

BCS MLS 2020 Board Policy  
Fines & Fees

- **MLS Fees**
  - Broker Joining Fee \$300
  - Agent Joining Fee \$150
  - Reinstatement Fee \$150
  - Voluntary Termination Reinstatement Fee (60 Days) \$50
  - Dues Late Fee \$45
  - Other Late Fees \$15
  - Suspension Fee \$50
  - Transfer Fee \$100
  - NSF Check \$35
- **MLS Violation Fines**
  - Sold Listing
    - 1-3 Per Year \$100 ea
    - 4-6 Per Year \$250 ea
    - 7+ Per Year \$500 ea
  - Coming Soon Violation
    - 1<sup>st</sup> violation \$100
    - 2<sup>nd</sup> violation \$250
    - 3<sup>rd</sup>+ violation \$500 ea
  - Owner Name \$100
  - Branding \$100
  - Private Remarks \$100
  - Inaccurate Data \$100
  - Invalid Photo/ Description \$100
  - Late Input \$100
  - Late Status Change \$100
  - Sharing MLS ID/ Password \$750
    - 2<sup>nd</sup> Time \$1500
    - 3<sup>rd</sup> Time Terminate Membership
  - Sharing Supra Key/ Combo Code \$750
    - 2<sup>nd</sup> Time \$1500
    - 3<sup>rd</sup> Time Terminate Supra/ Suspend Membership
  - Unauthorized Lockbox/Combo box \$500
  - Security Code in MLS \$250
  - Showing Card \$100
  - Fair Housing Advertisement
  - Property Not in MLS \$100
  - No Listing Agreement \$250
  - Invalid Showings \$250
  - Invalid Driving Directions \$100
  - Invalid Open House \$100
  - Wrongful Termination \$100

## **BCSR MLS Board Policy: Rules/ Fines for MLS**

**Sold Listing Violation (\$100-\$500)-** All listings must be marked as Sold within **4** business days of the closed or funded date. A \$100 violation will be assessed for each of the first 3 violations received in a calendar year. A \$250 violation will be assessed for the 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> violations received in a calendar year. A \$500 violation will be assessed for each violation over 6 if more than 6 violations are received in a calendar year. *This is an automatic fine.*

**Coming Soon Violation (\$100-\$500)-** A property must be input into the MLS within 1 business day of being publicly advertised. Public advertisement includes, but is not limited to, print publications, social media posts, word of mouth outside of your office, and sign placed in the yard. Coming soon listings cannot be shown and offers cannot be accepted. Any violation of these rules will result in a violation. Also, publicly advertised property that is withheld from the MLS will result in a fine for the listing agent. The first violation will be \$100, the second violation will be \$250, and three or more will be \$500 each.

**Owner Name Violation (\$100)-** The **full** owner name must be placed in the Owner Name Field in the MLS. Initials and/or only a first or last name are prohibited. If the owner has a written request and does not wish to have their name in the MLS, the listing agent's name followed by and/or assigns (e.g. John Doe and/or Assigns) should be placed in the field. If there is more than one owner name: put the first one and then et al, and then put the rest in the private remarks. All names must be listed. Agents will have a grace period of **3** days to change the name if it is found in violation.

**Branding Violation (\$100)-** Agent or Office contact information cannot be listed on photos, virtual tours, public remarks, directions, or web links found in the MLS. Agents will have a grace period of **3** days to remove the information if it is found in violation.

**Virtual Tour Contains Contact Information (\$100)-** Virtual tours or any accompanied audio descriptions shall not include any contact information such as names, phone numbers, email addresses, website addresses, agent photographs, logos or promotion for a closing service provider or any other peripheral service. The primary focus of the tour shall be of the subject property. Links to galleries or other websites are prohibited. Agents will have a grace period of **3** days to remove the information if it is found in violation.

**Property Description [Public Remarks] (\$100)-** The Public Remarks field is intended for property description only. Agents may not enter remarks related financing. Incentive are allowed, but they must be from the seller to the buyer. No other third-party can offer the incentive. Incentive must comply with HUD /RESPA guidelines/regulations. The incentive must be able to be included on a settlement statement. The incentive must be specific in purpose. It cannot be a vague bonus or allowance and it must provide the specific purpose of any offered incentive. Agents may not enter contact information such as names, phone numbers, email addresses, website addresses

(other than a non-branded Virtual Tour link), service provider information, the words FSBO or For Sale by Owner. Agents may not enter any other confidential information such as showing instructions or security codes. Agents will have a grace period of **3** days to remove the information if it is found in violation.

**Private Remarks (\$100)**- The Private Remarks fields is intended only for other MLS subscribers and is used to convey additional information related to the property listing. Agents may enter remarks related to the transaction of the listed property such as available financing, cash back at closing, bonuses, upgrade incentives, upgrade allowances, etc. Agents may enter contact information such as names, phone numbers, email addresses, and website addresses and showing instructions. Agents may not use this field to indicate variable commission offers based on conditions other than the cooperating agent being procuring cause of the sale. Agents may not require use of a particular service provider or financial institution as a condition of sale.

**Inaccurate Data Violation (\$100)**- Agents must provide accurate listing, rental, and sold data to the MLS. Agents will have a grace period of **3** days to change the data if it is found in violation. Note: If a buyer or seller does not want sold information, *such as price*, to be reported in the MLS, the listing must be terminated. As of July 2015, BCSR MLS no longer allows list price to be reported as sold price. Listings cannot be listed multiple times with different information (varying acreage options for the property type, Land, are excluded). Contact MLS staff for questions.

**Invalid Photo/Photograph Description Violation (\$100)**- At least 6 pictures must be uploaded within 72 hours of activating the listing, or the listing will automatically change to Temporarily of Market (TOM). At least 1 of the photos must be of the front of the dwelling. This photo must be of the actual property. In the case of unimproved land, at least one photo must be of the property. Agents may submit floor plans, elevations, and artist renderings as well.

**Additions & Modifications**- The use of embedded, overlaid, or digitally stamped information is prohibited unless it is used to describe room location or property location. Virtually staged properties must have a disclaimer in the public remarks. Modification of permanent or installed fixtures or features is not allowed.

**Branding**- Photos and photo descriptions shall not contain financing terms or legible contact information such as names, offices, phone numbers, email addresses or web site addresses. Builder name is allowed in plain text only, but cannot be embedded or added to the photo.

**Remarks**- Agents may not enter remarks related to the transaction such as available financing, cash back at closing, bonuses, upgrade incentives, upgrade allowances, etc.

**Similar Properties**- Digital images of similar or like construction properties are allowed, but a disclaimer must be added in the public remarks.

**Unauthorized Photo Use-** Photos previously submitted by a participant may not be used by other Participants on subsequent listings without written permission from the owner of the photos.

**Late Input Violation (\$100)-** All listings must be input into the MLS within **2** business days of the last signature obtained on the listing agreement. If a listing is requested to be withheld from the MLS for any length of time, the agent must include this in the listing agreement. A fine will be assessed if the agent has received more than 5 of this violation within a calendar year.

**Late Status Change Violation (\$100)-** All listings must be changed in the MLS within **24** hours of signed documentation. A fine will be assessed if the agent has received more than 5 of this violation within a calendar year. *This fine does not pertain to sold listings; see sold listing violation for details.*

**Sharing MLS ID/Password (\$750-\$1,500)-**The username and password issued to each MLS participant and user shall not be loaned, shared, disclosed, or allowed to come into the possession of any other person. The username and password shall only be used for purposes permitted by the MLS rules and for no other purposes whatsoever. In the event that any disclosure of username and password results in access to the MLS by an unauthorized third party, *regardless if such disclosure is intentional, negligent, or inadvertent*, the ID holder will be fined as follows: first offense: \$750, second offense: \$1,500 and third offense: MLS service is terminated.

**Sharing Supra Key/Security Code (\$750-\$1,500)-**Each MLS Participant shall be eligible to obtain a lockbox key subject to their execution of a key agreement with the MLS approved key provider and payment of the required fees. Each lockbox key and PIN Code shall not be loaned, shared, or allowed to come into the possession of anyone other than the keyholder. If it is found the key holder is in violation, they will be fined as follows: first offense: \$750 fine, second offense: \$1,500 fine and third offense: Supra key is revoked and MLS service is suspended. If it is found that the security code was shared with anyone other than the showing agent, the violator will be fined as follows: first offense: \$750 fine, second offense: \$1,500 fine and third offense: MLS service is suspended.

**Using Unauthorized Lockbox/Combo box (\$500)-** BCS MLS only allows the use of BCS programmed Bluetooth Supra Lockboxes on properties. If you are using a Non-Bluetooth Supra, combo box, or any box not programmed to our board, there **MUST** a BCS Bluetooth Supra Lockbox on the property as well. Agents do have the option to use no box at all, but you must get permission from the owner (preferred method is to put this in the listing agreement). Foreclosure and Brazos Valley Affordable Housing properties must also follow this rule. Agents who are found using unauthorized lockbox/or a combo box by itself will be asked to remove lockbox/combo within **3** business days. A fine of \$500 will be assessed after the grace period ends.

**Security Code in MLS (\$250)-** Combo codes, gate codes, alarm codes, door codes, or any other security codes cannot be listed anywhere in the MLS. Agents must contact the listing agent,

owner, tenant, or showing service to obtain this information. Agents who are found in violation will be asked to remove the code within **3** business days.

**Showing Card Violation (\$100)**- Each broker or agent (other than the listing broker and agent) who shows a residential property may leave a business card in the residential property each time the property is shown identifying the agent and the agent's contact information. No other items may be left at the property. **The business card left at the property may have information on the back but must not contain any solicitation as it is against NAR Code of Ethics.**

**Fair Housing Advertisement Violation-** To comply with the Fair Housing Act, the public remarks sections on the MLS should not contain any discriminating wording or wording that may exclude or point to a specific group of people. Please visit the links section on Matrix for an updated list of suggested words to avoid. The Listing Data Checker system will automatically check listings for these words, and will send a courtesy notice informing agents that a flagged word has been used. As this system cannot tell the context of the word, it is up to the agent to decide if they would like to keep the word in the remarks section. There is no fine from the BCSR MLS associated with this violation. However, use of these words could result in a violation of the Fair Housing Act.

**Property not listed in MLS Violation (\$100)**- All listings belonging to BCSR MLS participants must be input into the system if they are within the following counties: Brazos, Burleson, Grimes, Leon, Madison, and Robertson. If the seller would like to withhold their listing from the MLS for any length of time, it must be written in the listing agreement. Any listings a participant has that are not in the above counties may be put into the MLS, but they are not required.

**No Listing Agreement (\$250)**- Before a listing can be entered in the MLS, the listing participant must have a listing agreement signed by the seller giving the listing participant authorization to submit the listing to MLS. It is inappropriate to enter a FSBO listing where the listing participant has not entered into an agency agreement with the seller. It is also against MLS rules to enter a listing that has been sold outside the MLS where the listing participant did not have a signed listing agreement with the seller prior to closing.

**Invalid Showings (\$250)**- Appointments for showings shall be coordinated using the Listing Agent's showing instructions. All properties must be left in the condition they were found. Please lock all doors behind you if the house was locked when you arrived. Failure to do so will result in a violation. Showing a coming soon listing will also result in this violation.

**Invalid Driving Directions (\$100)**- "Directions" must contain driving directions that can be used to locate the property. If directions are to a model home or sales office, the listing agent must specify this information in the directions field. "See Agent" and "See Key Map" are not valid directions. Contact information such as names, offices, phone numbers, email addresses, websites addresses, service provider information, and the words FSBO or For Sale by Owner is not allowed. Agents may not enter remarks related to the transaction such as available financing,

cash back at closing, bonuses, upgrade incentives, upgrade allowances, etc. If possible, start the directions from a major highway. Agents will have a grace period of **3** days to remove the information if it is found in violation.

**Invalid Open House (\$100)**- Open houses submitted must designate a specific date and time the property will be available for viewing and must allow cooperating agents to preview the inside of the property and where designated a “public” open house must allow public access. Properties that do not allow access to the inside of the property shall not be submitted as an open house. Open houses designated as public open house shall not include in the comments section any contact information such as names, phone numbers, email addresses, website addresses, or promotion for a closing service provider or any other peripheral service.

**Wrongful Termination (\$100)**- A listing cannot be changed to Temporarily off the market, terminated, or reported as expired to avoid reporting the sales price and closing information. Terminating a listing to reset the days on market or refresh the data is also not allowed, without a signed termination agreement. All sales must be entered within 4 days of the actual closing/funding date. If the MLS is used to market the property, the sale must be reported.

*The MLS reserves the right to obtain any documentation, including HUDs, related to these offenses from an agent or office upon request if a listing is believed to be in violation. If this is not received in a timely manner additional fines may be assessed.*