



**TUOLUMNE COUNTY
ASSOCIATION of REALTORS®**

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TUOLUMNE COUNTY ASSOCIATION OF REALTORS®
MULTIPLE LISTING SERVICE
POLICY MANUAL

The following are policies set forth by the MLS Committee and approved by the Board of Directors of the TUOLUMNE COUNTY ASSOCIATION OF REALTORS®.

I. MLS FEES

- A. All MLS fees must be paid by the Participant (Broker). No personal checks from subscribers will be accepted, including new members. (1/94)
- B. MLS quarterly fees are due and payable on the last day prior to the beginning of the new quarter. Billing will be sent out 4 weeks prior to actual due date, billing will be sent via email whenever possible. If the fees are not received by the last day of the month prior to the first day of the new quarter service will be suspended and there will be a reconnection fee (in addition to the quarterly fees due) to reinstate service. The MLS will endeavor to get a bill to the Participant. However, it is the Participants responsibility to know when the fees are due and payable. Failure of the Participant to receive a bill does not relieve the Participant of the responsibility to pay fees when due, nor does it relieve the Participant of paying a reconnection fee when payments are received after the due date. If all quarterly MLS fees are not paid by the first day of the following quarter all MLS services will be terminated. To reinstate after the first day of the following quarter an MLS Participant must reapply as a new Participant. (06/08) (07/08)(5/14)(6/15)
- C. The MLS Quarterly Fee is per agent. (12/01) (12/12)(12/13)(5/14) (6/15)
- D. There will be an Application Fee for new Broker participants. (11/91).(5/14)
- E. There will be an Application Fee for a new Subscriber participants. (12/12) (5/14)
- F. MLS Assistants will be charged an ANNUAL fee. The fee is payable when they register as an assistant and each January thereafter, regardless of when they subscribed to the MLS. (Revised 9/95)(12/12)(5/14)
- G. All fees pertaining to the MLS are on the TCAR Fee Schedule, which is located at the end of the MLS Policy.
- H. An Application fee does not need to be repaid for a change of status if: 1) the correct fee was paid previously; and 2) the member's participation has been continuous and unbroken since payment of said fee. If the correct fee was not paid, the agent may pay the difference provided participation has been continuous and unbroken.

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II. MLS VOTING PROCEDURE

- A. The MLS Committee with the approval of the Board of Directors will determine what will go before the membership for an "advisory" vote. Ballots will be distributed to all MLS participants and subscribers no less than 14 days prior to the day the votes are counted. As ballots are returned to the Association Office they will be kept confidential. The votes will be counted by 3 or more committee members at the next MLS Committee meeting.
- B. The MLS Committee will then make a recommendation to the Board of Directors based on the "advisory" vote of the membership. The Board of Directors will then act upon the recommendation; the decision of the Board of Directors will then be announced to the membership. (7/93)

III. NEW DESIGNATED BROKER

- A. If a new Broker or licensed appraiser takes over an existing office, he/she must pay his/her own "one time" application fee. The new broker or licensed appraiser will be given 2 weeks to pay the application fee, or, 30 days in case of death of the previous Broker or licensed appraiser. If the fee is not received within that time period, the office will be terminated from MLS. (9/87). The Broker or licensed appraiser may reapply for participation by submitting an application together with the applicable fees as paid by any new participant. (5/14)

IV. AGENT CHANGES OFFICES

- A. When an Agent changes offices, a form letter will be sent to the Designated Broker of the former office giving him/her 1 week to release the listings to the transferring agent or transfer the agent's listing to another agent in the office. If MLS is not notified within 1 week the listings will automatically be transferred to the Broker of the office. (4/87)

V. AGENT CHANGES OFFICES

- A. An approved MLS Waiver is effective for one year from the date of approval. (1/92) (6/15)
- B. A member in good standing wishing to review the contract with our MLS vendor may make a written request to the Board of Directors. If the request is granted the member must make an appointment with the Executive Officer and the contract must be viewed in the Association office. The contract is not to be copied and it may not leave the Association office. MLS only participants and subscribers have no right to view the contract. (02/00)(5/14)

VI. SUBMITTAL OF LISTINGS / CHANGES

- A. The service will remove listing remarks which prohibit the showing of such listing by any named agent or office. (5/95)
- B. If a seller wants his/her name withheld/Cancel from MLS he/she must state so in writing and submit to the Association office. (3/96) In the space for Seller the agent will enter WITHHELD and place in the addendum, "seller's name withheld as per seller's written request to the MLS". On bank owned (REO) listings, upon the seller's request, the listing agent may

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also list the seller as either the “owner of Record” or “Corporate Owned”. In the case of an REO the listing agent need not submit a copy of the listing agreement unless the MLS request to see a copy. (08/09) (5/14)

- C. To be eligible for the UC/TBC category, either construction must actually have been started or plans for the home to be built must be in the listing office and an estimated completion timeframe entered in the remarks section. In field 60, approx. age; the age must be listed as either TBC or UC as appropriate. Sketches and “artists renditions” of the home to be built are allowed as images on the MLS listing, but actual photos of like or identical homes are not permitted. (8/98)(3/10)
- D. Agents may not withdraw their own listings. A request to withdraw a listing must be submitted to MLS in writing with the broker’s signature certifying the seller has authorized withdrawal. A SEL certifying the seller has authorized withdrawal must be submitted at the time of the withdraw request. A request to cancel a listing must be submitted to the MLS in writing with the broker’s signature. A listing may not be "Withdrawn" after it has "Expired".(2/92) (10/05)
- E. PUBLIC REMARKS: The remarks section of the MLS is for public display and is limited to a description of the property listed for sale. The type of information prohibited under the remarks section includes but is not limited to: agent information, contact information, confidential information, showing information, information meant for cooperating agents, information not meant for public dissemination, and any information not directly related to a description of the property for sale. (4/03)
- F. CONFIDENTIAL AGENT REMARKS: The confidential agent remarks section of the MLS is a confidential area to be used for agent-to-agent information and shall not be disseminated to the public.
- G. On listed property, the city and zip code shall be determined by county situs records of the property.
- H. Expired listings will be retained on the MLS for at least 24 months after the date of expiration.
- I. Contact information for agents and/or offices is allowed only in so designated fields and the confidential agent remarks. (11/04)
- J. Rentals (with the exception of commercial leases with compensation offered) will not be accepted for input by the MLS. (04/04)
- K. IMAGES: Images uploaded to the Tuolumne County Association of REALTORS® MLS become the intellectual property of T.C.A.R. Images which include any agent and/or office branding are prohibited and the MLS reserves the right to delete any images from the MLS which include any such branding. Images placed on a listing must pertain to the property listed. Photos which include agent/office signs will be deemed to violate this policy unless they are incidental to the photo. Violations of image branding are to be fixed upon identification or removed by staff. (4/03) (04/07)

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- L. MLS Listing Waivers may be submitted on the designated CAR Standard Form to exclude a listing from the TCAR MLS. (11-04)
- M. A mobile or manufactured home may be entered under the residential class if all of the following have been met:
 - 1) A building permit is obtained from local authorities allowing the installation of the foundation. (See Health & Safety Code 18511 (b) (1)–(6) for permit requirements.)
 - 2) The mobile home in fact is affixed to a proper foundation.
 - 3) A certificate of occupancy is issued by local authorities
 - 4) Recordation by the local authorities with the county recorder of a form that contains the owner's name and the property's description, and stating that the mobilehome was affixed to a foundation in accordance with the requirements of the Health & Safety Code. (Health and Safety Code 18551 (c) (1).)
- N. When entering a FSBO property where the buyer was represented by an agent, the listing agent shall be entered as "Non Member" and in "Confidential remarks" indicate that the listing was a FSBO. (5/14)
- O. A listing must have either expired or been withdrawn from the MLS for a period of no less than 30 days before it can be entered as a new listing by the same listing broker.
- P. Agents cooperating with non-MLS subscriber agents are to enter the selling agent as Non-Member, (listed as Member, Non in the MLS agent roster) and are requested to put the selling agents name and company in the addendum.
- Q. A listing can only have a status of Temporarily Off Market (TOM) for a maximum of 30 days. After 30 days the listing must be withdrawn or be placed back to active status. (11/04)
- R. Listings with the status TOM and Withdrawn/Withdrawn (listings which have been withdrawn but still have a listing agreement in effect will expire on Paragon upon the expiration date of the listing. (02/08) Listings with the status Withdrawn/Cancelled (listings which have been cancelled) shall never expire. (1/11)
- S. The MLS does not regulate how Brokers and their agents determine the square footage of a dwelling nor what constitutes a bedroom; however the REALTOR® Code of Ethics and the MLS Rules and Regulations require that the broker/agent present an accurate picture in their listing information. (5/14)
- T. If a broker/agent opts to enter a listing under more than one class on the MLS, that broker/agent may do so only under the following conditions: (5/14)
 - 1) A listing may be entered under more than one classification on the MLS provided that the listing falls under the legal classification of each additional classification it is

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entered under. A listing may only be entered under an individual classification once. (9/06)

- 2) If a question arises as to whether a listing has been entered under a correct legal classification, the MLS has the right to obtain a legal determination of the correct classification(s), (MLS R&R 7.2). If the agent has classified the listing incorrectly, there will be a \$50 fine for an incorrectly classified listing.
- 3) When entering a listing into the MLS under multiple classifications, each listing must refer to the others by MLS number in the addendum. i.e.: Also see commercial listing 20055555.
- 4) When a listing which has multiple classifications sells; the agent has two days to report the sale in one classification only and to notify the MLS of the sale, and of the MLS numbers of the duplicate listings which will then be deleted from the MLS upon sale. Failure to report the sale to the MLS within two days of close of escrow or reporting the sale in the MLS in more than one classification will incur a fine.
- 5) A listing may only be entered under any classification once.

U. Agents may input listings outside our service area and within the State of California at their Brokers option. Listings outside of the state are not accepted. (6/06) (5/14)

V. Types under the Residential Class are defined as:

- 1) Single Family (Condo/Townhouse): A residential home on one acre or less.
- 2) Single Family w/acreage: A residential home on more than one acre.
- 3) Farm & Ranch: Either 1) a piece of residential real property greater than 50 acres and zoned AP (agricultural preserve) or 2.) a piece of residential real property zoned AP, AE-37, A-20 or A-10 and in active agricultural production providing income to the owner of at least \$1000 a year. (5/14)

W. Showing instructions entered into the MLS are defined as:

- LB – Vacant – Go and show
- Call Then Show - Make an appointment with or leave a message for the seller, then go and show
- KILO-Vacant - No lockbox, key is in listing office, home is vacant
- KILO-Appt. - No lockbox, key is in listing office, make an appointment with or leave a message for the seller, pick up key at listing office and show
- Appt. Only - Show only after you have made a confirmed appointment with the seller, no confirmed appointment, no show.
- Call LO - Call the listing office
- See Confidential Agent Remarks. Read the confidential agent remarks.
- No Show Sunset Fri. – Sat. - Not available for showing from sunset on Friday to sunset on Saturday. Don't call; don't try to show at that time. (06/09)

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- X. Comp Only listings – If an agent chooses to enter a “comp only” listing onto the MLS, it must be entered within 2 days after close of escrow or it will be subject to a fine. One accurate photo will be required at time of input. (5/10) (6/15)

VII. COMPUTER ACCESS

- A. Security level for brokers participants is 5, or 6 in the case of a Broker participant with multiple offices, and for subscribers it is 4.
- B. Input of photos into the MLS database is the responsibility of the broker/agent. (4/03) The MLS will input photos for a fee. (See Fee Schedule) (5/14).
- C. Brokers/Agents are responsible for inputting their own listings. If staff is requested to input a listing, the broker will be charged an input fee per listing, not including photos. (5/14)
- D. IDX address listing will default to YES.

VIII. COMPUTER LOCK BOXES / KEYS

- A. Broker or agent working under a broker with lockboxes leased from TCAR will be charged the current annual key lease rate to co-op a key and a Broker or agent with no lockboxes leased from TCAR who has a key and is paying for that key through another MLS will be charged an annually to co-op a key. (07/05)(5/14)
- B. In the event a Participant or Subscriber’s TCAR issued lockbox key becomes non-functional and cannot be immediately replaced said Participant or Subscriber may have the loan of a temporary key from the TCAR MLS for a period of not longer than 14 days. A deposit of an amount equal to the cost of a replacement d-key will be collected at the time the key is loaned and will be refunded if the key is returned in good working order within 14 days of issue. A late fee will be charged per day for any key not returned within 14 days. (9/06) (5/14)

****Attach TCAR Fee Schedule**

Revised: 5/2014

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Revised: 3/2016 (fix only)