

# **ELKHART COUNTY MULTIPLE LISTING SERVICE**

## **MOST COMMON MLS ISSUES**

Updated 10/28/09

### **PERSONAL PROMOTION**

Personal promotion in the MLS is not permissible and includes personally branded virtual media. Only information pertaining to the listed property will be allowed in the MLS. A fine of \$100.00 per violation will be issued and the MLS will remove the personal promotion language.

Examples of personal promotion would include publishing the agent/office website address or a listing agent's alternate phone number in the public remarks. "For Sale" signs that show predominately in the photo also qualify and the office will be asked to replace the photo. The MLS permits only "Unbranded" virtual tours or other virtual media to be attached to listings in the MLS System. "Unbranded" means that no aspect of the virtual media (which includes the web page on which the virtual media resides) can exhibit listing agent, office or broker name, phone number, email address, web address or other information of this nature that is not descriptive in nature and relevant to an accurate portrayal of the property being marketed.

The MLS office will determine what is considered "personal promotion" and any challenge will be submitted to the Board of Directors.

### **LATE INPUT**

A period of 72 hours (excluding weekends and holidays) is allowed to input listings into the computer from the effective date of the listing. Late inputs will be assessed a \$25 late fee. Section 1 MLS Rules & Regulations.

### **LATE REPORTING OF CLOSED**

Sales shall be reported within 48 hours (excluding weekends and holidays) after closing. Section 2.4 MLS Rules & Regulations. Late inputs will be assessed a \$25 fee. Please note: offices are required to report pendings in the MLS and must disclose the existence of accepted offers to other brokers/salespersons.

### **LISTING CONTRACTS**

Offices are no longer required to submit all listing contracts to the MLS Office except in the following circumstances:

- Seller has requested a Quiet Listing or delayed entry in MLS.
- Office has take a listing with \*Special Designations
- During an audit by the MLS

Listing contracts falling in the first two categories must be submitted to the MLS within 7 days of obtaining seller's signature. Failure to comply will result in a \$25.00 late fee.

Listing Contracts audited by the MLS must be received within 2 business days. Audits will be conducted on a random basis or as part of a member compliant. In the case of an audit, the Participant(s) will be required to submit a copy, or original if requested, of the listing contract to the ML within 2 business days. If the MLS does not receive the listing contract within 2 business days, the listing will be removed from the MLS and the Participant may be subject to further fines. If the listing is removed from the MLS, the listing will be reinstated upon compliance.

### **AGENT HAVE ACCESS TO LISTING INPUT**

Agents may have access to the Listing Input and Maintenance program if authorized by the Participant. The Participant will remain responsible for the actions of the agent including payment of any fines levied for violations by the agent. The Participant must send the MLS a written request that contains the following information: name of the agent, agent MLS ID number, and effective date of access. Mandatory training is required before an agent is given access to the Listing Input Program.

## **CO-LISTING**

Effective June 14, 2007, the MLS will allow co-listed properties to be entered in the MLS. Co-listing is defined as a property listed by two agents that are in the same firm and are members of the MLS. Listings that do not fall within the policy will not be allowed in the MLS system.

## **INCOMPLETE INFORMATION**

A listing agreement & input sheet shall be complete in every detail. An asterisk on the input sheet reflects the mandatory fields. The MLS encourages members to complete all the fields on the input sheet. A \$25 fine will be issued for each mandatory field not filled in with complete and accurate information. Section 1.2 MLS Rules & Regulations.

## **SQUARE FOOTAGE**

Although the MLS Staff is not qualified to instruct members on how to measure a house, we are able to offer some guidelines to show what fields the square footage data should be placed in various situations.

- Main Level SF+ Upper Level SF = Above Grade Square Feet
- Above Grade SF + Below Grade Finished SF = Combined Finished SF
- Almost all listings should show square footage in the Main Level field including Bi-Levels
- Bi-Levels: Enter square footage in the Main Level field, Below Grade fields, and Combined Finished field
- Tri-Levels: Enter square footage in the Main Level field, Upper Level field, Below Grade fields, and Combined Finished field
- Quad Levels: Enter square footage in the Main Level field, Upper Level field, Below Grade fields, and Combined Finished field

Square Footage Policy: Reporting square footage in the MLS is mandatory. The MLS has separate fields to allow the agent to report the individual levels of square footage in the home. The MLS standard for reporting square footage in the MLS requires that the list office enter the square footage calculations in the appropriate categories: Combined Finished Square Footage, Main Level Square Footage, Upper Level Square Footage, Below Grade Finished Square Footage, Below Grade Square Footage, and Above Grade Square Footage. Reporting of square footage that is in violation of this policy will result in a \$50 fine.

## **PERSONAL PROPERTY**

Personal property such as manufactured homes without land or business opportunities without real estate may not be included in the MLS. Section 1 MLS Rules & Regulations. The State of Indiana taxes these as Personal Property.

## **BAC**

The compensation must be shown in the BAC field by either a dollar amount of a percentage (%) of the gross selling price. Section 5 MLS Rules & Regulation. BAC Fields not in compliance must be removed and will be fined as incomplete information.

## **WITHDRAWN/CANCELLED**

A withdrawn indicates the listing has been removed from MLS but the office still holds a valid listing. An owner's signature is required and must be submitted to the MLS office for input. A cancelled indicates the listing has been removed from MLS and the office no longer holds a valid listing contract. This can be done by the listing office.

## **SOLD BEFORE PRINT**

Listings considered pending or sold before print must be entered into the MLS. Photos and/or vacant land sketches are required.

## **PHOTO/LAND SKETCH POLICY**

### **LISTING OFFICES ARE RESPONSIBLE FOR UPLOADING PHOTOS**

An office can give an agent access to photo upload, however, the listing office is responsible for the agent. This means OFFICES will be fined \$25 the first month any photos or vacant land sketches not uploaded within the timeframe allowed in the policy. After the first month, a \$100 fine per photo or sketch per month will be assessed until the photo or sketch is uploaded. The MLS staff will monitor the quality of the MLS photos for review by the Board of Directors.

## MLS Photo Requirements:

The current MLS system automatically resizes and compresses photos uploaded in a different file size or resolution than required by the MLS. This can affect the quality of a photo & can cause distortion in photos uploaded with higher resolution. All photos should be saved at 32K and 640x480 image size (resolution). These are the same settings the MLS uses to resize and compress a photo.

File & image size are required to control how long a page takes to load and how much space is required on a computer using the desktop software. Another issue to be aware of is how close to the house is to the edge of the frame. If the house is shot too close to the frame the ends may get cut off when they are uploaded. Remember, if the quality is not what you want you can always upload another photo. There is no charge for changing photos. The MLS recommends looking at the photo after it is uploaded to make sure it is acceptable.

## **DIRECTIONS**

“Directions” field is a mandatory field. All directions need to be clear, understandable, and informative. For example, entering “Main St.” is not appropriate because it does not give enough information to help locate the listing. Failure to enter complete directions will be considered an “incomplete listing”.

## **STREET CONSISTANCY**

All county roads, state roads and US highways should be abbreviated as shown in the example below. Failure to do so could cause the listing to be overlooked in the Search function.

Example:        1111 CR 35  
                  1111 US 33  
                  1111 SR 5

## **FRR**

The “FRR” (First Right of Refusal) status is an “active” status indicating a first right has been accepted. Listings with a FRR status will be active and expire upon its expiration date.

## **BUP**

The “BUP” (Back-Up Offers) status is an “active” status indicating an offer has been accepted but back-up offers are being taken. Listings with a BUP status will be active and expire upon its expiration date.

## **PENDING**

The Pending status is an “off-market” status indicating an offer has been accepted.

## **BACK ON MARKET**

Back on Market is an “active” status used when a listing changes from pending to Active. Please note, the expiration date must be valid. There is no charge for the Back On Market status.

## **RENEW**

Renew is an “active” status used when an expired listing becomes active again within 30 days or less. Once renewed, the listing will be flagged with a “renew” status for five days and then move to active. After 30 days, the listing can be entered as new by the listing office. The “renew” status keeps the original list date of the listing and is intended to help maintain the integrity of the statistical data.

## **EXTENSION**

Listing can be “extended” if the expiration date is still good. When the listing expires, a renewed status must be used. The MLS requires a seller’s signature when making changes to the terms of the original listing contract such as an extension. An emailed authorization from a seller is not considered legal by the courts unless it carries a digital signature.

## **COMPUTER HINTS**

The system translates the comma (,) as “OR” and backslashes (\) as “AND.”

Wild Card – In searches, the asterisk (\*) is a “wild card.” If the asterisk (\*) is placed before a word, the system searches for the word, whether it is at the beginning, middle, or end of a string of words. If the asterisk (\*) is placed after a word, the system searches for the word at the beginning of a string of words. To search for an exact word, type the desired word, a space, and the asterisk (\*). The asterisk (\*) is also useful for searching remarks.

## **HEADER AND FOOTER**

How to add a header and footer to the printout? Go to File & select Page Set-Up. Enter the following in the header and footer fields:

Header: &w&bPage &p of &P

Footer: &u&b&d

## **MLS MEMBERSHIP**

The MLS has one membership category for an office and requirements are as follows:

- A. Must be a REALTOR member of a Board.
- B. Must submit an application to and be approved by the Multiple Listing Service Board of Directors.
- C. Must pay an entrance fee of \$1000.00.

Those individuals, corporations, partnerships, or business representatives falling into the following definition or description will be charged for a “Unit of Service”:

Any person who is associated with an Elkhart County Multiple Listing Service Member office who is listing, selling, showing houses, lots or other real estate and improvements listed with MLS and is using the MLS system, either through their personal access information or another members and any person who derives an income by virtue of their connection with an MLS Member firm and its use of the MLS system with exception of referrals. This definition shall not include clerical, bookkeeping, secretarial staff nor other support personnel, but shall include managing brokers and managerial staff.

## **FREQUENTLY ASKED QUESTIONS:**

**What are Special Designations?** There are 3 circumstances requiring a special designation Exclusive Agency Listings - EAL, Listings with exempted prospects - PRO, and Listings with Dual Commission agreements – DC. When a listing falls in to any of these categories, the appropriate abbreviation must be entered in the SPE Field. Below are the definitions:

**Exclusive Agency Listing (EAL):** The exclusive agency listing authorizes the listing broker, as exclusive agent, to offer cooperation and compensation on a blanket unilateral basis, but also allows the seller the general right to sell the property. Exclusive agency listings should be clearly distinguished by entering EAL in the SPE field.

**Prospect (PRO):** Exclusive right to sell listings with named prospects exempted should be clearly distinguished, by using PRO, from exclusive right to sell listings with no named prospects exempted. These listings can present special risks such as procuring cause controversies and administrative problems not posed by exclusive right to sell listings with no named prospects exempted.

**Dual Commission (DC):** The existence of a dual or variable rate commission arrangement (i.e. one in which the seller/landlord agrees to pay a specified commission if the property is sold/leased by the listing broker without assistance and a different commission if the sale/lease results through the efforts of a cooperating broker, or one in which the seller/landlord agrees to pay a specified commission if the property is sold/leased by the listing broker either with or without assistance of a cooperating broker and a different commission if the sale/lease results through the efforts of a seller/landlord) shall be disclosed by the listing broker by entering DC in the SPE field. The listing broker shall, in response to inquires from potential cooperating brokers, disclose the difference that would result in either a cooperative transaction or, alternatively in a sale/lease that results through the efforts of the seller/landlord. If the cooperating broker is a buyer/tenant representative, the buyer/tenant representative must disclose such information to their client before the client makes an offer to purchase or lease.

**Failure to disclose Special Designations in the MLS will incur a \$100 fine per violation.**

**Do Short Sale Listings need to be disclosed in the MLS?** Participants must disclose potential short sales when reasonably known to the listing Participants by entering Yes in the Short Sale field in the MLS. This requirement applies to all listing statuses, including pending and closed listings. When disclosed, Participants may, at their discretion, advise other Participants whether and how any reduction in the gross commission established in the listing agreement, required by the lender as a condition of approving the sale, will be apportioned between listing and cooperating Participants by using the Agent Remarks field. In addition, after the office receives an accepted offer, the listing status will be changed to Pending in the MLS. (Amended 10/2009)

Short Sale Definition: 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.

**What happens if a listing in the MLS doesn't have the required information?** The Rules and Regs require that all mandatory fields be completed or a \$25.00 fine will be assessed monthly for each incomplete field. Failure to disclose Special Designations in the MLS will incur a \$100.00 per fine violation.

**Does the office need to send a Status Changes to the MLS?** Not in most cases. The listing office can make many status changes in their office. Only listings that need to be in a Withdrawn status have to be sent to the MLS.

The MLS conducts periodic audits to verify compliance with the requirement to have signatures on the appropriate status changes. The audit is not negotiable & the requested documentation must be provided within 2 business days. Failure to comply with the audit could result in a suspension of privileges and/or fines.