

# MLS & Rules Committee

## Agenda / Action Items



**Date:** 6/8/2023

**Time:** 9am

**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	Beth Ham	Chris Earl
Greta Carter-Wilson	Jennifer Catlin	Jill Ballew	Libby Grady	Lindsay Landis
Michelle Roberts-Freeman	Mohammad Aldamen	Nicholas Lerner	Ryan Desch	Vanessa Schmidt
Zach Dodson				

**P - Present**

**E - Excused Absence**

**A - Absent**

### Guests (non-Quorum)

### AGENDA ITEMS

No	Topic	Presenter	Done	Notes/Update
1	<b>Review Previous Meeting Minutes from 05/15/2023</b>	Taylor/Cheri		
2	<b>Update from LMLS Staff</b>	Linda/Rob		<ul style="list-style-type: none"> <li>a. Fine Appeal by Cathy Lutz and Doug Bassett, Berkshire Hathaway Home Services, First Realtors®.</li> <li>b. Readily Available to Show: Continue to see one (1) business day as a hardship in some cases, especially with Tenant occupied listings.</li> <li>c. Received strong pushback from a Broker about the one (1) business day requirement to post SOLD information in the MLS.</li> <li>d. The Board of Directors approved the recommended change to Primary, from Master, at their meeting on June 7, 2023.</li> <li>e. Board of Directors also discuss use of sign, disclosure, and language in Buyer Agency and Exclusive right of Sale agreements regarding both video and audio surveillance.</li> <li>f. USD 497 School Closings - Listing Agents need to update data in MLS. MLS to remove closed schools from input options.</li> </ul>
3	<b>Days on Market vs Days on MLS discussion / continuation</b>	Taylor/Cheri		
4	<b>Add Under Contract Taking BU to Data Feed for Realtor.com</b> See information on Status and Badges from Realtor.com.	Taylor/Cheri		

No	Topic	Presenter	Done	Notes/Update
5	<b>Greening the MLS (Resources Linked Below)</b> <a href="#">CMLS Information about Greening the MLS</a> <a href="#">NAR Information about Greening the MLS</a>	Cheri/Taylor		
6	<b>Request for ongoing RETS Data Feeds vs WebAPI</b>	MLS Staff		
7	<b>Next Meeting:</b> _____	Cheri/Taylor		
8	<b>Adjourn:</b>	Cheri/Taylor		

### MLS & RULES COMMITTEE ACTION ITEMS

No	Action	Due Date	Responsible Member	In Process	Done	Notes/Update
	Newly expanded fields in Paragon are not displaying properly on sites still using RETS for IDX, or MLS Syndication.	6/9/2023	LMLS Staff - Rob	√		Known vendors have been contacted with field names for correct data mapping. Some site not yet corrected.
	Paragon Range Field for Approximate Fin SqFt is not working correctly (from Zach ).	6/9/2023	LMLS Staff - Rob	√		Reached out to Paragon on 6/7/2023.
	HomeSnap Pro: Photos not pulling through to the HomeSnap App (from Bailey).	6/9/2023	LMLS Staff - Rob	√		Reached out to HomeSnap on 6/7/2023.
	HomeSnap Pro: Searching for Acres appears to be broken in the HomeSnap App (from Bailey).	6/9/2023	LMLS Staff - Rob	√		Reached out to HomeSnap on 6/7/2023.
	Investment Property Rider to the Seller's Property Condition Disclosure to DocuSign, Dotloop, and in Paragon Contracts & Forms	4/28/2023	LMLS Staff - Rob	√		Sent to vendors. Now need to format from LBOR for MLS Documents folder.
	Smart Home Rider to the Seller's Property Condition Disclosure to DocuSign, Dotloop, and in Paragon Contracts & Forms	4/28/2023	LMLS Staff - Rob	√		Sent to vendors. Now need to format from LBOR for MLS Documents folder.

No	Action	Due Date	Responsible Member	Process	Done	Notes/Update
	List of IDX Websites Published Online	6/1/2023	LMLS Staff - Rob	√		Now have format to upload to MLS Resources page on site.
	Create a FAQ for the Clear Cooperation Policy. Staff will create this from/following the CCP Information Exchange with NAR Staff.	6/1/2023	LMLS Staff - Rob	√		Will now prepare this following the CCP Event on May 4th.
	Prepare membership videos and tutorials for new Paragon Changes roll out. A page on LawrenceRealtor.com will include all video and tutorials.	4/25/2023	LMLS Staff - Rob		√	Prepare ahead of cutover to newly updated fields.
	Work with Realtor.com to map field to Open House Hosted by on their site	1/25/2023	MLS Staff - Rob		√	Open House information is included in the data feed to Realtor.com
	Prepare a Training Video for new fields	4/21/2023	LMLS Staff - Rob		√	Collaborate with Ed Committee
	Paragon Changes /Conversions of Fields	4/24/2023	LMLS Staff - Rob / Paragon Support		√	Cutover Scheduled for April 24th.
	Set up testing group for Paragon Changes/Conversions of Fields	February 23rd (subject to pace of work by BK)	LMLS Staff - Rob / Paragon Support		√	Testing completed on April 11th
	Create a Smart Home Turnover form as an Addendum to the Seller's Disclosure	1/25/2023	Lindsay Landis		√	Two versions for review on March 27th.
	Present for approval - a Multi-Family Property Condition Disclosure Rider	1/25/2023	Zach Dodson		√	To be presented for approval at the 04.05.2023 Board Mtg
	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.
	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
	Update the LBOR Sales Contract, Buyer Agency Agreement, and Listing Agreement at Dotloop	2/6/2023	LMLS Staff - Rob		√	Completed on 02/10/2023.

No	Action	Due Date	Responsible Member	Process	Done	Notes/Update
	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
	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 Bd of Directors on February 1, 2023. Updated in Paragon on 02.13.2023

Tabled or Old Business	Due Date	Responsible Member	Done	Notes/Update
1.a	Readily Available to Show, the NAR, and the Clear Cooperation Policy. NAR feedback - new listing information in put into MLS meets the criteria for Cooperation, rather than having immediate access for showings.	Consider returning this to the regular agenda.		Current Policy is that Listed Property be readily available to show = within 1 business day to be consistent with the CCP.
1.b	Fair & Equal Access to Listed Property. This policy was originally proposed to the LBOR Board of Directors in 2022.	Consider returning this to the regular agenda.		The LBOR Board of Directors sent this itme back to the MLS & Rules Committee for more discussion.
2	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	Consider returning this to the regular agenda.		Not able to complete a form that the Committee can agree on.
3	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 relavancy and number of Ancillary Dwelling Units is
4	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.

# MLS & Rules Committee

## Meeting Minutes



**Date:** 05.15.2023  
**Time:** 11am  
**Location:** LBOR Office

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

### Attendees:

E Cheri Drake                      P Taylor LaRue                      E Bailey Stuart                      P Beth Ham                      P Chris Earl  
P Greta Carter-Wilson              P Jennifer Catlin                      P Jill Ballew                      P Libby Grady                      P Lindsay Landis  
P Michelle Roberts-Freeman      A Mohammad Aldamen              P Nicholas Lerner                      P Ryan Desch                      P Vanessa Schmidt  
P Zach Dodson

**P - Present**                      **E - Excused Absence**                      **A - Absent**                      **AL - Arrived Late**                      **LE - Left Early**

### Guests (non-Quorum)

### AGENDA MINUTES

No	Topic	Presenter	Done	Notes/Update
1	<b>Review Previous Meeting Minutes from 04/17/2023</b>			After review, it was moved and 2nd to approve the previous meeting's minutes. Motion Passed.
2	<b>Update from LMLS Staff</b>			a. Paragon Changes: Site changes were rolled out to members on May 2nd. Staff provided tutorials and videos online at the MLS Resources section of the website. b. Paragon fines are reaching 2nd offense levels at \$250. A 3rd offense goes to Board of Directors for review and discipline. c. Recently approved forms have not been completed in a finalized version and document libraries are not yet updated.
3	<b>Days on Market (DOM) vs Days on MLS (DOMLS):</b>			This discussion was tabled to be returned to the agenda at the next meeting.
4	<b>Under Contract taking Back-Up to Data Feed for Realtor.com:</b>			Staff will get a list of possible statuses from Realtor.com and have available at the next meeting. During discussion, Committee members discussed some report views and how the fields are displayed on the reports. MLS Staff will move the SOLD Price to the top section of the Full Detail Report, and will move Property Size Type on the Detail Reports to coincide with lot size in square feet or acreage.

**5 Video and Audio Surveillance Disclosure**

The Committee again discussed both Video and Audion recording devices and how best to disclose of them to buyers. The Best Practices document from LBOR Counsel was discussed. After discussion, **it was moved and seconded to prepare a sign for disclosure at the listed property, to prepare an addendum to the Seller's Property Condition Disclosure, and then to add language to the Buyer Agency and Exclusive Right of Sale Agreements. Motion Passed.**

**6 Consider Change from Master Bedroom to Primary Bedroom (and all other)**

The Committee discussed a possible change to terminology in the Paragon System. After discussion, **it was moved and seconded to**

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

Meeting was adjourned at 12:30pm, with the next meeting day and time scheduled for June 8th at 9:00 am.

## Rob Hulse

---

**Subject:** FW: Second MLS Fine for 2023

---

**From:** cathy cathyultz.com <[cathy@cathyultz.com](mailto:cathy@cathyultz.com)>  
**Sent:** Monday, June 5, 2023 3:38 PM  
**To:** LBOR Admin <[reply-mr53oz52@lawrenceboardofrealtors.growthzoneapp.com](mailto:reply-mr53oz52@lawrenceboardofrealtors.growthzoneapp.com)>  
**Cc:** Rob Hulse <[Rob@lawrencerealtor.com](mailto:Rob@lawrencerealtor.com)>; [dougassks@gmail.com](mailto:dougassks@gmail.com)  
**Subject:** RE: Second MLS Fine for 2023

Hi Rob – After careful consideration, I would like to respectfully appeal the fine.

As noted on the Listing Agreement signed May 23, 2023, Seller did not authorize me to disseminate information prior to their authorizing phone call. And, I had it in MLS within the 24 hour requirement.

Withholding the listing was at the direction of my clients. There was no other strategy, agenda, or motivation. I do apologize for the time spent by you and your staff.

Many thanks -



**Cathy Lutz**  
Broker Associate, BHHS First REALTORS

 (785) 925-1939  [Cathy@CathyLutz.com](mailto:Cathy@CathyLutz.com)

 2858 SW Villa West Drive Topeka, KS 66614



---

**From:** LBOR Admin <[admin@lawrencerealtor.com](mailto:admin@lawrencerealtor.com)>  
**Sent:** Thursday, June 1, 2023 1:19 PM  
**To:** cathy cathyultz.com <[cathy@cathyultz.com](mailto:cathy@cathyultz.com)>  
**Subject:** RE: Second MLS Fine for 2023

Hi Cathy – there is not a specific appeal form. Most just explain in an email that is presented to the Committee, although you're more than welcome to appear and explain the situation to the Committee.

Thanks,  
Rob

### **Rob Hulse, RCE, AHWD**

**Executive Vice-President**

Lawrence Board of REALTORS®  
Lawrence Multiple Listing Service  
Direct Line: 785.856.0072  
Main Line: 785.842.1843  
[Rob@LawrenceRealtor.com](mailto:Rob@LawrenceRealtor.com)  
[LawrenceRealtor.com](http://LawrenceRealtor.com)

---

**From:** cathy cathyultz.com <[cathy@cathyultz.com.growthzoneapp.com](mailto:cathy@cathyultz.com.growthzoneapp.com)>  
**Sent:** Thursday, June 1, 2023 1:10 PM

**From:** [Lawrence Board of REALTORS®](#)  
**To:** [Rob Hulse](#)  
**Subject:** Second MLS Fine for 2023  
**Date:** Thursday, June 1, 2023 10:39:48 AM  
**Attachments:** [Invoice #6485.pdf](#)

---

June 1, 2023

Cathy Lutz

FROM: LBOR/LMLS

RE: **Second MLS Fine Notification**

Cathy,

A fine has been assessed for the following violation of MLS Rules & Regulations:  
Your new listing was not submitted to the Lawrence MLS in the required time frame.

Per MLS Rules & Regulations Section 1: All properties taken on an Exclusive Right of Sale Agreement or Exclusive Agency Agreement by a Participant, in which the owner requests placement of the property in the Multiple Listing Service (MLS), shall be input into the MLS by midnight of the 1st business day after all necessary signatures of the Listing Agent and SELLER(S) have been obtained, or after the effective date of the listing, whichever is last. Once input into the MLS system and assigned an MLS#, a copy of the Agreement will be uploaded immediately into Associated Docs. **A first violation results in a fine of \$25.00. However, this is your second MLS Fine in a year, which results in a fine of \$250.00.**

**MLS#: 158937      Address: 109 SW Woodlawn Avenue      Listing Date: May 23, 2023**

**Process:**

The Agent and their Broker are notified of the citation and given 20 days to either pay the fine or appeal the decision. If the decision is appealed, the violation and appeal will be reviewed by the MLS & Rules Committee.

**Payment of this fine in the amount of \$250.00 is due by June 11, 2023.**

Further, if payment is not received by 4:00 PM on June 21, 2023, suspension of MLS privileges will occur until the past due amount is paid, which may include reactivation charges.



If paying by check, please remit to the **Lawrence Multiple Listing Service** and send to the address shown below. Payment may also be made by Visa, Mastercard or Discover by clicking [here](#) or calling 785-842-1843 for credit card processing over the phone.

[Listing Requirements of the LMLS](#)

Thank You

Lawrence Board of REALTORS Admin.

## **Rob Hulse**

---

**Subject:** FW: Fine Appeal - Cathy Lutz - Berkshire Hathaway

### **For the MLS & Rules Committee:**

Cathy Lutz (Agent) and Doug Bassett (Broker), from Berkshire Hathaway First Realtors (Topeka) will be present to appeal a fine we levied for a late submittal to the MLS. The fine was a 2<sup>nd</sup> fine for Cathy, resulting in an amount of \$250.

### **The Fine:**

The listing start date and signature date was 5/23 (the effective date). MLS Rules state that a submitted listing is subject to MLS Rules & Regulations, and will be submitted to the service within one business day.

On June 1<sup>st</sup>, the listing of Cathy's was input into Paragon. The listing agreement was uploaded and included a special provision: "Listing to go live with Seller authorization only."

We levied a fine for late submittal of a listing, and we explained that all listings that are submitted to the MLS, including those in which the seller authorizes the agent to withhold from dissemination to other Participants (Brokers) and Subscribers (Agents), are to be submitted within one (1) business day of the listing date, or Seller's signatures, whichever is later. We explained that the listing should have been input with a limited visibility type of Agent Exclusive, Office Exclusive, or Firm Exclusive. Then, when the Seller directed the Listing Agent to "go live" the agent would simply change the limited visibility type to MLS Listing.

### **Additional Information:**

The Broker indicated to us that this was a very sensitive listing, and the Seller told their Agent not to share it with anyone. The Broker indicated that MLS Staff would have seen the listing and had access to the information, and that because MLS Staff would see the listing, they would not be submitting to the MLS, and were following the Seller's directions. They stated that KREC license law will always govern their actions, ahead of MLS Rules. I agreed that there are instances where the MLS Rules and KREC Rules are not aligned. However, when listings are submitted to the MLS, it is required that they be submitted within one (1) business day.

I added that MLS Staff have never been considered to qualify as public sharing. If MLS Staff would share or act on any listing information in which the visibility was limited, it would be a huge breach of trust, and would jeopardize the job of the staff member sharing the information. Using MLS data for our personal use when gaining access in the scope of our jobs is not allowed. I told them that MLS Staff have never been included in an argument like this, and I'll need to consult with the NAR about this position of the Broker. I am currently waiting on a reply from the NAR.

The Agent thought they were doing everything correctly, as directed by the Seller. I explained that our rules require submittal within the one (1) day timeframe, and that utilizing a LVT allows the listing to be private/exclusive.

Additionally, the property is in Topeka. By rule, only those listed properties in our geographical area are required to be input. However, if an agent chooses to input a listing from outside the geographical area, that listing must still comply with the rules and regulations. The listing agent did voluntarily add it to the Lawrence MLS, but in doing so is held to the same rules as a listing from within the Lawrence MLS geographical area.

**Rob Hulse, RCE, AHWD**

**Executive Vice-President**

Lawrence Board of REALTORS®

Lawrence Multiple Listing Service

## Rob Hulse

---

**From:** Rob Hulse  
**Sent:** Tuesday, June 6, 2023 4:53 PM  
**To:** dl-mlsupport@move.com  
**Subject:** RE: Available Statuses in Realtor.com

Attachment?

Thanks,  
Rob

### **Rob Hulse, RCE, AHWD**

#### **Executive Vice-President**

Lawrence Board of REALTORS®  
Lawrence Multiple Listing Service  
Direct Line: 785.856.0072  
Main Line: 785.842.1843  
[Rob@LawrenceRealtor.com](mailto:Rob@LawrenceRealtor.com)  
[LawrenceRealtor.com](http://LawrenceRealtor.com)

---

**From:** dl-mlsupport@move.com <dl-mlsupport@move.com>  
**Sent:** Tuesday, June 6, 2023 4:52 PM  
**To:** Rob Hulse <Rob@lawrencerealtor.com>  
**Subject:** RE: Available Statuses in Realtor.com

Hello Rob,

You contacted us regarding listing statuses that Realtor.com displays on site.

Thank you for your patience while we researched your request.

After thorough research, we were able to confirm that we currently collect the following statuses in our query:  
(L\_StatusCatID=|1,3)

We Currently offer badging that will Appear on the Search Results page, the options are below:

Pending  
Contingent  
New Contrustion

Please see the attached file which includes what we currently display on our site. If you would like to update the way these statuses or badges display on site please let us know what value will trigger these.

If you have any additional questions, please feel free to contact us. To expedite processing, please include case number 09261112, which can also be found in the subject line of this email.

Thank you,

Kathrine Korbe | Industry Support Representative

<b>L_ListingID</b>	<b>L_StatusCatID</b>	<b>L_Status</b>	<b>RDC</b>
157428	Under Contract	Under Contract	Pending Badge
157623	Under Contract	Under Contract/Taking BU	Pending Badge
158336	Active	Active/Kick Out Clause	Contingent Badge

## **Rob Hulse**

---

**Subject:** RETS Data Feed

We would like to ask Lawrence MLS to indefinitely delay the termination of RETS feeds.

We are supportive of the mandate that requires the addition of WebAPI but do not believe the mandate requires the abandonment of RETS for users who have not finished transitioning all their applications to the new format.

The move to WebAPI was encouraged in support of broadening new applications and features by making access to the data easier, unfortunately, there are still legacy applications that require RETS, so we believe the best path forward is to extend the life of RETS until it is no longer supported by the platforms the Lawrence MLS is using for their MLS. Requiring new requests for data only via WebAPI while supporting legacy applications that already have established data agreements using RETS would be a reasonable approach moving forward.

We do not believe the mandate to offer WebAPI demands the discontinuation of RETS and certainly not prior to all subscribers requiring RETS to have time and resources to move active applications off to the new WebAPI platform. This is particularly important to backoffice products not typically supported by traditional vendors offering WebAPI solutions.

# Video and Audio Surveillance Best Practices

## Lawrence Board of Realtors®

### **Kansas Law**

Video surveillance is generally permissible. However, it is a criminal offence 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

# AUDIO-VIDEO SURVEILLANCE DISCLOSURE AND CONSENT



Premises Address: \_\_\_\_\_

Residential or commercial property may have surveillance devices installed which may have audio-video listening, recording or transmitting technology. Such surveillance devices include security systems, video doorbells, nanny cams, and other technology which may be recording or transmitting audio-video during a viewing of the property. Such surveillance may capture conversations. Additionally, such devices may capture video of the inspection of the property. This notice is to allow prospective buyers and other parties who may be viewing Property to be aware that their conversations and actions while on such property may not be private.

By signing below, you acknowledge you are aware of, and consent to the possibility that your conversations and movements may be recorded during the time you are present at a property.

\_\_\_\_\_  
Prospective Buyer Signature

\_\_\_\_\_  
Prospective Buyer Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Inspector / Appraiser Signature

\_\_\_\_\_  
Brokerage

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Agent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date



## **Peeping, Eavesdropping & Expectations of Privacy in Listed & Rental Properties**

*Christal Park Keegan, Legal Information Line Attorney*

We are all being watched. From the moment you walk up to a home's front door and encounter a Ring Video Doorbell to being monitored by Nest Cams once inside, our expectations of privacy are gone. As REALTORS®, what do we need to know about the use of audio and video recording devices in our real estate dealings?

To address surveillance devices that owners have placed on properties, the very first thing listing brokers should do is ask their clients to disclose in writing if surveillance devices are present on the property. This can be done in an addendum, on the Seller's Real Property Disclosure, in the additional terms of the agreement, or other appropriate document.

Once the listing broker is aware of the surveillance devices, this information should be disclosed to anyone visiting the property in order to avoid potential legal claims that illegal recordings were made without consent. Disclosure can be achieved by:

- Posting notices on the property alerting all visitors that the property may be recorded during the visit.
- Although no reasonable expectation of privacy exists for potential buyers and their agents while inside someone else's home, if audio recording is conducted, the owner or landlord should consider getting a written consent signed by visitors before the viewing.
- Disclose the presence of surveillance devices in the MLS comments.

Further, buyer's agent should disclose to their clients in writing that recording devices are present on property to protect themselves from any later legal claims from a client that they were unaware of a disclosed recording device.

Additional tips on how to deal with audio/visual surveillance can also be accessed in a prior article written by NVR which [can be accessed here](#).

Finally, the National Association of REALTORS® has put out a survey on Video and Audio Surveillance State Law, which includes information on Nevada, and can be accessed here: <https://www.nar.realtor/legal/video-and-audio-surveillance-state-law-survey>.

Statements made by the Nevada REALTORS® Legal Information Line attorneys on the telephone, in e-mails, or in legal e-news articles are for informational purposes only. Nevada REALTORS® staff attorneys provide general legal information, not legal representation or advice regarding your real estate related questions. No attorney-client relationship is created by your use of the Legal Information Line. You should not act upon information you receive without seeking independent legal counsel. Information given over the Legal Information Line or in these articles is for your benefit only. Do not practice law or give legal advice to your clients! Inform your clients they must seek their own legal advice.



## Seller's Audio and Video Surveillance Notice and Indemnity

This Notice applies to both the exterior of a dwelling upon crossing over the property line onto the property, as well as the interior of a dwelling.

This Notice does NOT constitute permission to record, livestream or otherwise oversee or overhear a visitor to the property.

### I. SURVEILLANCE

**WARNING: IT MAY BE A CRIME UNDER FEDERAL AND STATE LAWS TO LISTEN TO, RECORD, OR CONVEY THE INFORMATION OF AN ORAL COMMUNICATION HEARD THROUGH THE USE OF ANY ELECTRONIC, MECHANICAL, OR OTHER DEVICE WITHOUT THE CONSENT OF A PARTY TO THAT COMMUNICATION.**

Federal and State laws prohibit the interception of an oral communication through the use of any electronic, mechanical, or other device, whether or not recorded, without the consent of a party to that communication. This may include smart devices, doorbells, baby monitors with an audio component, surveillance cameras or other mechanical or electronic means of overhearing oral communication.

Connecticut law requires both the person recording audio or intercepting audio or oral communications and the person being recorded to give consent in advance. If Buyer is to be audio recorded, video recorded with audio recording, or live streamed with audio, Buyer shall choose whether or not to consent, and by law consent must be obtained in advance.

If there is a video/audio/surveillance device at the Property, Seller is put on notice:

No audio surveillance device may be turned on before or during any showings, open houses, investigations, examinations or inspections of the Property, unless Seller obtains advanced consent of the parties who are being recorded, overheard, intercepted, viewed, or livestreamed, and

The placement of any video surveillance device shall not violate a visitor's reasonable expectation of privacy

Seller agrees to indemnify and hold Broker, its agent(s), its successors and assigns, harmless from all suits, claims, demands or damages related to or arising from the Seller's use of electronic, mechanical or other device to record audio, video or both at the Property.

### II. CAPTURE AND USE OF RECORDED OR LIVE STREAMED PHOTOGRAPHS, AUDIO OR VIDEO

Photography, audio and video recording or streaming during a showing, inspection or open house is prohibited, unless Seller provides visitor with written permission to photograph, stream or record at the property.

Under no circumstances shall Seller take photographs or videos that intrude on a person's reasonable expectations of privacy.

Any permitted photography, audio or video shall be used only in a manner related directly to Seller's sale of the property. Seller shall not use, transfer, share, sell, convey, license

or distribute any photography, audio or video. Seller shall not post any photography, audio or video to any social media account or site.

TAKING IMPERMISSIBLE PHOTOGRAPHS OR VIDEOS OR USING THEM FOR AN IMPERMISSIBLE PURPOSE COULD SUBJECT SELLER TO CIVIL LIABILITY.

There are risks associated with allowing physical access to the property that are not within the reasonable control of the Broker or Agent, including but not limited to control of visitors during or after a showing or an open house, including the visitors' taking and use of photographs, audio and/or videos of the Property.

Seller agrees to indemnify and hold Broker, its agent(s), its successors and assigns, harmless from all suits, claims, demands or damages related to or arising from the Buyer's use of electronic, mechanical or other device to record or stream any one or more of audio, video, or photography at the Property.

Seller Acknowledges Seller has been provided with this Notice, has had an opportunity to review this Notice with their Attorney, and Agrees to the Terms herein.

\_\_\_\_\_  
Seller's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Seller's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Seller's Signature

\_\_\_\_\_  
Date



# Daytona Beach Area ASSOCIATION OF REALTORS®



Image courtesy of basketman at FreeDigitalPhotos.net

## Audio-Video Surveillance Disclosure

The following disclosure form is provided to help sellers and buyers understand and comply with Florida law with respect to home surveillance devices.

- ▶ Florida law requires the consent of all parties to record telephone calls or in-person conversations, including videotaped conversations that capture sound.
- ▶ If a Seller has security cameras that also record any conversations, i.e. have audio recording capabilities; all parties must consent to that recording.
- ▶ With respect to video recording only, it is permissible as long as written notice is clearly given on the premises or the recording device is immediately obvious.

Property Address: \_\_\_\_\_

### For the Seller

My property (check one)       has    does not have   a video or audio surveillance device/system  
 My device/system (check one)    does    does not capture audio

### For the Buyer

I understand that I may be recorded during the time I am in the Seller's property and consent to such recording.

Buyer Name (Print): \_\_\_\_\_

Buyer Signature: \_\_\_\_\_

Buyer Name (Print): \_\_\_\_\_

Buyer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Seller Name (Print): \_\_\_\_\_

Seller Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Note to Listing Agent: Please indicate the presence of a video or audio surveillance device/system in the MLS**

## Implementation System Change Request (SCR) and Acceptance Form

MLS/Board Name: <u>Lawrence Board of Realtors</u>	Estimate Date: <u>6/6/2023</u>
MLS/Board Contact Name: <u>Rob Hulse</u>	Expiration Date: <u>9/6/2023</u>
Contact Email: <u>rob@lawrencerealtor.com</u>	Contact Phone: <u>(785) 842-1843</u>
SSM Name: <u>Tanisha Shinault</u>	Jira Ticket #: <u>TK-14251</u>
Requested Changes: <u>The board is requesting updated input forms. They would like a quote for updating each individual class as well as a total to complete them all.</u>	
Business Purpose: _____	
Additional Info: <u>Use this section for any additional helpful information.</u>	

### Estimate (completed by Implementation)

Summary of changes: <u>Describe the work to be done.</u>	
<b>Affected Modules</b>	
<input type="checkbox"/> Association Autonomy	<input type="checkbox"/> Features
<input type="checkbox"/> Audit Listings	<input type="checkbox"/> Fields
<input type="checkbox"/> Client Connect	<input type="checkbox"/> Field Rules
<input type="checkbox"/> Exports	<input type="checkbox"/> Listings
<input checked="" type="checkbox"/> Other Profile sheets	
<input type="checkbox"/> Listing Visibility Types	<input type="checkbox"/> Saved Searches
<input type="checkbox"/> Lookups	<input type="checkbox"/> Third Party Integration (TPI)
<input type="checkbox"/> Lookup Relationships	<small>enter TPI name here</small>
<input type="checkbox"/> RETS Metadata	
<b>Additional Factors</b>	
<input type="checkbox"/> Must be scheduled after regular business hours	<input type="checkbox"/> Requires that the system be set to read-only
<input type="checkbox"/> Requires a test environment	<input type="checkbox"/> Other If checked, enter Other description here.
Appx # of affected listings: <u># of Listings</u>	Work Estimate (# of hours): <u>32</u>
	Hourly rate: <u>205</u>
Other Fees – (If applicable, enter description here):	<u>\$</u>
	Total Amount to be Billed: <u>6,560</u>
Additional Comments: <u>BK will have 30 days to complete this project. This is a one-time update; BK is not responsible for updating profile sheets moving forward. Quote is: 8 hours per class (\$1,640) , total project quoted at \$6,560:</u>	

### Approval (to be completed by MLS/Board Representative)

Signature: _____	Approval Date: _____
Name: _____	
Title: _____	