

MLS & Rules Committee

Agenda / Action Items



Date: 3/2/2023
Time: 1pm
Location: LBOR Office

Co-Chairperson: Cheri Drake
Co-Chairperson: Taylor LaRue
Staff Liaison: Linda Manley & Rob Hulse

Committee Members:

Cheri Drake	Taylor LaRue	Bailey Stuart	Chris Earl	Jill Ballew
Libby Grady	Lindsay Landis	Michelle Roberts Freeman	Nicholas Lerner	Ryan Desch
Vanessa Schmidt	Zach Dodson	Jennifer Catlin		

P - Present **E - Excused Absence** **A - Absent**

Guests (non-Quorum) Mohammad Aldamen

AGENDA ITEMS

No	Topic	Presenter	Done	Notes/Update
1	Review Previous Meeting Minutes from 02/14/2023	Taylor/Cheri		
2	Update from LMLS Staff a. Request for waiver of fine. b. Paragon Test Site Problems c. Clarification on Clear Cooperation Policy	Linda/Rob		
3	Smart Home Rider to the Property Disclosure a. Review Draft prepared by staff	Rob		Draft prepared from Lindsay's original form/list.
4	Seller Concessions for Statuses other than SOLD a. Returned to MLS & Rules from the BoD - need more details.	Taylor/Rob		
5	Video and Audio Surveillance Disclosure	Taylor/Cheri		See Best Practices from legal.
6	Policy allowing a listing to be in two Classes in Paragon a. Related Policy allowing multiple iterations of a listing in one Class.	Taylor/Cheri		

No	Topic	Presenter	Done	Notes/Update
7	Greening the MLS (Resources Linked Below) CMLS Information about Greening the MLS NAR Information about Greening the MLS	Cheri/Taylor		
8	Days on Market vs Days on MLS discussion / continuation	Cheri/Taylor		
9	Next Meeting:	Cheri/Taylor		
10	Adjourn:	Cheri/Taylor		

MLS & RULES COMMITTEE ACTION ITEMS

No	Action	Due Date	Responsible Member	In Process	Done	Notes/Update
	Provide Brokers with updated LBOR Sales Contract, Buyer Agency Agreement, and Listing Agreement (red-lined and clean)	1/23/2023	LMLS Staff - Rob		√	Completed on 1/23/2023.
	Create a Smart Home Turnover form as an Addendum to the Seller's Disclosure	1/25/2023	Lindsay Landis	√		Lindsay submitted a first run of this on 1.25.2023.
	Change Status of Withdrawn/Cancelled and Cancelled/Cancelled to Off Market/Withdrawn and Off Market/Cancelled.	1/25/2023	Rob/Paragon Support		√	Completed on 1/23/2023.
	Add fields to Residential Class to gather rental information: Is the Property Rented? Lease Expiration? Rent Amount?	1/25/2023	Rob/Paragon Support		√	Updating the Residential Class on 1.24.2023
	Present for approval - a Multi-Family Property Condition Disclosure Rider	1/25/2023	Zach Dodson		√	Submitted by Zach for review. Formatted by Rob.
	Update the LBOR Sales Contract, Buyer Agency Agreement, and Listing Agreement at Dotloop	2/6/2023	LMLS Staff - Rob		√	Completed on 02/10/2023.
	Update the LBOR Sales Contract, Buyer Agency Agreement, and Listing Agreement at DocuSign	2/6/2023	LMLS Staff - Rob		√	All Docs Delivered to DocuSign, and waiting for library update & build out.
	Release to all Members the Updated LBOR Sales Contract, Buyer Agency Agreement, and Listing Agreement	2/6/2023	LMLS Staff - Rob		√	Added to Paragon MLS Docs on 02.09.23, Dotloop on 02.10.23, and waiting on DocuSign.

No	Action	Due Date	Responsible Member	In Process	Done	Notes/Update
	HERS Rating (Home Energy Rating System) as an MLS Field a. HERS Rated: Yes/No b. HERS Year: _____ c. HERS Rating: _____		LMLS Staff - Rob		√	Approved by Board of Directors on February 1st, 2023. Updated in Paragon on 02.13.2023
1	List of IDX Websites Published Online	Overdue	LMLS Staff - Rob	√		Formatting with MLS Grid
2	Paragon Changes /Conversions of Fields	Targeting March 1 (but BK won't guarantee)	LMLS Staff - Rob / Paragon Support	√		Problems with testing site.
3	Set up testing group for Paragon Changes/Conversions of Fields	February 23rd (subject to pace of work by BK)	LMLS Staff - Rob / Paragon Support	√		Incomplete testing site.

Tabled or Old Business	Due Date	Responsible Member	Done	Notes/Update
1	Discuss Contingency on the Sale/Closing of Buyer's Property form and Notice to Remove the Contingency for the Sale/Closing of Buyer's Property			Not able to complete a form that the Committee can agree on.
2	Two-Unit Property on a Single Lot - Accessory Dwelling Units vs Duplex. New category in Multi-Family, and/or New field in Residential for an Ancillary Unit.			No action was taken on this at the first discussion, although the relevancy and number of Ancillary Dwelling Units is
3	Sellers choosing to record video and/or audio at showings or open houses.		√	Best Practices provided by LBOR Counsel for Brokers/Agents.
4	Readily Available to Show, the NAR, and the Clear Cooperation Policy.			NAR feedback - new listing information meets the criteria for Cooperation. Not immediate access for showings.
5	Fair & Equal Access to Listed Property. This policy was originally proposed to the LBOR Board of Directors in 2022.			The LBOR Board of Directors sent this itme back to the MLS & Rules Committee for more discussion.
6	Update from IDX Subcommittee to establish a definition for "reasonably prominent" in IDX Rules.			Subcommittee members are: Nicholas Lerner, Cheri Drake, Drew Deck, Tanya Kulaga, Jill Ballew, Michelle Roberts-Freeman, Victoria Perdue, and Lindsay Landis.

3 Multi-Family Rider to the Property Disclosure

A draft of the Investment Property Rider to the Property Disclosure was discussed. During discussion, a few changes were noted in Paragraph 4. After consideration, **it was moved and 2nd to approve the Investment Property Rider to the Seller's Property Condition Disclosure, with the proposed changes to paragraph #4. Motion Passed.**

4 Seller Concessions for Statuses other than SOLD

Taylor/Rob

The Committee discussed a recommendation to open the Seller's Concession field up to Active. After discussion, it was moved and seconded to approve the use of the Seller's Concession fields in statuses other than just Sold; i.e., Active, Under Contract.

5 Smart Home Turnover - Addendum to the Seller's Disclosure

a. Review Smart Home Disclosure Addendum

After Discussion, it was moved to review and format the Smart Home Rider to the Seller's Property Condition Disclosure. Staff will update the form and bring it back to the committee at the next meeting for review.

Having reached the end of the meeting, the Committee meeting was adjourned.

Meeting was adjourned at 2:30pm, with the next meeting day and time scheduled for March 2nd at 1:00 pm.

To be completed by Seller. Information on the Investment Property Rider is deemed reliable but not guaranteed.

Smart Home Rider to the Seller Property Condition Disclosure

SELLER: _____

PROPERTY: _____

The following information is provided to assist Sellers and Buyers prepare for the transition of ownership of a property that includes smart devices. REALTORS® are not experts in these technologies and make no representations as to the condition, fitness, ease of use, speed, or reliability of any smart devices.

All items listed below are to be conveyed with the property at Closing. No later than Closing, Seller shall provide Buyer with usernames, passwords, and access for all smart devices. Alternatively, Seller may, at their sole discretion, reset smart devices to factory defaults and provide Buyer with general instructions for set-up. It is the responsibility of the Seller to ensure that any subscription plans have ended or been transferred to Buyer and that they no longer have administrative or user access to the accounts. Smart devices are left for the convenience of all parties and Seller hereby makes no warranty or representation as to the condition, fitness, ease of use, speed, or reliability of any smart device.

Property has the following smart home devices (complete any that apply). If you have any of the devices shown below, please specify what is included, where it is located, and any other relevant information:

Item Description / What is included / What is Included / Location
Modems, gateways, hubs, access points
Additional Information
Item Description / What is included / What is Included / Location /
Exterior Cameras
Additional Information
Item Description / What is included / What is Included / Location /
Doorbell
Additional Information
Item Description / What is included / What is Included / Location /
Garage Door Opener / Keypad
Additional Information

Seller initial/Date: _____

Buyer initial/Date: _____

Seller initial/Date: _____

Buyer initial/Date: _____

To be completed by Seller. Information on the Investment Property Rider is deemed reliable but not guaranteed. Additional Smart Home device information. Please include information on Garage Door Opener App access control, Door Lock(s) access control, Gate(s) access control, Sprinkler System App controls, Solar or Energy Efficiency access control, Smart Home System (Control4, Crestron, Elan Home Systems, Vantage Controls, etc.), Exterior Lighting control, Thermostat – HVAC, Thermostat – Heated Floors, Thermostat – Heated Driveway, HVAC – Minisplit, Interior Lighting (plugs, switches, and bulbs), Motorized Window Coverings, Speaker System control, Security System, Appliances, etc....

Check box if additional information is attached.

Item Description / What is included / What is Included / Location
Additional Information
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Additional Information

SELLER:

BUYER:

_____ Date

_____ Date

_____ Date

_____ Date

Video and Audio Surveillance Best Practices

Lawrence Board of Realtors®

Kansas Law

Video surveillance is generally permissible. However, it is a criminal offense to use a concealed camera to secretly photograph or record a person who is in a state of undress, or under or through their clothing, without the consent or knowledge of that person, where there is a reasonable expectation of privacy. KSA 21-6101(a)(6). This is most commonly applied to prohibit recording in restrooms.

Audio recording is permitted in Kansas so long as at least one participant in the conversation consents to the recording. This extends not only to recording but to the use of any device which would allow a party to hear, amplify or broadcast sounds which would not ordinarily be audible without the use of the device. KSA 21-6101(a)(1), (4).

Best Practices for Sellers Agents

Require Sellers to disclose recording devices at the time of listing.

Be very cautious with audio recording.

One party consent requires that the consent comes from one of the parties participating in the conversation. Recording a conversation between an interested Buyer and their Agent when the Sellers are absent may not comply!

If a Seller is recording, give notice!

Include in the MLS.

Post a conspicuous sign during showings.

*Providing clear notice may constitute implied consent for recording.

Educate your Sellers

Warn Sellers of the limits of permissible recording and the need for disclosure.

Educate Sellers about Fair Housing. They may gain information that they may not legally consider by recording.

Best Practices for Buyers Agents

Notify Buyers of any known recording devices prior to showings

Counsel Buyers to assume they are being recorded during showings

Wait until after you leave the property to discuss interest in the property and any potential offers