

New Rules FAQ

The following FAQ represents anticipated Subscriber questions pertaining to the roll out of the new MLS Rules and Regulations. The list is not intended to be comprehensive or to discourage Subscribers from asking additional questions. The ARMLS® training team offers a course specifically about MLS Rules and Regulations. To register for a class, check the training calendar on armls.com.

Log In and Subscriber Fees

Q. I have an assistant who has always used my password to access MLS. Can we still do that?

A. No. Your assistant will need to have his own user ID and password.

Q. All of the admins in our office share a user name and password. Can we still do that?

A. You will no longer be able to do this. Each office will be assigned up to three administrative logins based upon the size of the office. Additional admin logins can be acquired for a fee.

Q. My broker is a participating broker in ARMLS but I am not that active. In fact I just keep my license active for an occasional sale and don't have much use for MLS. If I need information I just ask another agent to get it for me. It seems like a waste for me to join. Is that OK?

A. That is not OK. You are still using MLS indirectly when you ask another agent to get the information you need. Your situation would not qualify for the waiver of participation fees.

Q. What are the grounds for receiving a waiver of participation fees?

A. The waiver applicant must satisfy the following four requirements.

- Not a listing agent for any active listing
- Does not use a lock box to enter any property listed in MLS
- Does not use either directly or indirectly any listing information stored in MLS
- Does not use any information stored in MLS to list property

Q. There are licensees in my office that would qualify for the waiver. How does it work?

A. All licenses affiliated with the broker Subscriber must apply for subscription to ARMLS or a waiver within 10 days of affiliating with the broker. ARMLS will track the licenses under the broker Subscriber and will notify the broker if there is a violation. Details of how to apply for a waiver can be found at www.armls.com.

Submission Deadline

Q. My seller asked that I wait until after he does some work on the property before we put it in MLS. How do I comply with the two day rule to submit if the seller asks me to wait longer than two days?

A. You should make a notation of this either on the actual listing contract, or on a separate addendum to the listing agreement which the seller should sign, authorizing you to delay the submittal of his listing to ARMLS until a specified date or until some other condition is met.

Mobile Homes

Q. I have a mobile home listed now that does not have real estate that conveys with it. What should I do?

A. Cancel this listing prior to June 1, 2009 to avoid any penalties.

Q. How can I sell a mobile home without land if you will not let us put it into MLS?

A. If you are going to sell a mobile home independent of the real estate on which it resides, you will need a separate license issued by the Arizona Department of Fire, Building and Life Safety. Once you have a license you can market the mobile home through any non-MLS means, e.g., Craig's List, www.buyamanufacturedhome.com, etc.

Listing Contingencies

Q. What do you mean by third party approval to sell a property?

A. Any individual, besides the actual property owner, whose approval is required to consummate a transaction, would be a third party to a transaction. On properties in stages before final foreclosure and on short sales, the third party would be the owner's existing lender(s). On relocation properties, any individual or entity who has not taken title, whose approval is required to consummate the transaction, is a third party.

Q. Since third parties are not actual owners of the property, why do we need them in the listing contingency drop-down?

A. Identifying a third party in the listing contingency drop-down allows the selling agent to inform his buyer of the additional steps and timelines that will affect the transaction. This knowledge influences the buyer in decisions he makes about his purchase.

Q. How should I handle my listings that I know are short sales?

A. If you know that your listing will be sold as a short sale, you should select **Short Sale Approval Required** from the drop-down feature under Listing Contingencies. You may also mention in Remarks that it is a short sale but this is not required.

Q. My seller worries that agents will not show his property if they know it will be a short sale. What should I do if he instructs me not to select Short Sale Approval Required from the drop-down?

A. You should explain to the seller that not disclosing this is a violation of MLS Rules and Regulations and that you must comply. There is no option not to disclose this in the listing information. If the seller persists, you should decline to take the listing.

Penalties

Q. Why does ARMLS have to charge a penalty for a violation?

A. ARMLS is the guardian of the integrity of the data on which all participants rely. A penalty system assures that habitual violators will be compelled to comply to protect the information in MLS for all. ARMLS does have a graduated penalty schedule that allows for correction of errors with a penalty grace period for most violations, except for lockbox violations and more serious violations which are automatic. Participants who report their own violation are not charged a penalty.

Q. What are some of the more serious violations that incur an automatic penalty?

A. All lockbox violations would warrant an automatic penalty, such as placing a lockbox on a property without permission, removing the keys from a lockbox without the owner's permission, lending anyone your lockbox key, etc. Other violations worthy of an automatic penalty would include manipulation of days on market, incorrect sales price data, allowing MLS access by unauthorized persons, etc. For examples of penalties, please read the ARMLS Penalty Policy at www.armls.com.

Q. How will I be notified about a violation?

A. Violation notices will be sent via email and automatic violation notices are sent via email and postal mail. Both are considered delivered once they are sent. So it is very important that you have the correct email address within your MLS profile AND your Association profile, as some Associations override the MLS profile information. The new ARMLS Rules do not make allowances for any claims by a Subscriber that they did not receive a violation notice and such claims are not eligible for appeal.

Q. I changed my contact information in ARMLS but when I go in to check on it at a later time it is different from what I added. What is going on?

A. Several Associations download their information into ARMLS routinely, e.g. PAR. If your primary Association does this, their download will override any changes that you have made to your profile in MLS. The best way to have your information current and for you receive all timely industry communication is to notify your Association so that the changes in their system match the changes you make in MLS.

Q. What are the penalties for violations?

A. ARMLS has at its disposal, as outlined in the ARMLS Penalty Policy, fines starting at \$50 which graduate up to a minimum of \$400 for the 6th violation of the same rule. Along with the fine, habitual violators may be required to attend an MLS Rules Violation orientation class. The Board of Directors, in extreme cases, may fine up to \$15,000 and suspend service to the Subscriber from 30 days up to three years.

Q. Is there any way that I can appeal a violation?

A. There is an appeal process in place which requires a fee \$50.00 or 10% of the fine, whichever is greater, for a hearing. If the penalty is waived, the appeal fee will be returned. Request for an appeal must be filed in writing and either sent to ARMLS at 130 S. Priest Dr., Suite 101, Tempe, AZ 85281, faxed to (602) 381-1973 or emailed to appeals@armls.com. Details of the appeal process can be found in the ARMLS Penalty Policy at www.armls.com.

Media

Q. My virtual tour company sent me two tours and I am confused about which one to put in MLS. Can you help?

A. Most companies send two versions. One is branded with all of the agent's and/or brokerage's contact information. You would use this one to send to your prospects and customers. The other is not branded and this is the one that you should use in MLS. ARMLS rules do not allow for use of the branded tour in MLS. If you only received the branded version, contact the company for the unbranded one.

Q. I just took an expired listing. The previous listing agent took some great photos that I would like to use. Is that OK?

A. Generally, you may not use photos or virtual tours from the previous listing agent. However, you may use them if the agent gives you permission or you pay the third party who took the photos.

Q. My photographer took a great photo of my listing with my For Sale sign in the foreground. The photographer will charge me to take another without the For Sale sign. May I use this in MLS?

A. No, you will not be able to use this photo. For Sale signs in photos cannot be legible in any media. If the For Sale sign in the photo shows contact info or a readable company name or logo, it is a violation of MLS rules to use it. It is usable if the contact info or readable company name is removed from the photo.

Q. If I have a property with a great view, can I use the view to satisfy the minimum of one exterior photo requirement?

A. No. You may use the view as your primary photo if you wish, however at least 1 photo of the main exterior of the home must always be included with the listing regardless of the listing's status.

Dual Listings

Q. In the past I have listed the same property for sale in MLS in several times in different areas to get maximum exposure for my seller. Can I still do that?

A. You can have a dual listing under the new rules but only for specific instances:

- property is listed for sale and for lease
- property and the land are listed for one price and extra land may be purchased with the property for another price
- residential rental property is available for lease either furnished or unfurnished
- property currently zoned under multiple zoning classes that would allow for multiple uses

Q. Will I be able to use variable bedrooms to have multiple listings of the same property but with different bedrooms?

A. This would be considered a violation under the new rules as the variable bedroom exemption has been eliminated. On or about May 1 you will be notified of any current active listings that previously qualified under the old rule but are now in violation of the new rule. You will have until May 31 to cancel the excess listing(s) and leave your preferred listing active. If you fail to do so, ARMLS will cancel all listings except the one with the least number of bedrooms.