until expiration date

### Withdrawn Listings

- Two Statuses
  - Withdrawn Conditional
  - Canceled (Unconditional Withdrawal)
- Listing broker may still be entitled to compensation on a Withdrawn listing with conditions, until the date the conditions expire.

### Days on Market

- Active Days on Market (ADOM) tied to a specific MLS ID
- Creating a new listing causes ADOM to reset to 0. Within the same office, a listing must be off the market for 30 days in order to create a new listing with a new MLS ID.
- Cumulative Days on Market (CDOM) is tied to Property ID
- An expired or withdrawn listing must be off the market for 60 days for CDOM to reset

### Listing Manipulations

- Valid reasons for creating new listing number:
  - Execution of a new listing agreement by new office
  - Execution of a new listing agreement on a property by the same brokerage dated 30 days or more after expiration or withdrawal of original listing
- Creating a new listing ID prior to 30 days from an expired/withdrawn listing from the same office to make it appear as new is a listing manipulation, subject to a \$500 fine
- See [Article 4.15](#) for details

## MLS Data

- When entering a listing, there are various options on where to send listing data
- This is based on seller preferences, and several of these options are addressed in the listing agreement

## Listing Distribution

- **Brokers choose where listings are distributed to for the entire office.**
- Key definitions for the listing distribution fields: (IDX – *Internet Data Exchange*)
  - Internet Y/N: Selecting Yes sends listings to IDX Feeds (other broker’s web sites), opens other options in this section, and sends out to any distribution channels through ListHub.
  - IDX/VOW Display Comments – some IDX feeds and Virtual Office Web Sites allow viewers to leave comments or write reviews. Can opt out of participating in this “blogging” on a per listing basis.
  - Show Property Address on Internet Y/N: Listing can go to various Internet sites without showing the full address. May not show up on map search.
  - IDX/VOW AVM Y/N: Certain IDX sites and Virtual Office Web Sites have Automated Valuation Models, or computer models to recommend a value for the property. Can opt out of these by selecting no, but this only opts out of AVMs on IDX/VOW sites, but not on consumer sites.
  - Third Party Y/N: Gives permission for third party sites to use data for statistical compilations. This does not control listings going to third party sites!

## Using MLS Data

- An IDX feed is the only authorized way to advertise another broker’s active listing online without permission
- Print advertisements cannot contain other brokers’ active listings without written permission
- Print advertisements may contain information on sold listings and aggregate data, as long as the proper disclosure from [Article 6.5](#) is used and the advertisement is not misleading

## Violations

### How Violations are Detected

- To maintain data integrity, Stellar MLS closely monitors listings and strictly enforces rules
- Software automatically scans listings for common violations
- Subscribers may also report violations they come across

### How to Report a Violation

- If you notice a violation on a listing, you may anonymously report the violation by clicking the link on the bottom of the listing

[If you believe there is a violation on this listing, click here to report the problem.](#)

### Courtesy Warnings versus Automatic Fines

- For minor violations, a Courtesy Warning may first be issued. Violations must be corrected within a designated timeframe before a fine is assessed.
- For more serious violations, automatic fines are assessed. [Article 11.4](#)
- Violations must be corrected promptly, or fine amount will increase.
- If a fine is issued in error, there is a waiver and appeal process. [Article 12](#)

## **Top 6 Violation Countdown**

### **Top 6 Violations**

- #6: Contact information in Public Remarks
- #5: Exempt Listings
- #4: Pending listing past expected closing date
- #3: Failure to report sold
- #2: Listing Manipulation
- #1: Photo, Virtual Staging & Virtual Tour  
Violations

### **Support is Available**

When in doubt, always refer to latest version of Rules & regulations online

**For help with** compliance notifications, rules and regulations, feel free to contact us!

**Toll Free:** (800) 686-7451

**Local:** (407) 960-5300

**Email:** [dataintegrity@stellarmls.com](mailto:dataintegrity@stellarmls.com)

**Hours:** Mon. – Fri. 8:00 a.m. – 5:00 p.m.