

Rules and Regulations Reference Guide

Purpose: This reference guide is intended to promote data integrity and accuracy within UtahRealEstate.com (“MLS”) by providing a summary of some of the key MLS Rules and Regulations (“Rules”). Following the Rules helps to promote cooperation amongst MLS members and is critical to ensuring that the data in the MLS system is accurate and reliable.

This reference guide provides some answers to frequently asked questions related to specific MLS compliance topics, and it will make reference to applicable Rules sections. If additional information or clarification about a certain Rule is needed, please reference the MLS Rules and Regulations and/or contact UtahRealEstate.com.

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Listing Input Requirements & Clear Cooperation Policy

Q What do I need to enter a listing into the MLS?

A In order to enter a listing into the MLS, there must first be an enforceable and fully executed listing agreement in place between the listing broker and the seller[s]. [Rule 1.0.1]

Q What information do I have to include when submitting a listing to the MLS?

A Based on input from brokers and agents, the MLS requires certain information to be included when submitting a listing to the MLS. [Rule 1.28]

Here are some examples of required information:

- Property address [Rule 1.16]
- Listing photos [Rule 1.21]
- The full gross listing price stated in the listing agreement [Rule 1.7]
- Disclosure of any “contingency” or condition of any term in a listing [Rule 1.6]
- The expiration date of the listing agreement [Rule 1.11]

Q Am I required to disclose if I own the property?

A Yes, if a listing broker or agent has any ownership interest in the property, then the ownership interest must be disclosed on the listing using the “Special Owner Type” field. [Rule 5.1]

Q Is there a required timeframe for entering a listing into the MLS?

A Yes, a listing must be submitted to the MLS within five (5) business days of the effective date of the listing agreement. The following are some exceptions to this requirement:

- The Clear Cooperation & Public Marketing Rule [Rule 1.0.2]
- Commercial, industrial, and business properties [Rule 1.0.1]
- Land and lots, new construction properties which are under construction or which are to be built [Rule 1.0.1]
- Residential properties with five or more units [Rule 1.0.1]
- Exclusive Office Listings [Definition “M”]

Q What is the Clear Cooperation & Public Marketing Rule?

A This MLS Rule states that if a property is publicly marketed (via websites, a yard sign, social media, email blasts, etc.), a listing for that property must be added to the MLS within one (1) business day of the first public marketing of that property.

It’s important to note that this Rule trumps the five (5) business day listing entry requirement Rule, meaning if you publicly market a listing during the first five (5)

business days that your listing agreement is in effect, the Clear Cooperation Policy kicks in and you then have one (1) business day from the date the listing is first publicly marketed to add a listing for that property to the MLS. [Rule 1.0.2]

For additional FAQs that are specific to the Clear Cooperation & Public Marketing Policy, please visit www.utahrealestate.com/clearcooperation.

Q What if I have a valid listing agreement, but the property is not yet ready for showings or to be marketed?

A If the listing is not ready to be fully marketed and/or shown, you should still submit the listing to the MLS within five (5) business days. However, after entering the listing into the MLS, you can place the listing in the Active – No Show listing status.

If a listing is in the Active – No Show listing status, days on market will not accumulate, photos are not required, and the listing will not be visible on UtahRealEstate.com, any broker or agent Internet Data Exchange (“IDX”) websites, or any syndication websites.

An alternate option would be to submit an “[MLS Listing Exclusion Notice](#)” to the MLS, which is an online webform that can be found on the MLS Forms page within the MLS. However, please keep in mind when an MLS Listing Exclusion Notice is filed, the listing cannot be publicly marketed in any way (i.e. a sign in the yard, on social media, via a flyer, etc.) unless or until the listing is published on the MLS .

Q My clients say they don’t want their property publicly advertised or listed on the MLS, but the Rules say I am required to enter the listing, what do I do?

A If the sellers do not want their property publicly advertised or the property listed on the MLS, then you must do the following within five (5) business days of the effective date of your listing agreement:

1. Obtain written permission from the seller confirming the seller’s decision to not publicly market the property, to not submit the listing to the MLS, and to not have the listing included in the MLS Compilation, and
2. Submit an “MLS Listing Exclusion Notice” to the MLS, which is an online webform that can be found on the [MLS Forms page](#) within the MLS [Rule 1.3]

NOTE: By submitting an MLS Listing Exclusion Notice, the seller and listing agent/broker agree that the listing will not be publicly marketed in any way. [Rule 1.0.2]

Q We have decided to change the marketing plan for my listing. Can I cancel the existing listing in the MLS and enter a new one?

A No, you can only enter one listing per property type for a specific property. A listing should only be canceled if the listing agreement between the seller and the listing broker has been canceled and terminated. Additionally, a new listing can only be entered into the MLS if (1) a new listing agreement has been signed, or (2) an extension to an existing listing agreement has been obtained, but the original listing has already expired. *[Rules 1.10 and 1.17]*

Q I entered my listing first, but another agent later created an MLS listing for the same property. Which MLS listing is valid?

A There may be situations where more than one broker believes they have a valid listing agreement for the same property. In such cases, the MLS will contact each listing broker to make them aware of the duplicate listings, and the MLS will request a copy of each brokers' listing agreement and any other listing-related documents for verification.

After the MLS receives the requested documentation, the MLS may, at its discretion, remove any listing that is clearly invalid. If the MLS receives listing documentation from both brokers, and both listings appear to be valid, the MLS will contact the listing brokers and recommend that they work together to resolve the dispute within three (3) business days. If the brokers are unable to resolve the discrepancy, both listings will remain on the MLS and can be maintained by the brokers as if both are valid. The MLS explicitly disclaims any liability related to any such listings. *[Rule 1.17]*

Q What are the requirements for "To Be Built" or "Under Construction" listings?

A A listing entered as a "To Be Built" or "Under Construction" listing should meet the following requirements:

- **Tax Parcel Information:** A tax parcel number for the lot associated with the property should be added. If a tax parcel number has not yet been assigned, this information may be left blank. However, a tax parcel number is required to be added to a "To Be Built" or "Under Construction" listing before that listing can be changed to the Sold status in the MLS.
- **Photos:** Photos are optional, however, if a photo is added that photo should be an accurate representation of the proposed build (such as a rendering or plans for the build).
- **List Price:** The list price should encompass both the cost of the lot being advertised, as well as the price of the build job or minimum price of the build job (if the price of the build job varies based on floorplan, upgrades, etc.).
- **Submission to the MLS:** The Clear Cooperation & Public Marketing Policy (described above) does not apply to properties that are "To Be Built" or "Under Construction." However, the Clear Cooperation & Public Marketing policy would apply to a property in a new construction subdivision that is built and ready to

be sold, provided that property is listed with a brokerage that is a member of the MLS.

Photos in the MLS

Q Are photos required for every listing in the MLS?

A No, photos are only required if the listing is classified as a residential listing. For all other listing types (i.e. land, commercial, multi-unit, etc.), and for residential listings classified as “To Be Built” or “New Construction,” photos are optional. *[Rule 1.21]*

Q How many photos do I have to add to my listing? What type of photos are required?

A A minimum of two (2) photos must be added to all residential listings. The following information outlines the types of photos that are required:

- One (1) of the photos must be of the exterior of the house or building.
- One (1) of the photos must be of the inside of the residential property.
- All photos included must not be misleading and must be a true representation of the property, or of an attribute or amenity of the property. *[Rule 1.21]*

Q How soon do I have to add photos to my listing?

A Photos must be added within two (2) business days of entering a listing into the MLS.

However, if a listing is changed to either the Active – No Show or Withdrawn listing status within this two (2) business day timeframe, then photos are not required until that listing is changed to either the Active, Backup, Under Contract, or Sold listing status. *[Rule 1.21]*

Q What if my clients don’t want photos of their home on the MLS?

A If your sellers do not want photos of their residential property on the MLS, then the listing broker must submit a seller-signed “Photo-Opt Out Form” (Found within the “URE Legacy Forms Library” on the MLS), and designate whether the sellers are electing to not include interior photos or all photos as part of the listing. *[Rule 1.23]*

Q My new listing has been listed by other agents in the past, can I just use photos from those other listings until I have time to take my own?

A No, you are not allowed to use another members’ listing photos, unless prior written permission has been obtained. *[Rule 1.22]*

Remarks Included on Listings

Q What is the difference between the “Public Remarks” field and the “Agent Remarks” fields?

A The “Public Remarks” field is intended for marketing the property to consumers, and may include information such as a description of the property’s features, a description of the property’s physical characteristics, information about the neighborhood, etc. This field is considered to be public, because information included in this field is visible on UtahRealEstate.com and on brokers’ and agents’ Internet Data Exchange (“IDX”) websites.

The “Agent Remarks” field is intended for conveying information about the listing to other MLS members, such as contact information, showing instructions, information about the occupancy status of the property, any required disclosures about the sale or the property, etc. This field is considered a member-only field, because this information is only visible to people who are members of the MLS.

Q Where can I put my contact information on my listing?

A Only the “Agent Remarks” section of a listing can contain contact information. Contact information includes, but is not limited to, the following information:

- Any name, such as the name of the broker, agent, office assistant, brokerage, office, team, homebuilder, homeowner, etc.
- Telephone number
- Email address
- Broker, brokerage, or agent website address *[Rule 1.24]*

Q What kind of information is not allowed in the “Public Remarks” field?

A The following information is prohibited in the “Public Remarks” field and can only be included in the “Agent Remarks” field of the listing:

- Any contact information (see prior question)
- Website addresses, including links to virtual tours
- Showing instructions, which includes lockbox information and alarm, gate, or other security codes
- Property occupancy status (i.e. vacant or tenant occupied).

Q Is there any information not allowed in any of the remarks fields?

A Yes, any information which could be considered disparaging to other MLS members or brokerages is prohibited from being included on any listing. *[Rule 1.24]*

Additionally, all listings submitted to the MLS must comply with the requirements of the Federal Fair Housing Act, and any remarks which may violate Fair Housing Guidelines must not be included on any listing. [Rule 20.5]

Offers of Compensation Prohibited on the MLS

Q Are offers of compensation allowed on the MLS?

A No, offers of compensation or offers to pay a commission are NOT allowed on the MLS as of August 14, 2024, and this change is a result of the settlement terms agreed to by the National Association of REALTORS® in the class action lawsuits frequently referred to as the *Burnett* and *Moerhl* cases. [Rule 5.0.1]

Here are some examples of prohibited remarks:

- Seller willing to pay BAC if included in purchase contract
- Offering 2.5% Buyer Brokerage Compensation or “BBC”
- Seller is offering \$10,000 as a concession for buyer to pay brokerage fees

Q Can I include a link to my business website or to another website where I show any compensation that may be offered on my listing?

A No. Listing remarks fields are intended to promote and market the specific property only, and are not for the general marketing of a brokerage or agent website. Additionally, please keep in mind, the NAR settlement prohibits using the MLS as a mechanism to steer people to compensation advertisements. As a result, putting a website link in any remarks sections of the MLS to convey compensation offered is prohibited. [Rules 5.0.1 and 5.0.2]

Q Can I advertise any concessions a seller is willing to offer to a buyer?

A Yes, concessions offered to be paid to the buyer may be advertised within the MLS in the Agent Remarks and/or Public Remarks sections of the MLS. Examples of concessions could include a flat dollar amount or a percentage of the sales price the seller is willing to pay to the buyer for closing costs, cash allowances for repairs and updates, etc. However, please know that while the advertising of seller paid concessions is permitted, any commissions or compensation a seller may be willing to pay may NOT be advertised on the MLS. [Rule 5.0.1]

Additional information on “Seller Concession” and what constitutes a seller concession can be found on the National Association of REALTORS® website [here](#).

Accuracy of Data and Updating Listing Information

Q Does the information I enter on my listing have to be accurate?

A Yes, all information included on a listing must be accurate and cannot be misleading. The MLS Rules specifically prohibit entering information which the listing broker or agent knows to be inaccurate. *[Rule 1.2.1 & 20.4(e)]*

Q What happens if I enter my listing and later find out that some of that information was not correct?

A By submitting a listing to the MLS, MLS members agree to take all action necessary to modify their listings in cases where the listing broker or agent discovers or is otherwise made aware of an inaccuracy on their listing. *[Rule 1.2.1 & 8.2]*

Q When do I have to update the status of my listing?

A Most listing status changes must be made within three (3) business days of the date the status change occurs. *[Rule 1.4.1]*

The two exceptions to this rule are as follows:

- **Canceled Listings:** If a listing agreement is canceled and terminated, then the listing status for that listing must be changed to Canceled within twenty-four (24) hours of the time the listing agreement is canceled and terminated. *[Rule 1.4.1]*
- **Sold Listings:** Listings which are sold must be changed to the Sold listing status within five (5) business days of the date of the sale (See “Reporting Sales” section below). *[Rule 2.5]*

Q How do I get my listing to reappear in another agent’s Listing Alerts? [e.g., Can I change the price every day?]

A After an initial listing match, listings only appear in additional Listing Alerts if the listing status or list price changes. It is only acceptable to make a status change to your listing if the listing meets the applicable status definition. Additionally, it is only permissible to change the list price on a listing if you have written permission from the seller. Making these types of modifications solely to cause your listing to reappear in Listing Alerts is a violation of the Rules, as this type of advertising can be misleading to consumers. *[Rule 20.1]*

Reporting Sales

Q Once my listing has sold, how quickly do I have to report the sale to the MLS?

A If your listing has sold (i.e. escrow has closed), then you must update your listing to the Sold status within five (5) business days of the date that the sale occurred. *[Rule 2.5]*

Q What information should I include when reporting a listing as sold?

When updating your listing to the Sold status, the following information will be requested:

- Final sales price
- Date of the sale
- The name of the buyer's agent and buyer's office
- Seller concessions
 - Seller concessions refers to special financing considerations or other sale concessions paid from the seller to the buyer (for example, a credit paid to replace the flooring, seller paid closing costs, etc.). However, when reporting a sale, you may not use the Closing Remarks field or any other data field on the MLS to disclose any commissions or compensation that may have been paid on the transaction to a broker. [Rules 2.5, 2.9, and 5.0.3]

Advertising Using Data From the MLS

Q Can I advertise another agent's listing on Facebook or Twitter?

A Yes, as long as your advertisement meets all of the following requirements:

- The advertisement displays minimal information and is 200 characters or less
- The advertisement contains a direct link or otherwise links to either UtahRealEstate.com or a broker's or agent's compliant Internet Data Exchange ("IDX") website that contains all of the required disclosures [Rule 18]

Q Can I advertise another agent's listing in a mailer?

A You can only advertise another agent's listing in a mailer if you have permission from the listing broker. [Rule 2.7]

Q Can I use other agents' listings when preparing statistical reports?

A Yes, listing information can be used to prepare statistical reports, however, any listing information included in such reports must be presented in the aggregate form. In other words, you cannot include information about a specific property or listing when producing statistics reports, unless you have permission from the listing broker. [Rule 13.1]

Q Are there any required disclaimers I must include when preparing statistical, market share, or other types of reports?

A Yes, any print or non-print forms of advertising which include any information from the MLS must include the following disclaimer:

- “Based on information from UtahRealEstate.com for the period *[Insert Date]* through *[Insert Date]*.” *[Rule 13.1]*

Q What is IDX?

A The Internet Data Exchange program (“IDX”) gives MLS members the ability to advertise cooperating brokers’ listings on their respective business websites. In essence, IDX is the sharing of MLS listings amongst brokers and their agents for website display.

IDX advertising differs from traditional print and non-print forms of advertising in many ways, some of which include:

- IDX websites must automatically be refreshed, at a minimum, every 12 hours to ensure the listing content is up to date *[Rule 18.2.5]*
- Attribution to the listing brokerage must be given on all listings displays on websites which advertise using IDX *[Rule 18.2.12]*
- IDX websites are required to contain certain disclosures which are aimed at protecting both consumers and the brokerage that owns the website *[Rules 18.2.7, 18.3.7, 18.3.8]*

Signs

Q Can I have a “for sale” sign on a listing in the Active – No Show listing status?

A Yes. Yard signs are permitted when a listing is in the “Active – No Show” status. The “Active – No Show” status can be used at the beginning or at any time during the listing agreement.

However, when a listing is in the “Active – No Show” status, no additional marketing can be done as the listing is effectively “off market” (i.e. Days on Market are not accumulating) and the listing is temporarily not available for showings per the seller’s request.

Passwords

Q I am out of town without internet access but need to run a CMA report for my client. Can I give my login information to someone else so they can run the report?

A No, you cannot give your login information to another individual or otherwise allow them to access your MLS account. *[Rule 10.3]*

If you are in a situation where you need information from the MLS for a client or if you need to update a listing in the MLS but are unable to personally login yourself, it is recommended that you seek assistance from your broker.

Q I work on a real estate team, can all of our team members use the same MLS login?

A No, if each member of your team needs to access the MLS, then each member of your team will need to obtain an individual MLS account.

Q I just hired a new assistant, can I let them use my MLS account or give them my prior assistant's MLS login?

A No, your new office assistant would need to sign up for a new MLS account, and your prior office assistant's account must be disabled as soon as that office assistant is no longer working for you.

Reporting Compliance Issues

Q How do I report a violation of the MLS Rules or a compliance issue?

A Every listing in the MLS contains a link at the bottom of the "Agent Full Report" listing page, which can be used in cases where you want to report a data inaccuracy or compliance issue related to a listing in the MLS.

For MLS Rules violations or compliance issues that are not directly related to a listing, please contact the MLS Member Services Department at memberservices@utahrealestate.com or 801-676-5400, ext. 2.

Q What happens when I submit a complaint on a listing? Who sees the information I submitted?

A Once you submit a complaint on a listing in the MLS, the information you submit will be sent to the MLS' Member Services Department. The information included in your complaint will also be anonymously sent to the listing broker or agent. This method of reporting makes sure that the MLS is aware of any potential inaccuracy or issue, while also giving the listing broker or agent an opportunity to correct the issue (as applicable).

Q Can I use the anonymous reporting feature to send any type of message to the listing agent?

A No. The anonymous reporting tool is only for reporting potential listing data errors or inaccuracies. The anonymous reporting tool is NOT to be used for the following purposes:

- Asking general questions about a listing (please contact the listing agent directly with these questions).
- Discussing real estate business models.
- Asking questions or commenting about offers of compensation or commissions.
- Expressing any remarks which may be disparaging to the listing agent, listing broker, or the listing.

Please note, while the anonymous reporting tool is designed to allow an MLS member to anonymously report a potential compliance issue, your anonymity may be compromised if you submit disparaging remarks, if your comments discuss something illegal, or if you make remarks that could subject you to a civil lawsuit or ethics hearing.

Contact Us

If you have a question about the MLS Rules, please contact the UtahRealEstate.com Member Services Department at 801-676-5400, Ext. 2 or memberservices@utahrealestate.com.