

# **General Rules, Regulations and Policies** **of the Iowa Association of REALTORS®**

## **Multiple Listing Service**

**(Current Vendor is Rapattoni Corporation)**

The Iowa Association of REALTORS® (IAR) Multiple Listing Service (MLS) is an optional service IAR provides to all REALTORS®. The IAR MLS is a business based program offered by IAR and all local boards who desire to obtain local MLS service must abide by the basic regulations put forth by the Iowa and National Association of REALTORS®.

### **General Rules, Regulations and Policies**

IAR follows the MLS model bylaws, policies and rules from the National Association of REALTORS® (NAR) Handbook on Multiple Listing Policy and more particularly the Model Rules and Regulations for an MLS Operated as a Committee of an Association of REALTORS. Any options selected within the MLS policy will be sent to NAR for their review and approval.

The final decision of any Rule, Regulation or Policy is decided upon by the IAR Executive Officer, following the general consensus of a committee made up by IAR Officers. Any information added to the MLS must be verifiable. IAR uses county records to verify information. New listings shall be inputted within 48 hours upon initial listing or advertisement of the listing, and status changes within 24 hours. Once listed in the MLS, listings shall be made available immediately for showings by MLS members.

### **Membership**

The MLS membership policy is that if one active licensee of a brokerage desires MLS membership, than all active licensees within the brokerage must join the desired MLS. IAR follows secondary membership rules established by NAR.

### **IDX**

The Internet Data Exchange (IDX) policies adopted are all mandatory policies: Section 18.1 option #2, Section 18.2 option #4, Section 18.3.3, 18.3.8, 18.3.10, 18.3.12, 18.3.14, 18.3.15, 18.3.16 option #2 and 18.4.

### **VOW**

The Virtual Office Website (VOW) policies adopted are all mandatory policies: 19.15(F), 19.17, 19.18, 19.22, 19.24 and 19.25. An MLS can require only MLS members of their local MLS can enter listings.

### **Same brokerage listing - two differing IAR MLS's**

In the situation where the branch office of a main brokerage office belongs to a differing MLS, **because it is the same brokerage's listing**, IAR has allowed the local MLS member to enter in the local MLS, and another licensee of the same brokerage who belongs to the other local MLS, to co-list and enter into their local MLS the same property. IAR may require any brokerage which wishes to belong to the MLS, that all the brokerages branch offices within the territorial jurisdiction of the local board is required to join the MLS.

### **Realtors Land Institute (RLI) Exemption to IAR MLS policy**

IAR currently exempts brokerages who are RLI members from the "if one licensee desires MLS access, all active licensees must belong to the MLS" only for the RLI MLS. This exemption may be withdrawn for the brokerage at any time with 20 days-notice.

## Appraiser Exemption to IAR MLS policy

Some unique situation have developed where a real estate licensee who is associated with a real estate brokerage, **but who also operates an independent real estate appraisal firm**, needs MLS information from an area where the real estate brokerage firm is not currently a member. The appraiser/licensee would like to join another MLS however the brokerage/broker does not want to belong to the other MLS. In this case a written request to IAR for only the appraiser/licensee to belong to the "foreign" MLS and exempt all other licensees within the brokerage from the "foreign" MLS membership and payment requirement may be sent to the IAR MLS admin for its consideration.

This exemption from the IAR policy "if one MLS member, all from the brokerage must belong to the MLS" must clearly state the appraiser falls within the unique situation of being an independent appraisal brokerage. IAR may grant an exemption to the policy if the following terms and conditions are agreed to by the brokerage and appraiser:

1. Brokerage/broker understands the IAR policy regarding the full participation of all real estate licensees and licensed or certified appraisers must all join or pay for the local MLS. Brokerage understands licensee/appraiser desires to join another MLS and brokerage/broker does not want to join and no other associated licensees want to join the "other" MLS. Brokerage desires and exemption from the IAR MLS policy for its members for the "other" MLS.
2. Brokerage/broker and associated licensee/appraiser understand the data and information from the "other" MLS is not to be shared, used or provided to any other licensee or appraiser within the brokerage. The information is for the sole use of licensee/appraiser and within the context of their independent appraisal company.
3. If the data, information or any other utilization the "other" MLS's information is misused or provided to any non-subscriber, the MLS access will be immediately discontinued, payment for service from all licensees and appraisers from brokerage will be demanded and any other discipline or fines may be imposed. IAR has the sole discretion to determine if the MLS is being misused or abused.
4. IAR may create other terms at any time to modify this policy and may set an administrative fee as necessary.

## MLS Violations

If an individual or a brokerage is found to be in violation of MLS rules and regulations they shall be subject to one letter of warning, if issue is not resolved within 72 hours IAR may issue a fine or MLS services may be suspended for the entire brokerage until issue is resolved. IAR may charge a reinstatement fee and other costs on a "to be determined" basis.

## Personal Promotion

Listings entered into the MLS are intended to promote the property and not intended for use as a personal or company marketing vehicle. Prohibited items from marketing remarks and property photos shall include but not be limited to;

- agent/company name or photos,
- phone numbers,
- Web site addresses,
- "call for showings" or "open house" overlays,
- for sale signs nor text or any other items overlaid on photos.
- Exceptions are new construction listings using a "Similar To" banner, proposed listings using a "Proposed" banner, or Watermarks to protect images from copyright infringement. (See definitions.)

When a subscriber fails to comply with this rule and has been given notice by the MLS that the Subscriber is in violation of the rule, the Subscriber must remove such information from the listing within 72 hours.

Definitions:

**New Construction:** New Construction shall be used as a property type in the MLS to describe a dwelling that has the framing walls in place. If not using an actual photo of the property, it is acceptable to use a photo with "Similar To" placed within the frame of the picture.

**Proposed Construction (under construction):** Proposed construction shall be used as a property type in the MLS to describe a dwelling that does not meet the New Construction definition. If a photo is used in this definition, then a banner stating "Proposed" must be placed within the frame of the picture. When a listing meets the New Construction definition, the listing must be changed to reflect the new type.

**Watermarking:** Images may contain a Watermark to protect authorship and identify the origination of an image, provided it meets these guidelines:

- Shall contain the symbol ©, shall contain a four digit year, and shall **contain up to a 5 character abbreviation for the brokerage firm who holds the copyright. (Eg. © 2014 ABC)**
- Must be screened back 50% or more from a black or white font.
- Must be located anywhere in the lower left 1/8th of the photo. (Commentary: That will help keep them unobtrusive, but also gives the Watermarker the ability to move it enough into the photo to prevent a scraper to 'chop off' the Watermark.)
- Font height must be no more than 5% of the image height, and no more than 20% of the image width. Font must be **Arial and cannot be bold.**

### **Office Exclusive**

If the seller refuses to permit the listing to be disseminated by the service, the Participant may then take the listing (office exclusive) and such listing shall be filed with the service but not disseminated to the Participants prior to closing. Filing of the listing should be accompanied by certifications signed by the seller that seller does not desire the listing to be disseminated by the service. A participant shall pay \$35.00 for each office exclusive that it files with, or should have filed with, the MLS.

### **Billing/Fees/Fines**

The MLS fees shall be set by IAR. IAR bills the brokerage/appraisal firm directly for all licensees and/or appraisers within the office. If IAR does not receive MLS payment for any licensee/appraiser member within the brokerage/firm, MLS privileges for **ALL** licensees/appraisers within the firm are immediately suspended. The broker may pay the entire bill for their agents or collect the individual payments from the agents and send them in all together. Fees are due by the 15<sup>th</sup> day of the first month of the quarter. Brokerages and individuals are subject to re-instatement fees (as set by IAR) for suspended or revoked members.

Listing fee for Office Exclusive's is \$35

### **Modification of Rules**

The IAR MLS Taskforce shall review requests to modify rules and shall modify as they deem appropriate. The local board only has the ability to set the fine structure for violation of the MLS rules.