

CONTRA COSTA ASSOCIATION OF REALTORS®



MLS RULES CHANGES

EFFECTIVE AUGUST 12, 2024

BACKGROUND

The following MLS policy changes have been established by CCAR MLS in compliance with new NAR and C.A.R. MLS model rules developed in response to the 2024 NAR litigation settlement. Rules effective Aug 12, 2024.



Please Note: MLS data system rules will vary between service providers. Always comply with published rules when using other MLS databases.



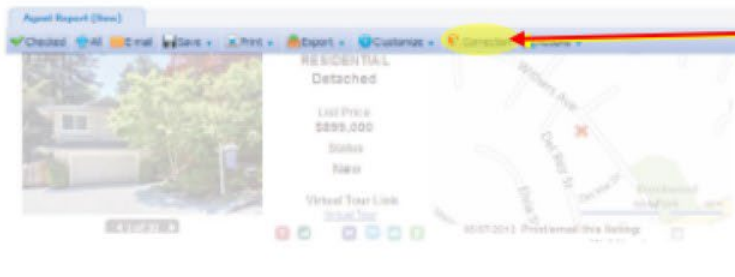
COMPLIANCE

Compliance Department Actions

Education

- CCAR's MLS Compliance Department provides users with support and guidance to understanding MLS rules and regulations.
- We respond to all inaccuracies with explanations
- If a listing is in violation of an MLS rule, CCAR will send a courtesy notice to the listing agent and their broker.
- **Consequences if not corrected: Citation = \$\$\$ + possible suspension of MLS access.**

COMPLIANCE TOOL



The screenshot shows a web-based MLS interface. At the top, there is a navigation bar with buttons for 'Checked', 'All', 'Email', 'Save', 'Print', 'Export', 'Customize', and 'Correction'. The 'Correction' button is highlighted in yellow, and a red arrow points to it from the text 'Correction Button' on the right. Below the navigation bar, there is a property listing for a 'RESIDENTIAL Detached' property. The listing includes a photo of a house, a map, and details such as 'List Price \$899,000', 'Status New', and 'Virtual Tour Link'. Below the listing, there are two tables: 'PROPERTY INFORMATION AND PUBLIC REMARKS' and 'COMMON PROPERTY AND HOA INFORMATION'.

PROPERTY INFORMATION AND PUBLIC REMARKS			
Bedrooms: 2	Yr Bld: 1988	Garage?: Yes	
Bathrooms: 2	Age: 35	Spawns: 0	
Sq Ft: 2294	Acres: 0.238	Fireplaces: 1	
Source: Public Records	Lot Sft: 16,800	Pool: Yes	
ZIP: 94522	Valley:	Total Area: 0	
Address:		New Subdiv: No	
Model:		List \$/Sft: 649	

COMMON PROPERTY AND HOA INFORMATION			
No. of Units:	Complex:		
Unit's Floor:	Type: Other:	Subdivision:	TIC/TA

Correction Button

The MLS Correction button enables users to report inaccuracies as they are discovered. Once an inquiry or correction has been submitted, CCAR's Compliance Dept. will review and process within 1-2 business day.

CCAR is accommodating if users cannot immediately comply, but users must respond to warnings and work with staff to rectify issues, meet deadlines and avoid penalties.

Contact: CCAR Member Services
(925) 295-1270
support@ccartoday.com

SECTION CHANGES



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For a detailed listing of content changes, see pages 64-65.



HOW TO USE THIS PRESENTATION

MLS RULES & REGULATIONS



To provide MLS users with optimum clarity regarding rules changes, concepts, substance, this slide presentation has been formatted to show new rules changes in two ways and can be viewed as an aid in conjunction with the authorized MLS Rules & Regulations of July 17, 2024.

Format: Each new rule will be shown in two slides:

1. The first slide will show the “red line” format, and will also include a brief summary of changes (except when entire section is new)
2. The second slide will show the new rule in its entirety.

https://assets-ccartoday.s3.amazonaws.com/_pdfs/mls/rules/CCAR_MLS_Rules.pdf

PURPOSE

Removed:
Blanket unilateral contractual offers of compensation and cooperation; entitlement to compensation.

The CCAR Multiple Listing Service is a means by which authorized MLS broker participants establish legal relationships with other participants ~~by making a blanket unilateral contractual offer of compensation and cooperation to other broker participants;~~ by which information is accumulated and disseminated to enable authorized participants to prepare appraisals and other valuations of real property; by which participants engaging in real estate appraisal contribute to common databases; and is a facility for the orderly correlation and dissemination of listing information among the participants so that they may better serve their clients, customers and the public. ~~Entitlement to compensation is determined by the buyer broker's performance as a procuring cause of the sale or lease~~

PURPOSE

Revised Policy >

The CCAR Multiple Listing Service is a means by which authorized MLS broker participants establish legal relationships with other participants by which information is accumulated and disseminated to enable authorized participants to prepare appraisals and other valuations of real property; by which participants engaging in real estate appraisal contribute to common databases; and is a facility for the orderly correlation and dissemination of listing information among the participants so that they may better serve their clients, customers and the public.

PARTICIPATION & AUTHORIZED ACCESS

**Removed:
Reference to compensation.**

4.1.1 Broker Participant. A broker participant is a participant who meets all of the following requirements:

- a. The individual or corporation, for which the individual acts as a broker/officer, holds a valid California real estate broker's license;
- b. The individual is a principal, partner, corporate officer, or branch office manager acting on behalf of a principal;
- c. The individual or ~~the~~ corporation for which the individual acts as a broker/officer ~~cooperates with other brokers, and/or accepts compensation in the capacity of a real estate broker²,~~
- d. The individual has signed a written agreement to abide by the rules and regulations of the service in force at that time and as from time to time amended;
- e. The individual pays all applicable MLS fees; and
- f. The individual has completed any required orientation program of no more than eight (8) classroom hours within sixty (60) days after access has been provided. Said individual to be given the opportunity to complete any mandated orientation program remotely.

(continued)

PARTICIPATION & AUTHORIZED ACCESS

[Revised Policy >](#)

4.1.1 Broker Participant. A broker participant is a participant who meets all of the following requirements:

- a. The individual or corporation, for which the individual acts as a broker/officer, holds a valid California real estate broker's license;
- b. The individual is a principal, partner, corporate officer, or branch office manager acting on behalf of a principal;
- c. The individual or the corporation for which the individual acts as a broker/officer cooperates with other brokers.**
- d. The individual has signed a written agreement to abide by the rules and regulations of the service in force at that time and as from time to time amended;
- e. The individual pays all applicable MLS fees; and
- f. The individual has completed any required orientation program of no more than eight (8) classroom hours within sixty (60) days after access has been provided. Said individual to be given the opportunity to complete any mandated orientation program remotely.

(continued)

PARTICIPATION & AUTHORIZED ACCESS

Removed: References to Broker Participant role of establishing offers of cooperation and compensation on MLS.

4.1.1 Broker Participant. *(continued from previous slide)*

*Note: Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm **"offers and/or accepts cooperates compensation"** means that the Participant actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS, ~~and/or to accept offers of cooperation and compensation made by listing brokers or agents in the MLS,~~ shares information on listed property, and makes property available to other brokers for showing to prospective purchasers and tenants when it is in the best interests of their client(s) "Actively" means on a continual and on-going basis during the operation of the Participant's real estate business. The "actively" requirement is not intended to preclude MLS participation by a Participant or potential Participant that operates a real estate business on a part time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not intended to deny MLS participation to a Participant or potential Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit an MLS to deny participation based on the level of service provided by the Participant or potential Participant as long as the level of service satisfies state law.

(continued)

PARTICIPATION & AUTHORIZED ACCESS

Revised Policy >

4.1.1 Broker Participant. *(continued)*

*Note: Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm **cooperates** means that the Participant actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS, **shares information on listed property, and makes property available to other brokers for showing to prospective purchasers and tenants when it is in the best interests of their client(s)**. "Actively" means on a continual and on-going basis during the operation of the Participant's real estate business. The "actively" requirement is not intended to preclude MLS participation by a Participant or potential Participant that operates a real estate business on a part time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not intended to deny MLS participation to a Participant or potential Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit an MLS to deny participation based on the level of service provided by the Participant or potential Participant as long as the level of service satisfies state law.

(continued)

PARTICIPATION & AUTHORIZED ACCESS

Removed:

References to compensation.

Revised:

References to cooperation.

4.1.1 Broker Participant. *(continued)*

The key is that the Participant or potential Participant actively endeavors to make or accept offers of cooperation **and compensation to cooperate** with respect to properties of the type that are listed on the MLS in which participation is sought. **Cooperation is the obligation to share information on listed property and to make property available to other brokers for showing to prospective purchasers and tenants when it is in the best interests of their client(s).** This requirement does not permit an MLS to deny participation to a Participant or potential Participant that operates a Virtual Office Website ("VOW") [See Rule No. 12.19] (including a VOW that the Participant uses to refer customers to other Participants) if the Participant or potential Participant actively endeavors **to cooperate to make or accept offers of cooperation and compensation.** ~~An MLS may evaluate whether a Participant or potential Participant "actively endeavors during the operation of its real estate business" to "offer and/or accept compensation" only if the MLS has a reasonable basis to believe that the Participant or potential Participant is in fact not doing so.~~ An MLS may evaluate whether a Participant or potential Participant "actively endeavors during the operation of its real estate business" to **cooperate "offer or accept cooperation and compensation"** only if the MLS has a reasonable basis to believe that the Participant or potential Participant is in fact not doing so.

These **membership** requirements shall be applied on a nondiscriminatory manner to all Participants and potential Participants.

PARTICIPATION & AUTHORIZED ACCESS

Revised Policy >

4.1.1 Broker Participant. *(continued)*

The key is that the Participant or potential Participant actively endeavors to make or accept offers of cooperation **to cooperate** with respect to properties of the type that are listed on the MLS in which participation is sought. **Cooperation is the obligation to share information on listed property and to make property available to other brokers for showing to prospective purchasers and tenants when it is in the best interests of their client(s).** This requirement does not permit an MLS to deny participation to a Participant or potential Participant that operates a Virtual Office Website ("VOW") [See Rule No. 12.19] (including a VOW that the Participant uses to refer customers to other Participants) if the Participant or potential Participant actively endeavors **to cooperate**. An MLS may evaluate whether a Participant or potential Participant "actively endeavors during the operation of its real estate business" to **cooperate** only if the MLS has a reasonable basis to believe that the Participant or potential Participant is in fact not doing so.

These requirements shall be applied on a nondiscriminatory manner to all Participants and potential Participants.

PARTICIPATION & AUTHORIZED ACCESS

Revised:

Applicable business code.

4.6 Listing Broker Defined. For purposes of these MLS rules, a listing broker is a broker participant who is also a ~~listing-seller's~~ agent in accordance with ~~Civil Business and Professions Code § 1086~~ **10000** who has obtained a written listing agreement by which the broker has been authorized to act as an agent to sell or lease the property or to find or obtain a buyer or lessee. Whenever these rules refer to the listing broker, the term shall include the real estate subscriber or a licensee retained by the listing broker but shall not relieve the listing broker of responsibility for the act or rule specified.

4.7 Buyer Broker Defined. For purposes of these MLS rules, a buyer broker participant who is also a buyer's agent ~~as defined in accordance with Civil Business and Professions Code Section 10000 et seq. 1086 et. seq.~~ who acts in cooperation with a listing broker ~~to accept the offer of compensation and/or sub-agency~~ to find or obtain a buyer or lessee. The buyer broker may be the agent of the buyer or, if sub-agency is offered and accepted, may be the agent of the seller. Whenever these rules refer to the buyer broker, the term shall include the real estate subscriber or licensee retained by the buyer broker but shall not relieve that broker participant of responsibility for the act or rule specified.

PARTICIPATION & AUTHORIZED ACCESS

Revised Policy >

4.6 Listing Broker Defined. For purposes of these MLS rules, a listing broker is a broker participant who is also a **seller's agent** in accordance with **Business and Professions Code §10000** who has obtained a written listing agreement by which the broker has been authorized to act as an agent to sell or lease the property or to find or obtain a buyer or lessee. Whenever these rules refer to the listing broker, the term shall include the real estate subscriber, or a licensee retained by the listing broker but shall not relieve the listing broker of responsibility for the act or rule specified.

4.7 Buyer Broker Defined. For purposes of these MLS rules, a buyer broker participant who is also a buyer's agent **as defined** in **Business and Professions Code Section 10000 et seq.** who acts in cooperation with a listing broker **to find or obtain a buyer or lessee.** The buyer broker may be the agent of the buyer or, if sub-agency is offered and accepted, may be the agent of the seller. Whenever these rules refer to the buyer broker, the term shall include the real estate subscriber or licensee retained by the buyer broker but shall not relieve that broker participant of responsibility for the act or rule specified.

REGIONAL & RECIPROCAL AGREEMENTS

**Removed:
References to offers of
compensation.**

6.1 Reciprocal Agreement. Contra Costa Association of REALTORS® has entered into a regional cross pollination agreement (as amended from time to time, the “Cross Pollination Agreement”) with MetroList®, The San Francisco Association of REALTORS® MLS, bridgeMLS, Bay East Association of REALTORS®, BAREIS MLS, and MLSListings® in which the MLS listing data of each such organization is displayed in the MLS system of all the organizations. By submitting a listing in the MLS Data, CCAR members agree to cooperate with members of such organizations participating in the Cross Pollination Agreement for the purpose of selling the listed property ~~and agree that offers of compensation, if any, are made~~ to members of those organizations as they are made to Members pursuant to Section 7.12. By entering a listing into MetroList® **Service Area**, Members agree to abide by and are bound by the respective rules and regulations of MetroList®.

REGIONAL & RECIPROCAL AGREEMENTS

Revised Policy >

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LISTING PROCEDURES

Revised:

Applicable Business Codes

Removed:

References to commission

7.2 Types of Listings; Responsibility for Classification. The service shall accept exclusive right to sell, seller reserved, open, and probate listings in accordance with California ~~Civil Code Section 4086 et. seq.~~ Business and Professions Code Sections 10018.14 through 10018.17 and Probate Code Section 10150 inclusive that satisfy the requirements of these MLS rules. Exclusive right to sell listings that contain any exceptions whereby the owner need not ~~pay a commission if the property is sold~~ cooperate with any particular individuals shall be classified for purposes of these rules as an exclusive right to sell listing but the listing broker shall notify all participants of the exceptions. It shall be the responsibility of the broker participant and real estate subscriber to properly classify the type of listing, and if necessary, obtain a legal opinion to determine the correct classification. By classifying the type of the listing, the listing broker certifies that the listing falls under the legal classification designated. The MLS shall have no affirmative responsibility to verify the listing type of any listing filed with the service. However, the MLS shall have the right to have legal counsel make a determination as to the classification of the listing type and if the listing broker does not reclassify it accordingly, CCAR shall have the right to reject or remove any such listing that it determines falsely represents the classification of listing type.

LISTING PROCEDURES

Revised Policy >

7.2 Types of Listings; Responsibility for Classification. The service shall accept exclusive right to sell, seller reserved, open, and probate listings in accordance with California **Business and Professions Code Sections 10018.14 through 10018.17 and Probate Code Section 10150 inclusive** that satisfy the requirements of these MLS rules. Exclusive right to sell listings that contain any exceptions whereby the owner need not **cooperate with any** particular individuals shall be classified for purposes of these rules as an exclusive right to sell listing but the listing broker shall notify all participants of the exceptions. It shall be the responsibility of the broker participant and real estate subscriber to properly classify the type of listing, and if necessary, obtain a legal opinion to determine the correct classification. By classifying the type of the listing, the listing broker certifies that the listing falls under the legal classification designated. The MLS shall have no affirmative responsibility to verify the listing type of any listing filed with the service. However, the MLS shall have the right to have legal counsel make a determination as to the classification of the listing type and if the listing broker does not reclassify it accordingly, CCAR shall have the right to reject or remove any such listing that it determines falsely represents the classification of listing type.

LISTING PROCEDURES

Removed: Reference to broker compensation.

7.11 Detail on Listings Filed with the Service. All listings input into the MLS shall be complete in every detail including full gross listing price, listing expiration date, ~~compensation offered to other broker participants~~ and any other information required to be included as determined by the MLS Committee and approved by the Board of Directors. For residential listings, the property address must be input into the MLS where one exists at the time the listing is filed, or the parcel identification number must be input instead if the property address is unavailable. If no address or parcel identification number is available at the time the residential listing is filed, the listing must, at a minimum, contain a legal description of the property sufficient to describe the location of the property. Listings that are incomplete shall be ineligible for publication in the MLS and subject to immediate removal.

LISTING PROCEDURES

Removed: Reference to broker compensation.

7.11 Detail on Listings Filed with the Service. All listings input into the MLS shall be complete in every **detail including full gross listing price, listing expiration date, and any other information required to be included** as determined by the MLS Committee and approved by the Board of Directors. For residential listings, the property address must be input into the MLS where one exists at the time the listing is filed, or the parcel identification number must be input instead if the property address is unavailable. If no address or parcel identification number is available at the time the residential listing is filed, the listing must, at a minimum, contain a legal description of the property sufficient to describe the location of the property. Listings that are incomplete shall be ineligible for publication in the MLS and subject to immediate removal.

LISTING PROCEDURES

Removed:
Unilateral Contractual Offer; sub-agency rule.

NEW

Added:
New rule prohibiting offers/disclosure of compensation/ commissions to listing brokers and buyer brokers on the MLS.

7.12 Unilateral Contractual Offer; Sub-agency Optional. No Compensation Specified on the MLS Listings. Participants, Subscribers, and their sellers are prohibited from making offers of compensation to buyer brokers and other buyer representatives in the MLS. Participants and Subscribers are prohibited from disclosing in the MLS, in any way, the total commission negotiated between the seller and the listing broker, or total broker compensation (i.e. combined compensation to both listing brokers and buyer brokers). The MLS reserves the right to remove a listing from the MLS database that does not conform to the requirements of this section. This rule 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.

LISTING PROCEDURES

New Policy >

7.12 No Compensation Specified on the MLS Listings. Participants, Subscribers, and their sellers are prohibited from making offers of compensation to buyer brokers and other buyer representatives in the MLS. Participants and Subscribers are prohibited from disclosing in the MLS, in any way, the total commission negotiated between the seller and the listing broker, or total broker compensation (i.e. combined compensation to both listing brokers and buyer brokers). The MLS reserves the right to remove a listing from the MLS database that does not conform to the requirements of this section. This rule 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.

LISTING PROCEDURES

**Removed:
References
to contractual
disputes and
arbitration of violations.**

REDACTED

7.13 Acceptance of Contractual Offer. The Listing broker participant's contractual offer (with or without subagency) is accepted by the Buyer Broker participant by procuring a buyer which ultimately results in the creation of a sales or lease contract. Payment of compensation by the Listing Broker participant to the Buyer Broker participant under this section is contingent upon either (1) the final closing ~~or~~ (2) the Listing Broker participant receipt of monies resulting from the seller's or buyer's default of the underlying sales or lease contract. ~~Notwithstanding this section, the listing broker and/or buyer broker shall still retain any remedies they may have against either the buyer or seller due to a default under the terms of the purchase agreement, listing agreement or other specific contract. Any dispute between participants arising out of this section shall be arbitrated under Section 16 of these rules and shall not be considered a MLS rules violation.~~

LISTING PROCEDURES

Removed:
Reference to offers of compensation and/or dual agency representation.

7.14 Consent to Act as Dual Agent. ~~By offering compensation and/or sub-agency to broker participants, the listing broker is not automatically representing that the seller has consented to the buyer broker acting as a dual agent representing both the buyer and the seller.~~ No buyer broker shall act as both an agent of the buyer and the seller without first contacting the listing broker and ascertaining that the seller has consented to such dual agency.

LISTING PROCEDURES

Revised Policy >

7.14 Consent to Act as Dual Agent. No buyer broker shall act as both an agent of the buyer and the seller without first contacting the listing broker and ascertaining that the seller has consented to such dual agency.

LISTING PROCEDURES

**Removed:
Rule re.
compensation
offered through
MLS on estate sale,
probate or bankruptcy
listings.**

REDACTED

7.15 Estate Sale, Probate, Bankruptcy Listings.

Compensation offered through the MLS to buyer brokers on estate sale, probate or bankruptcy listings is for the amount published therein as long as the buyer broker produces the contract which is ultimately successful and confirmed by the court, if court confirmation is required. In the event the contract produced by the buyer broker is overbid in court and the overbid contract is confirmed, the original buyer broker shall receive the amount of compensation specified as "unconfirmed buyer broker's compensation" or "u.b.b." in the property data profile sheet and on the MLS. For estate sale or probate listings, the compensation offered through the service under these rules and this section shall be considered an agreement as referred to in California Probate Code Section 10168 and will therefore supersede any commission splits provided by statute when there is no agreement. This section contemplates that estate sale, probate and bankruptcy judges have broad discretion and therefore are not intended as a guarantee of a specific result as to commissions in every probate or bankruptcy sale.

LISTING PROCEDURES

**Removed:
Rule re.
changes
and notice of changes to
compensation offers.**

REDACTED

7.16 Changes to Offer of Compensation By Listing Broker to All Broker Participants. The listing broker may, from time to time, adjust the published compensation offered to all MLS broker participants with respect to any listing by changing the compensation offered on the MLS or providing written notice to the MLS of the change. Any change in compensation will be effective after the change is published in the MLS, either through electronic transmission or printed form, whichever occurs first. The listing broker may revoke or modify the offer of compensation in advance as to any individual broker participant in accordance with general contract principles but in no event shall the listing broker revoke or modify the offer of compensation without the buyer broker's consent later than the time the buyer broker (a) physically delivers or transmits by fax or e-mail to the listing broker a signed offer from a prospective buyer to purchase the property for which the compensation has been offered through the MLS, or (b) notifies the listing broker in person or by telephone, fax or e-mail that the buyer broker is in possession of a signed offer from a prospective buyer to purchase the property for which the compensation has been offered through the MLS and is awaiting instructions from the listing broker as to the manner of presentation or delivery of that offer. Any independent advance revocations, modifications of the offer or agreements between real estate brokers are solely the responsibility of such brokers and shall not be submitted to, published by, or governed in any way by the service.

LISTING PROCEDURES

7.19 Expiration, Extension, and Renewal of Listings.

Listings shall be changed to the appropriate off-market status within the MLS database on the expiration date specified on the listing unless the listing is extended or renewed by the listing broker. The listing broker shall obtain written authorization from the seller(s) before filing any extension or renewal of a listing. Any renewals or extensions received after the expiration date of the original listing shall be treated as a new listing and will be subject to any fees applicable to new listings. At any time and for any reason, the MLS has the right to request a copy of the seller's written authorization to extend or renew a listing. If a listing broker is requested to provide a copy of such authorization and does not do so within 1 day after the request, the listing shall be subject to immediate removal from the MLS.

LISTING PROCEDURES

Revised Policy >

7.19 Expiration, Extension, and Renewal of Listings. Listings shall be changed to the appropriate off-market status within the MLS database on the expiration date specified on the listing unless the listing is extended or renewed by the listing broker. The listing broker shall obtain written authorization from the seller(s) before filing any extension or renewal of a listing. Any renewals or extensions received after the expiration date of the original listing shall be treated as a new listing and will be subject to any fees applicable to new listings. At any time and for any reason, the MLS has the right to request a copy of the seller's written authorization to extend or renew a listing. If a listing broker is requested to provide a copy of such authorization and does not do so within 1 day after the request, the listing shall be subject to immediate removal from the MLS.

LISTING PROCEDURES

Removed:
Rule re.
the reporting
of dual and variable rate
commission agreements on
the MLS.

REDACTED

7.22-Dual or Variable Rate Commission Arrangements. The existence of a dual or variable commission arrangement shall be disclosed by the listing broker by a key, code or symbol as required by the MLS. A dual or variable rate commission arrangement is one in which the seller or owner agrees to pay a specified commission if the property is sold by the listing broker without assistance and a different commission if the sale results through the efforts of a buyer broker, or one in which the seller or owner agrees to pay a specified commission if the property is sold by the listing broker either with or without the assistance of a buyer broker and a different commission if the sale results through the efforts of a seller or owner. The listing broker shall, in response to inquiries from potential buyer brokers, disclose the differential that would result in either a cooperative transaction or, alternatively, in a sale that results through the efforts of the seller or owner. If the buyer broker is representing a buyer or tenant, the buyer broker must then disclose such information to his or her client before the client makes an offer to purchase or lease.

LISTING PROCEDURES

Removed:
Conditions on compensation offered through MLS.

7.28 Short Sale (Lender Approval) Listings. Participants must disclose potential short sales (defined as a transaction where title transfers, where the sale price is insufficient to pay the total of all liens and costs of sale and where the seller does not bring sufficient liquid assets to the closing to cure all deficiencies) when reasonably known to the listing broker.

~~This section does not allow Participants with short sales listings to place any reduction conditions on compensation offered through the MLS for items such as lender reductions of the gross commission, short sales negotiator fees or other administrative costs of the transaction. Any reductions from the compensation for such items, if any, should be factored in as a reduced amount the listing broker initially offers to a buyer broker and may not be a condition of the offer.~~

LISTING PROCEDURES

Revised Policy >

7.28 Short Sale (Lender Approval) Listings. Participants must disclose potential short sales (defined as a transaction where title transfers, where the sale price is insufficient to pay the total of all liens and costs of sale and where the seller does not bring sufficient liquid assets to the closing to cure all deficiencies) when reasonably known to the listing broker.

DOCUMENTATION; PERMISSION; ACCURACY OF INFORMATION

Removed:
Reference to listing agent role as “agent;” replaced with “representative”.

8.1 Listing Agreement and Seller’s Permission. Prior to inputting a listing to the service, the listing broker shall obtain the written agreement of the seller expressly granting the listing broker authority to: (1) file the listing with the service for publication and dissemination to those authorized by the MLS; (2) act as ~~an agent~~ a representative for the seller; (3) abide by the rules of the service; (4) provide timely notice of status changes of the listing to the service; (5) provide sales information including selling price to the service upon sale of the property for publication and dissemination to those authorized by the MLS and (6) publish sales information after the final closing of a sales transaction in accordance with these MLS rules (See Section 10.2).

DOCUMENTATION; PERMISSION; ACCURACY OF INFORMATION

Revised Policy >

8.1 Listing Agreement and Seller's Permission. Prior to inputting a listing to the service, the listing broker shall obtain the written agreement of the seller expressly granting the listing broker authority to: (1) file the listing with the service for publication and dissemination to those authorized by the MLS; (2) **act as a representative** for the seller; (3) abide by the rules of the service; (4) provide timely notice of status changes of the listing to the service; (5) provide sales information including selling price to the service upon sale of the property for publication and dissemination to those authorized by the MLS and (6) publish sales information after the final closing of a sales transaction in accordance with these MLS rules (See Section 10.2).

DOCUMENTATION; PERMISSION; ACCURACY OF INFORMATION

Added:
“Listing Agreement” to
rule title.

**Removed: References to
agency relationship
agreement, replaced by
“representation”
agreement.**

8.2 Listing Agreement Written Documentation. Listing brokers filing listings with the service shall have a written listing agreement with all necessary signatures in their possession. All necessary signatures are those needed to create an enforceable listing, which generally means all named signatories to the listing agreement. In the event there are known additional property owners not made a signatory to the listing, listing broker shall disclose said fact on the service and state whether the listed seller will make the sale contingent on the consent of the additional property owners. Only listings that create ~~an agency relationship a representation~~ agreement between the seller and the broker participant are eligible for submission to the service. By inputting a listing to the service, broker participants and real estate subscribers represent that they have in their possession such written agreements establishing ~~agency and~~ the represented type of listing agreement. The service shall have the right to demand a copy of such written listing agreements and verify the listing's existence and adequacy at any time. The service shall also have the right to demand a copy of seller's written authorization required under these rules. If the broker participant or real estate subscriber fails to provide documentation requested by the service within 1 day, the service shall have the right to immediately withdraw any listings from the database in addition to disciplining the broker participant and real estate subscriber for a violation of MLS rules.

DOCUMENTATION; PERMISSION; ACCURACY OF INFORMATION

Revised Policy >

8.2 Listing Agreement Written Documentation. Listing brokers filing listings with the service shall have a written listing agreement with all necessary signatures in their possession. All necessary signatures are those needed to create an enforceable listing, which generally means all named signatories to the listing agreement. In the event there are known additional property owners not made a signatory to the listing, listing broker shall disclose said fact on the service and state whether the listed seller will make the sale contingent on the consent of the additional property owners. Only listings that create a **representation agreement** between the seller and the broker participant are eligible for submission to the service. By inputting a listing to the service, broker participants and real estate subscribers represent that they have in their possession **such written agreements establishing the represented type of listing agreement**. The service shall have the right to demand a copy of such written listing agreements and verify the listing's existence and adequacy at any time. The service shall also have the right to demand a copy of seller's written authorization required under these rules. If the broker participant or real estate subscriber fails to provide documentation requested by the service within 1 day, the service shall have the right to immediately withdraw any listings from the database in addition to disciplining the broker participant and real estate subscriber for a violation of MLS rules.

DOCUMENTATION; PERMISSION; ACCURACY OF INFORMATION

Added:
Buyer Broker
Agreement rule.

NEW

8.3 Buyer Broker Agreement. All MLS Participants and R.E. Subscribers working with a buyer must enter into a written agreement with the buyer prior to touring a home. The written agreement must include: (1) a specific and conspicuous disclosure of the amount or rate of compensation the Participant will receive or how this amount will be determined, to the extent that the Participant will receive compensation from any source; (2) the amount of compensation in a manner that is objectively ascertainable and not open-ended; (3) a term that prohibits the Participant from receiving compensation for brokerage services from any source that exceeds the amount or rate agreed to in the agreement with the buyer; and (4) a conspicuous statement that broker fees and commissions are not set by law and are fully negotiable.

DOCUMENTATION; PERMISSION; ACCURACY OF INFORMATION

Added:
**Requirement for written
documentation of Buyer
Broker Agreement.**

NEW

8.4 Buyer Broker Agreement Written Documentation. The service shall have the right to demand from an MLS Participant a copy of any written buyer broker agreement satisfying the requirements of Rule 8.3 whenever an MLS Participant or R.E. Subscriber working with the buyer tours a property listed in the MLS. If the Broker Participant or R.E. Subscriber fails to provide the agreement requested by the service within 1 day after the service's request or if the agreement provided to the service does not include all the terms required in Rule 8.3, the service shall have the right to discipline the Participant or Subscriber for a violation of MLS Rules.

DOCUMENTATION; PERMISSION; ACCURACY OF INFORMATION

Added:
**Requirement for MLS
Participants/Subscribers to
conspicuously pre-disclose
(through written agreement)
to prospective clients the
agreed-upon compensation
paid to all parties, and that
compensation is fully
negotiable.**

NEW

8.5 Required Consumer Disclosures Regarding Compensation. Participants and Subscribers must disclose to prospective sellers and buyers that broker compensation is not set by law and is fully negotiable. This must be included in conspicuous language as part of any listing agreement, buyer written agreement, and pre-closing disclosure documents (if any, and except those documents that are government-specified). Participants and Subscribers, in representing sellers, must also conspicuously disclose in writing to sellers, and obtain the seller's authority for, any payments or offer of payment that the listing Participant or seller will make to another broker, agent, or other representative (e.g. real estate attorney) acting for buyers. This disclosure must include the amount or rate of any such payment and be made in writing in advance of any payment or agreement to pay another broker acting for buyers.

DOCUMENTATION; PERMISSION; ACCURACY OF INFORMATION

Added: New section detailing responsibility of listing broker for accuracy of information, corrections and compliance..

NEW

8.6 Accuracy of Information; Responsibility for Accuracy. By inputting information into the MLS computer database, the listing broker represents that the information input is accurate to the best of the listing broker's knowledge. The listing broker shall use good faith efforts to determine the accuracy of the information and shall not submit or input information which the listing broker knows to be inaccurate. Upon receipt of the first publication or electronic transfer by the MLS of such information the listing broker shall make all necessary corrections. The MLS merely publishes the MLS information and has no affirmative responsibility to verify the accuracy of the MLS information. The MLS, however, reserves the right to require Participants and Subscribers to change their MLS information if the MLS is made aware of alleged inaccuracies in the MLS information and the MLS determines that such inaccuracies do in fact exist. The MLS also reserves the right to remove a listing that contains said inaccurate information from the MLS compilation of current listings should Participant or Subscriber refuse or fail to timely correct. *(continued >)*

DOCUMENTATION; PERMISSION; ACCURACY OF INFORMATION

Added: New section detailing responsibility of listing broker for accuracy of information, corrections and compliance.

NEW

8.6 Accuracy of Information; Responsibility for Accuracy. *(continued from previous page)*

A Participant or Subscriber is required to correct inaccurate information within 2 days after being notified of the inaccuracies by the MLS. If a broker participant or real estate subscriber fails to make necessary or required corrections to their MLS information, the broker participant and real estate subscriber shall indemnify and hold harmless the service for any claims, costs, damage or losses, including reasonable attorney fees and court costs, incurred by the MLS as a result of such failure. In no event will the MLS be liable to any MLS participant, subscriber or any other party for any indirect, special or consequential damages arising out of any information published in the MLS and all other damages shall be limited to an amount not to exceed the MLS fees paid by the listing broker.

DOCUMENTATION; PERMISSION; ACCURACY OF INFORMATION

**Added: New section
references for referral.**

NEW

8.8 Buyer, Seller, Purchase and Sale Defined. Except as provided in Sections 7.5 and 7.6, **and Sections 8.3 and 8.4**, all references to the buyer shall also include lessee. All references to the seller shall also include lessor. All references to a purchase shall also include a lease. All references to a sale shall also include a lease.

SELLING PROCEDURES

Modified:
**Buyer broker as purchaser
must attain prior written
notice of intent to purchase.**

NEW

~~**9.7 Change of Compensation Offer by Buyer Broker.** Buyer broker participants and real estate subscribers shall not use the terms of an offer to purchase to attempt to modify the listing broker's offer of compensation nor make the submission of an executed offer to purchase contingent on the listing broker's agreement to modify the offer of compensation. However, failure of a buyer broker to comply with this rule shall not relieve a listing broker of the obligation to submit all offers to the seller as required by Section 9.4.~~

~~**(NOTE:** Nothing in these rules shall preclude the listing broker and buyer broker from entering into a mutual agreement to change cooperative compensation.)~~

9.7 Buyer Broker as a Purchaser. If a buyer broker wishes to acquire an interest in property listed with a listing broker, such contemplated interest shall be disclosed to the listing broker prior to the time an offer to purchase is submitted to the listing broker.

REPORTING STATUS CHANGES & OTHER INFORMATION

Added:
Seller must consent to COMING SOON status.

NEW

10.1. Statuses.

(1) Coming Soon (CS) - "Coming Soon" is defined as a temporary, optional starting status that can be selected by the listing Broker. This applies if publicly marketed.

(l) Coming Soon (CS): A temporary, optional starting status that can be selected by the Listing Broker, with consent by the Seller, for when the property is not ready for Active status even though the listing must be submitted to the MLS pursuant to Rule 7.5. More restrictions on the use of the Coming Soon status are described in Rule 10.1.1)

REPORTING STATUS CHANGES & OTHER INFORMATION

Added:
45-day maximum on
COMING SOON status.

NEW

10.1.1 Coming Soon Listings- Restrictions Related to Coming Soon Status. It shall be the responsibility of the Broker Participant (Section 4.1.1) and Real Estate Subscriber (Section 4.2.1) to follow said rules when placing a property in the Coming Soon section of the multiple listings service (MLS). Broker Participant and Real Estate Subscriber shall only place a property in the Coming Soon section of the MLS if the Participant/Subscriber has met necessary criteria for MLS input as described Sections 7.5, 7.6, & 8.1. **Restrictions Related to Coming Soon Status.** The listing can remain in Coming Soon status for no more than 45 days after the start date of the listing. The listing status will be automatically changed to Active after the listing has been in Coming Soon status for the maximum number of days permitted pursuant to this rule. *(continued)*

REPORTING STATUS CHANGES & OTHER INFORMATION

Added:

Once moved to “Active” status, COMING SOON (CS) listing cannot be moved back to CS status unless withdrawn or canceled for at least 30 days.

NEW

Additional stipulations re. marketing and open houses of CS listings

10.1.1 Coming Soon Listings- **Restrictions Related to Coming Soon Status.** *(continued from previous page)*

Once a listing has been moved from Coming Soon to Active status, the Listing Broker cannot change the listing back to Coming Soon status unless it has been in Withdrawn or Canceled status for at least 30 days. Any public-facing marketing done by the Listing Broker (i.e. signs, printed materials, and digital and social media) while a listing is in Coming Soon status must clearly indicate that the listing is in Coming Soon status. No showings of the property or open houses are permitted while the listing is in Coming Soon status. Buyers can make offers on properties in Coming Soon status which must be presented to the Seller in compliance with these rules. [Note: Many MLSs set this time at 14-30 days, whereas others extend it to 60 days or further]

(continued)

REPORTING STATUS CHANGES & OTHER INFORMATION

Added:
Open house and Broker tours not allowed on COMING SOON listings

NEW

Removed:
References to offers of compensation while on COMING SOON status.

10.1.1 Coming Soon Listings- **Restrictions Related to Coming Soon Status.** *(continued from previous page)*

Participant/Subscriber is required to enter a proposed list date to proceed in placing a listing in the Coming Soon section of the MLS. Once the listing moves from Coming Soon to any Active status it cannot revert back to Coming Soon **with that same broker. Open House or Broker Tour is not allowed while in coming soon status.**

1. It is optional to place your listing into a Coming Soon Status.
2. Listing agent must have a signed written listing agreement in place to enter a "Coming Soon" listing which explains the limitations of the "Coming Soon" status.
- ~~3. The MLS requirement of unilateral offer of compensation still applies while in "Coming Soon" status.~~
4. The Coming Soon listing will automatically be placed in a "Cancelled - Coming Soon" after 30 days of entry.

OWNERSHIP OF MLS COMPILATIONS & COPYRIGHTS, DATA RIGHTS; & MLS RESPONSIBILITIES

Added:
**Offers of compensation
are absolutely prohibited
on MLS and will result in
termination.**

NEW

11.16 Prohibition on Creating a Platform for Making Offers of Compensation from Multiple Brokers. Use of MLS data or data feeds to directly or indirectly establish or maintain a platform to make offers of compensation from multiple brokers to buyer brokers or other buyer representatives is prohibited and shall result in the termination of that Participant's or Subscriber's access to any MLS data and feeds. **Listing Broker's Offer of Compensation.** The Service is required to include the listing broker's offer of compensation for each active listing displayed on its consumer-facing website(s) and in MLS data

feeds provided to Participants and Subscribers. Additionally, the Service shall permit MLS Participants or Subscribers to share the listing broker's offer of compensation for each active listing through IDX and VOW displays and through any other form or format provided to clients and consumers. The information about the offer of compensation will be accompanied by a disclaimer stating that the offer is made only to Participants of the MLS where the listing is filed.

OWNERSHIP OF MLS COMPILATIONS & COPYRIGHTS, DATA RIGHTS; & MLS RESPONSIBILITIES

New Policy >

11.16 Prohibition on Creating a Platform for Making Offers of Compensation from Multiple Brokers. Use of MLS data or data feeds to directly or indirectly establish or maintain a platform to make offers of compensation from multiple brokers to buyer brokers or other buyer representatives is prohibited and shall result in the termination of that Participant's or Subscriber's access to any MLS data and feeds.

PROHIBITIONS & REQUIREMENTS

Removed: References to seller's concessions, compensation and bonuses in PUBLIC REMARKS.

12.5.1 Public Remarks Restrictions and Requirements

- a. Information in the public remarks shall only relate to the marketing, description, and condition of the property ~~and seller's concessions.~~
- e. No information directed toward real estate agents or brokers, ~~including compensation or bonuses offered to cooperating brokers~~ may be shown in public remarks.

PROHIBITIONS & REQUIREMENTS

Added: Credit information/comments, compensation and commission information prohibited in PUBLIC REMARKS.

NEW

12.5.1 Public Remarks Restrictions and Requirements

- g. Seller's concession or credit information and comments are prohibited.
- h. Any compensation or commission information is prohibited.

PROHIBITIONS & REQUIREMENTS

**Removed:
References
To offers of
compensation/commissions
in CONFIDENTIAL REMARKS.**

REDACTED

12.5.2 Confidential Remarks Restrictions and Requirements

- ~~e. No reduction conditions on compensation offered through the MLS for items such as lender reductions of gross commission, short sale negotiator fee or other administrative costs of the transaction is allowed.~~

PROHIBITIONS & REQUIREMENTS

Added:

Seller's concession, credit information/comments, compensation/commission information is prohibited in CONFIDENTIAL REMARKS.

NEW

12.5.2 Confidential Remarks Restrictions and Requirements

- h. Seller's concession or credit information and comments are prohibited.
- i. Any compensation or commission information is prohibited.

PROHIBITIONS & REQUIREMENTS

Removed:

**References to offers of
compensation/bonuses in
TOUR REMARKS.**

12.5.4 Tour Remarks Restrictions and Requirements

d. No information directed toward real estate agents or brokers, ~~including compensation or bonuses offered to cooperating brokers~~ may be shown in remarks.

PROHIBITIONS & REQUIREMENTS

12.5.4 Tour Remarks Restrictions and Requirements

d. No information directed toward real estate agents or brokers may be shown in remarks.

New Policy >

PROHIBITIONS & REQUIREMENTS

Removed:
MLS purpose is to market properties and foster cooperation. All references to offers of compensation not allowed in MLS.

12.11 Use of MLS Information. In recognition that the purpose of the MLS is to market properties ~~and offer compensation to and foster cooperation with~~ other broker participants and real estate subscribers for the sole purpose of selling the property, and that sellers of properties filed with the service have not given permission to disseminate the information for any other purpose, participants and subscribers are expressly prohibited from using MLS information for any purpose other than to market property to bona fide prospective purchasers or to support market evaluations or appraisals as specifically allowed by Sections 12.14, 12.15, 12.16, and 12.19. Additionally, use of MLS Information for recruiting as allowed by Section 12.11.1 is permitted. Any uses of MLS information inconsistent with these Sections are expressly prohibited. Nothing in this Section, however, shall limit CCAR from entering into licensing agreements with MLS participants and subscribers or other third parties for use of the MLS information.

PROHIBITIONS & REQUIREMENTS

New Policy >

12.11 Use of MLS Information. In recognition that the purpose of the MLS is to market properties with other broker participants and real estate subscribers for the sole purpose of selling the property, and that sellers of properties filed with the service have not given permission to disseminate the information for any other purpose, participants and subscribers are expressly prohibited from using MLS information for any purpose other than to market property to bona fide prospective purchasers or to support market evaluations or appraisals as specifically allowed by Sections 12.14, 12.15, 12.16, and 12.19. Additionally, use of MLS Information for recruiting as allowed by Section 12.11.1 is permitted. Any uses of MLS information inconsistent with these Sections are expressly prohibited. Nothing in this Section, however, shall limit CCAR from entering into licensing agreements with MLS participants and subscribers or other third parties for use of the MLS information.

PROHIBITIONS & REQUIREMENTS

Added:

Users must not filter/restrict communications to consumers based on level of compensation offered.

12.14 Display. Subject to Sections 12.15, 12.16, and 12.19, broker participants and R.E. subscribers shall be permitted to display the MLS compilation in either electronic or printed format to specifically identified and bona fide prospective purchasers only in conjunction with their ordinary business activities of attempting to locate ready, willing and able buyers for the properties described in said MLS compilation. Broker participants and R.E. subscribers shall be permitted to display the MLS compilation in either electronic or printed format to specifically identified and bona fide sellers or prospective sellers only in conjunction with their ordinary business activities in listing properties. **Broker Participants and R.E. Subscribers must not filter out or restrict MLS listings that are ~~searchable by and displayed~~ communicated to consumers based on the existence or level of compensation offered to the cooperating broker or the name of a brokerage or agent.** Appraiser participants and appraiser subscribers shall be permitted to display the MLS compilation to the person requesting the appraisal only in conjunction with their ordinary business activities of producing a written appraisal. Such displays under this section shall be only in the immediate presence of the MLS participant or subscriber.

PROHIBITIONS & REQUIREMENTS

New Policy >

12.14 Display. Subject to Sections 12.15, 12.16, and 12.19, broker participants and R.E. subscribers shall be permitted to display the MLS compilation in either electronic or printed format to specifically identified and bona fide prospective purchasers only in conjunction with their ordinary business activities of attempting to locate ready, willing and able buyers for the properties described in said MLS compilation. Broker participants and R.E. subscribers shall be permitted to display the MLS compilation in either electronic or printed format to specifically identified and bona fide sellers or prospective sellers only in conjunction with their ordinary business activities in listing properties. **Broker Participants and R.E. Subscribers must not filter out or restrict MLS listings that are communicated to consumers based on the existence or level of compensation offered to the cooperating broker or the name of a brokerage or agent....**

PROHIBITIONS & REQUIREMENTS

Added:

COMING SOON listings not authorized for display on internet.

12.16 Use of Listing Information on Internet.

(a) Authorization. Subject to paragraphs (b) through (r) below, and subject to an executed IDX Access Agreement with the MLS, notwithstanding anything in these rules and regulations to the contrary, broker participants and R.E. subscribers may electronically display aggregated MLS active, pending and sold listing information through either downloading or by framing such information on the MLS or association public access website (if such a site is available). The MLS's download will include at least 3 years of publicly accessible sold listing data. "Publicly accessible" sold information as used in the IDX policy and rules, means data that is available electronically or in hard copy to the public from city, county, state and other government records. **[Note: Listings in Coming Soon Status are not authorized for display by these rules.]**

SUPPORT SERVICES

Contact: CCAR Member Services
(925) 295-1270
support@ccartoday.com

SECTION CHANGES



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SECTION CHANGES



- 11. MLS OWNERSHIP... COPYRIGHTS... DATA RIGHTS & RESPONSIBILITIES
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- 12. PROHIBITIONS & REQUIREMENTS
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| END OF CHANGES |