

# MLS & Rules Committee

## Agenda / Action Items



**Date:** 06.25.2025

**Chairperson:** Lindsay Landis

**Time:** 1:00pm to 2:30pm

**Vice-Chairperson:** Discuss

**Locati** LBOR Office

**Staff Liaison:** Linda Manley & Rob Hulse

Committee Member Attendance:

### AGENDA ITEMS

No	Topic
	<b>Turn on PLAUD Meeting Recorder</b>
1	Consent Agenda - Review Previous Meeting Minutes and Requested Excused Absences.
2	MLS Staff Update <ul style="list-style-type: none"><li>a. NAR Legislative Meetings were dominated with MLS Sessions about the Multiple Listing Options for Sellers - also see #3 below.</li><li>b. Fair and Equal Access Policy will launch on Tuesday, July 1st.</li><li>c. Changes to Statuses to occur on July 1st: Sold After Expiration will be hidden and Sold Before Listed will be changed to Sold Before Input to MLS.</li></ul>
3	Consider Delayed Marketing - Multiple Listing Options for Sellers. Information was emailed to Committee Members on Monday, June 23rd. Implementation deadline is 09/30/2025.
4	For Cancelled listings, with an immediate relisting as new to hit reset: Do we need to continue the DOM count unless off market for a minumum amount of time. It has become more and more prevelant to cancel and relist to hit the reset button.
5	KCRAR's contract now obligates the Seller to share inspection reports previously performed on the property, if done in the prior ____ days (might be 30, 60, or 90 days - not exactly sure of the timeframe in the KCRAR Contract).
6	Address Inspection Paragraph Language that may be confusing - the word "either" may be interpreted differently by many agents. <b><i>If BUYER'S inspection(s) reveal deficiencies, BUYER may perform <u>either</u> of the following with a marked checkbox within the Inspection Period:</i></b> <b><i>CANCEL THIS CONTRACT by delivering written notice...</i></b> <b><i>REQUIRE REPAIRS of SELLER by delivering written notice...</i></b>
7	MLS & Rules Vice-Chairperson for 2025 - to become Chairperson for 2026.
8	Consider Tabled Topics? <ul style="list-style-type: none"><li>a. Do we need policy/rules regarding Ancillary Dwelling Units (ADUs)?</li><li>b. Define "Reasonably Prominent" in IDX Rules.</li></ul>
9	<b>Next Meeting:</b> _____
10	<b>Adjourn:</b>

MLS & Rules Committee		Role	1/3	1/30	2/10	3/10	4/8	4/23	5/22	6/25	Present			Excused		Unexcused	
2025			Fri	Thu	Mon	Mon	Tue	Wed	Thu	Wed	P			E		U	
	Lindsay Landis	Chairperson	P	P	P	P	P	P	P								
	Elizabeth Ham	Committee Member	E	P	Z	P	E	P	P								
	Vanessa Schmidt	Committee Member	P	P	P	Z											
	Anna Clemente	Committee Member	P	P	P	U	P	AL	P								
	Bailey Stuart (President)	Committee Member	P	P	P	P	P	P	P								
	Cheri Drake	Committee Member	E	P	Z	P	Z	P	R								
	Chris Earl	Committee Member	Z	P	P	P	P	P	P								
	Danny Freeman	Committee Member	P	E	Z	Z	Z	Z	LE								
	Deanna Dibble	Committee Member	E	U	E	U	E	P	R								
	Drew Deck	Committee Member	E	U	U	E	P	R-LE	P								
	Erin Maigaard	Committee Member	E	P	E	P	E-LE	Z	Z								
	Nicholas Lerner	Committee Member	P	E	E	Z	P	P	P & Z								
	Ryan Desch	Committee Member	P	P	Z	P	E-LE	P	P								
	Taylor LaRue	Committee Member	P	P	P	P	E-LE	P	P								
	William Perkins	Committee Member	P	P	E	P	P	R	U								
	Claire Vowels	Committee Member	P	P	P	Z	P	P	P								
	Zach Dodson	Committee Member	P	E	P	P	P	R	U								
	Linda Manley	LBOR	P	P	P	P	P	P	P								
	Rob Hulse	LBOR	P	P	P	P	P	P	P								
			R = Requested Excused Absence						Z = Zoom		AL = Arrived Late		LE = Left Early				
				</													



# MLS & Rules Committee

## Meeting Minutes

May 22, 2025

### **LMLS Staff Report on policy updates, NAR mandates, Delayed Marketing, and Fair and Equal Access for All.**

- **MLS Territories and Listing Requirements**  
Discussion clarified that there are no formal MLS territories, though coverage maps exist. Heartland MLS is used as an example, where all listings and sales must be posted on the MLS site. Some members have dropped out due to an increased workload related to MLS requirements.
- **SAR 'Coming Soon' Policy Implementation**  
SAR approved a 'coming soon' policy effective July 1st. The policy is modeled after Lawrence MLS's Coming Soon Policy, including an added infographic for listing types. The Lawrence MLS will emulate the infographic used by SAR.
- **NAR Mandated Policy on Multiple Listing Options for Sellers**  
Reviewed new NAR-mandated policy for multiple listing options for sellers. Discussion focused on uncoupling IDX and internet display fields, updating forms, and ensuring sellers understand their options.
- **Delayed Marketing and IDX Display Timelines**  
Explored the subject of delayed marketing, where IDX display can be withheld for a period of time as directed by the Seller. Discussed whether there should be a minimum or maximum timeline, and how to implement this technically and procedurally.
- **Ownership and Control of IDX Display**  
Raised questions about who controls IDX display at the listing agent level and how state law interacts with NAR rules. Discussed gray areas in social media sharing and enforcement.
- **Upcoming Discussion and National Committee Meeting**  
Plan to discuss unresolved questions at the next MLS & Rules Committee meeting. Staff will bring input back from the NAR Legislative Meetings in Washington, DC.
- **Technical Implementation of Delayed Marketing**  
Considered technical solutions for implementing delayed marketing, such as creating a sub-status in Paragon or automating IDX activation. Discussed the need for defensible, realistic policies.
- **Fair and Equal Access Policy**  
Board of Directors approved the fair and equal access policy in May. Implementation is pending finalization and staff action.
- **Monitoring Zillow and Redfin Listing Practices**  
Group is monitoring how companies like Zillow and Redfin handle listings that may be blocked from immediate display. An Inman article was referenced.

## Regular Agenda Items

### MLS Under Contract Listings returned to Active status

Discussion on the importance of accurately portraying listing status in the MLS to prevent misrepresentation of property availability.

- **Policy on Returning Listings to Active Status**

Discussed the policy for returning listings to active status, requiring them to be unencumbered. Legal opinions or signed cancellation agreements are accepted. No requirement to upload legal documentation. The current policy allows the listing to return to active with legal authority or signed cancellation; and no uploaded document is required. **It was moved and seconded to take no action. Motion Passed.**

- **Reminder Alerts for Under Contract listings and Closing Dates**

Exploration of current and potential reminder systems for listings nearing expiration or closing dates, including email and pop-up notifications.

- **Updating Close Dates and System Clean-Up**

Agents often forget to update the actual close date, leading to inaccuracies. The system is periodically cleaned up by staff who send courtesy emails to prompt updates.

- **Options for Closing Date Alerts**

Three options were discussed: (1) system-wide retention settings with alerts for listings in under contract status for set periods, (2) overriding expiration date to match close date for countdown reminders, (3) pop-up warnings when maintaining listings near close date.

- **User Preferences and System Annoyances**

Participants expressed irritation with frequent expiration notices and pop-ups and discussed the need for customizable or opt-in reminder features.

- **Consequences of Not Updating Listing Status**

Failure to update listing status after closing can result in fines if not changed within two business days and may require administrative intervention if the listing expires before being marked as sold.

- **Email Notification Options**

Discussion on the possibility and timing of automated email alerts post-closing, with suggestions for emails to be sent at 8 a.m. the day after closing. Staff will check with Paragon Support to learn what if an Auto-Alert can be sent on days after the Closing Date if the status of Under Contract has not changed. Staff will ask the ability to Opt-in or Opt-out can be determined at the agent level.

### MLS listing Sold Status definitions,

Review of various MLS statuses such as 'sold before listed', 'sold after expiration', 'sold office exclusive', and their implications for marketing and reporting.

- **Definition and Use of 'Sold After Expiration' Status**  
Debate over what constitutes 'sold after expiration', whether it refers to the contract date or closing date, and how it should be reported in the MLS.
  - **Handling Listings That Expire During Contract**  
Discussion on what happens when a property goes under contract but the listing agreement expires before closing, including compliance and representation issues.
- **Definition and Use of 'Sold Before Listed' and 'Sold After Expiration' statuses.**  
Clarification sought on the definition and application these two statuses, especially for listings that expired before closing.
  - **Data and Frequency of 'Sold Before Listed' Transactions**  
Examination of how often 'sold before listed' occurs, with reference to a spreadsheet and specific numbers.
- **Appraisal and Market Value Implications**  
Discussion on how off-market or family sales can affect perceived market value and appraisals.
- **Alerts and Closing Date Notifications**  
Consideration of whether to implement or allow opt-in/opt-out alerts for scheduled closing dates in the MLS system.
- **Action on Status Field Changes**  
Proposal to change or remove certain MLS status fields, specifically 'sold after expiration', and how to handle existing records.
- **Motion made and supported to remove 'sold after expiration' status and move affected records to 'sold'.**
- **Renaming 'Sold Before Listed' Status**  
Discussion on changing the status name from 'sold before listed' to alternatives such as 'sold before input', 'sold before market', or 'sold before entered into the MLS', with concerns about terminology clarity and compliance.
- **Motion made and supported to Change the status of Sold Before Listed to Sold Before Input to MLS. Scheduling Next Meeting**  
Consideration of dates for the next meeting, factoring in members' availability and other commitments, including mid-year luncheon and board meetings.

## **Coming Soon Listings and Contract Scenarios**

- Exploration of scenarios where a 'coming soon' listing accepts a contract without showings, then falls out of contract, and whether it can revert to 'coming soon' status.

**Meeting adjourned at 2:30pm**

# Lawrence Multiple Listing Service

## MLS & Rules Committee Recommendation to the Board of Directors

### Fair and Equal Access to Listed Property:

Listed property with a Visibility Type of MLS Listing (disseminated to all MLS Subscribers) must be readily available to show to all MLS subscribers **EQUALLY** and **FAIRLY**, beginning not later than within one (1) day of listing dissemination, or for Coming Soon listings on the Begin Showing Date. A violation of the Fair and Equal Access showing policy may result in serious fines and discipline, as shown below.

#### Fair and Equal Access will be based on the following:

- The window of opportunity for showings is daily from 8am to 8pm.
- Provided that the listing is available within one (1) day of listing dissemination, or for Coming Soon listings on the Begin Showing Date, Seller's written authorization will be required if Seller has reduced the window of opportunity for showings, which will be made available to MLS Staff upon request.
- The maximum amount of time that a listing can be unavailable to show is five (5) consecutive days. If a listed property is unavailable for six (6) or more consecutive days, the Seller will provide written authorization to withhold the listing and temporarily change the status to Withdrawn in the MLS (*Days on Market do not accrue while in the Withdrawn status*).

#### Violations of the Fair and Equal Access to listed property:

The MLS Fine to a Listing Agent who provides unfair and unequal access for all MLS Subscribers, including themselves, for listings with a visibility type of "MLS Listing" (all MLS Subscribers) is \$1,000.

### Fair and Equal Access and the Clear Cooperation Policy.

According to NAR – A listing's availability to show is not a determining factor for Cooperation under the Clear Cooperation Policy. Cooperation is NOT tied to a listing's availability to show. NAR indicates that Cooperation is established by simply sharing information about the listing to all MLS Subscribers.

### Fair and Equal Access and the Clear Cooperation Policy.

If a Listing Agent provides unfair and unequal access to listed property, the Listing Agent may have violated the Code of Ethics and/or the Clear Cooperation Policy and could result in a consumer complaint of Fair Housing Laws.

## Delayed Marketing

### MLS and Rules

#### Overview

- NAR Policy definition: An exempt listing where the Seller has directed the listing broker to delay the public marketing of that listing through IDX and syndication for any period as allowed by the local MLS in its unfettered discretion. A delayed marketing listing shall be filed with the MLS and does not preclude the listing firm from marketing the listing in a manner consistent with their seller's choice.
- This policy from NAR aims to give Sellers more options and say over how their home is marketed for sale
- We believe LBOR is actually not far from being in compliance with this new NAR policy. We just need to make a few tweaks.
- MLS and Rules needs to tackle the policy itself and then once we have that hashed out and agreed upon, Forms Committee will work on the forms that work with this framework
- IDX means a feed that is provided by the MLS to subscribers so that they can display IDX listings on their website (company or individual agent). Examples would be: [www.AskMcGrew.com](http://www.AskMcGrew.com), [www.StephensRE.com](http://www.StephensRE.com), [www.Zillow.com](http://www.Zillow.com), etc
- Syndication is including a listing in the [Realtor.com](http://Realtor.com), [Listhub.com](http://Listhub.com), and/or [Homes.com](http://Homes.com) data feeds
  - "Syndication" does not equal internet marketing. Internet marketing is **everything** so it encompasses IDX data feeds, syndication data fees, an agent's personal website that doesn't have an IDX feed, and an agent or brokerage's social media. When a Seller says Withhold from Internet this is the most restrictive option and means that the listing will be input into the MLS but will not appear on any public facing websites (the MLS is not public facing).

- If a Seller opts to Withhold from Internet none of the other options exist as this is the most restrictive option available
- Each MLS will have discretion to determine a delayed marketing period that is most suitable for their local marketplace.
- NAR has provided examples of when Delayed Marketing might be used:
  - From the FAQ at facts.realtor: Some sellers may have many different reasons for deciding to choose the delayed marketing exempt listing option. For instance, some homeowners want to limit the market exposure of their property due to privacy and/or other personal reasons.
- As a note, the policy talks about the requirement for the listing to still be “filed” with the MLS. This is our current policy for all listings with LMLS.

### **Our Current Setup**

- We are set up to provide ala carte options for how comprehensively the Seller would like the house marketed.
- Once we uncouple the ability to opt out of IDX from opting out of Display on Internet, every option will be available to Sellers

### **Decisions Needed by MLS and Rules**

- Timeline
  - NAR has said that the decision for how long a property can be in a delayed marketing status or must be in a delayed marketing status is at the discretion of each local MLS.
    - In a meeting to prepare for this conversation Bailey, Rob and Lindsay met to discuss and all agree that allowing delayed marketing for the duration of the listing (unlike Coming Soon) makes the most sense to us. If someone had opted out of IDX at the beginning of the listing



period and wanted to opt in at some point they could do that with an Amendment to the Listing Agreement

- Direction for Forms Committee
  - Would it make sense to rework the Withhold from Internet/IDX Addendum that we currently have now to become something like a “Comprehensive Marketing Addendum” or “MLS Options for Sellers Addendum”?
    - This document would include all of these ala carte options: Withhold from Internet, Withhold from IDX, Withhold from Display on 3rd party sites ([Realtor.com](https://www.realtor.com), [Homes.com](https://www.homes.com), [Listhub.com](https://www.listhub.com))
    - We would likely keep the Coming Soon Addendum separate since Coming Soon is a status. Coming Soon could work in tandem with this potential “Comprehensive Marketing Addendum”.
    - We would likely keep the Withhold from MLS (in-house Listing) separate also but potentially give it a new title that is more clear. Like: Withhold from MLS Dissemination.

# Changes to the NAR Handbook on Multiple Listing Policy for the Multiple Listing Options for Sellers Policy

## Changes to the Model MLS Rules and Regulations

As found in:

- C. Model Rules and Regulations for an MLS Operated as a Committee of an Association of REALTORS® and
- F. Model Rules and Regulations for an MLS Separately Incorporated but Wholly-owned by an Association of REALTORS®

(Underline indicates additions and strikethroughs are deletions.)

### **Section 1.3 ~~Exempt Listings~~**

~~If the seller refuses to permit the listing to be disseminated by the service, the participant may then take the listing (office exclusive) and such listing shall be filed with the service but not disseminated to the participants. Filing of the listing should be accompanied by certification signed by the seller that he does not desire the listing to be disseminated by the service.~~

**Note 1:** ~~Section 1.3 is not required if the service does not require all (indicate type[s] of listing[s] accepted by the service) listings to be submitted by a participant to the service.~~

### **Multiple Listing Options for Sellers**

Office Exclusive: Where the seller has directed the listing broker to not publicly market their property and to not disseminate it through the MLS to other MLS Participants and Subscribers, the Participant may then take the listing as an office exclusive exempt listing and such listing shall be filed with the MLS, subject to its local filing rules, but not disseminated to other MLS Participants and Subscribers.

Delayed Marketing: Where the seller has directed the listing broker to delay the public marketing of their property through IDX and syndication for [insert local delayed period as set by MLS's unfettered local discretion]. A delayed marketing exempt listing shall be filed with the MLS, subject to its local filing rules, and disseminated to other MLS Participants and Subscribers. The listing broker shall not be precluded from marketing the delayed marketing exempt listing in a manner consistent with the seller's choice.

Exempt Listing Disclosure: The filing of an exempt listing (office exclusive or delayed marketing) with the MLS must be pursuant to a certification, signed by the seller, obtained by the listing broker which includes:

- disclosure about the professional relationship between the Participant and the seller;

## Changes to the NAR Handbook on Multiple Listing Policy for the Multiple Listing Options for Sellers Policy

- acknowledgement that the seller understands the MLS benefits they are waiving or delaying with the exempt listing, such as broad and immediate exposure of their listing through the MLS; and
- confirmation of the seller's decision that their listing not be publicly marketed and disseminated by the MLS to other MLS Participants and Subscribers as an office exclusive listing or that their listing will not have immediate public marketing through IDX and Syndication as a delayed marketing listing.

Multiple Listing Options for Sellers requirements only apply to listing types that are subject to mandatory submission pursuant to the MLS local rules.

**Note 1:** The Multiple Listing Options for Sellers policy is designed to give consumers greater choice and flexibility in marketing their homes for sale. Each MLS has the unfettered local discretion in determining what is most suitable for their marketplace regarding a Delayed Marketing Exempt listing which includes adopting "0" days or to not implement the Delayed Marketing aspects of the Multiple Listing Options for Sellers policy.

**Note 2:** MLS Participants must distribute Office Exclusive eExempt listings through the MLS to other MLS Participants and Subscribers within (1) one business day ~~one~~ after the listing ~~is~~ has been publicly marketed. See Section 1.01, Clear Cooperation. **M**

# Changes to the NAR Handbook on Multiple Listing Policy for the Multiple Listing Options for Sellers Policy

## **New MLS Policy Statement**

New Policy Statement 8.14, Multiple Listing Options for Sellers, to appear in Part 2, Policies, D. Data, Current Listings, Section 5, and will read:

### **Office-Exclusive Listings (Policy Statement 7.63)**

~~If a seller withholds consent for a listing to be published in an MLS compilation of current listings, such listings shall be filed with the MLS but not disseminated to other Participants. As a matter of local discretion, certification maybe required from the seller or from the listing broker that the listing is being withheld from the MLS at the discretion of the seller.~~

### **Multiple Listing Options for Sellers (Policy Statement 8.14)**

Office Exclusive: Is an exempt listing where the seller has directed that their property not be disseminated through the MLS and not be publicly marketed. The office exclusive listing shall be filed with the MLS but not disseminated to other MLS Participants and Subscribers.

Delayed Marketing: Is an exempt listing where the seller has directed the listing broker to delay the public marketing of that listing through IDX and syndication for any period as allowed by the local MLS in its unfettered discretion. A delayed marketing listing shall be filed with the MLS and does not preclude the listing firm from marketing the listing in a manner consistent with their seller's choice.

Exempt Listing Disclosure: The filing of an exempt listing (office exclusive or delayed marketing) with the MLS must be pursuant to a certification obtained by the listing broker from the seller which includes:

- disclosure about the professional relationship between the Participant and the seller;
- acknowledgement that the seller understands the MLS benefits they are waiving or delaying with the exempt listing, such as broad and immediate exposure of their listing through the MLS; and
- confirmation of the seller's decision that their listing not be publicly marketed and disseminated by the MLS as an office exclusive listing or that their listing will not have immediate public marketing through IDX and Syndication as a delayed marketing listing.

Multiple Listing Options for Sellers requirements only apply to listing types that are subject to mandatory submission pursuant to the MLS local rules. **M**