



Inappropriate Language in MLS Listings Policy

This policy, in accordance with the ARMLS® Rules and Regulations is designed to help mitigate legal liability of ARMLS and its Subscribers, as well as assist Subscribers in staying within the Rules and Policies of ARMLS by using the fields in the listings as they are intended to be used.

Specific Authority and Rules associated with this Policy

Rule 11.5: INFORMATION IN PUBLIC and REALTOR® PRIVATE REMARKS and DIRECTIONS. **The Policies that govern the information that can be contained in the directions, public and REALTOR® private remarks in the Listing are found in the ARMLS Inappropriate Language Policy.** A copy of this Policy can be found on the ARMLS website (www.armls.com).

Rule 11.6: INFORMATION IN PUBLIC REMARKS. Information in the Public Remarks field in the Listing shall be limited to information describing or marketing the listed property. Such field shall not include information about individuals or co-brokerage arrangements or any alarm codes or other information about how to gain access to a property.

Rule 11.7: USE OF INFORMATION FIELDS. Subscribers may only enter in any field on the Profile Sheet the information required or reasonably contemplated by such field.

Rule 8.2, final clause: ARMLS may refuse to publish information that may create legal liability.

Therefore, all inappropriate language, as reviewed and deemed to be inappropriate by the Arizona Regional Multiple Listing Service, is prohibited from inclusion in all listings on the MLS.

Prohibited Language

The following (beginning with item 1a) is a list of examples of inappropriate language. This list is not intended to be a complete listing of every possible instance

of inappropriate language, but only a general guide as to items that must not be included in your MLS listing.

In addition to both of the Remarks fields and the Directions field, **all other fields in the listing must only have information in them for which the field is intended** (e.g. the address fields can only contain the actual address information. It must not contain anything else.)

1. In Public Remarks, Directions, Public Supplemental Remarks and Public Attachments, the following are prohibited:

- a. **All websites and phone numbers.** Neither web addresses nor phone numbers are allowed in the Public Remarks, Directions Public Supplemental or Public Attachments. This is regardless of whether or not the phone number or web address leads a consumer to the listing agent.
- b. **Any item besides contact information that may lead someone to bypass their own contracted agent to directly seek out the listing agent are not allowed in the Public Remarks, Directions Public Supplemental or Public Attachments.** This includes but is not limited to: Open house information and Auction dates. You may disclose in the Public Remarks that it is going to be auctioned, but you may only include the date, if you are so inclined, in the Realtor Remarks. This also must be included in the Auction fields.
- c. **Any items that may cause a safety issue.** This includes but is not limited to: Gate codes, lockbox information, and references to the occupants of the property or the hours they are in the home. None of those items or others that may cause a safety issue is allowed in any of the public fields.
- d. **Any Buyer's Agent Bonus Information.** No Agent bonus information is allowed in public fields. Incentives to the Prospective Purchaser are allowed in Pubic Remarks, Realtor Remarks and all Attachments.
- e. **Directions.** The Direction field must only contain written directions to the listed property.

2. All fields

- a. **Commission Information.** All commission language **that puts a condition on the commission** listed in the Buyer Broker (BB) or Sub-Agent (SA) co-broke fields is prohibited from inclusion anywhere on the listing. This includes all fields and all attachments.
- i. **Short Sales, REO, Auction listings:** NO CONDITIONAL COMMISSIONS ARE ALLOWED. COMMISSION REDUCTIONS AND NET SALES PRICE COMMISSIONS ARE NOT ALLOWED TO BE OFFERED THROUGH THE MLS.
 - 1. **If the listing broker desires or is required by an owner or third party to pay something other than the gross sales price or flat dollar amount commission offered on the listing, they must do so outside of the MLS, directly with the other broker.**
 - 2. You may put a statement requiring any prospective Buyer's agent to contact you before any offer is made, but you may not state that such required contact is regarding the commission.
 - ii. **Commission information that DOES NOT put any conditions on the commission is allowed in the Realtor Remarks and private documents (updated 6/23/09).** An example of commission language that is acceptable:
 - 1. Look 4% commission (as long as the actual BB or SA field also says 4%).
 - iii. **Residential Rental listings** that pay a different commission for different lease terms **may** enter the different commissions and time frames in the Realtor Remarks and/or private attachments. The commissions however must be reflective of the gross listing amount or a flat dollar amount. Examples:
 - 1. **9 month lease commission: \$500; 6 month: \$350 (etc...)**
- b. **Fair Housing Issues.** ARMLS removes these issues from listings, and will continue to do so whenever it is deemed by ARMLS to be language that potentially violates the Federal Fair Housing laws. Listing agents with

items deemed to be in violation of Fair Housing Laws may be subject to penalties allowed under the ARMLS Rules and Regulations.

Below is a link to the United States Housing and Urban Development web site that **may** help guide you in what is acceptable and what is not.

<CLICK HERE>

If you are unsure if a particular phrase is allowable in your listing, please contact your broker or email the ARMLS Compliance Officer at compliance@armls.com.