

MLS & Rules Committee

Agenda / Action Items / Minutes



Date: 2/14/2023
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	Kelly Rogriguez		

Absent (E=Excused)

Guests (non-Quorum) Jennifer Catlin Mohammad Aldamen

AGENDA ITEMS

No	Topic	Presenter	Done	Notes/Update
1	Review Previous Meeting Minutes from 01/25/2023	Cheri/Taylor		
2	Update from LMLS Staff	Linda/Rob		
	a. Exclusive Firm Listing Visibility & Clear Cooperation Policy	Rob		
	b. Follow up: "MLS Listing" LVT in MLS with No Internet/IDX			
	c. Showing Availability Policy - Fair and Equal Access for All			
	d. Paragon Test Site Now Up with changes - need testers			
	e. Review Agenda/Action Item list with Committee			
3	Multi-Family Rider to the Property Disclosure	Rob		Rob has updated the draft by Zach Dodson
	a. Review Draft prepared by staff			
4	Seller Concessions for Statuses other than SOLD	Taylor/Rob		
	a. Can be used to trigger an alert to the hotsheet			
5	Smart Home Turnover - Addendum to the Seller's Disclosure	Lindsay		Lindsay Landis Draft
	a. Review Smart Home Disclosure Addendum			
7	Video and Audio Surveillance Disclosure	Cheri/Taylor		

No	Topic	Presenter	Done	Notes/Update
8	Greening the MLS (Resources Linked Below) CMLS Information about Greening the MLS NAR Information about Greening the MLS	Cheri/Taylor		
9	Days on Market vs Days on MLS discussion / continuation	Cheri/Taylor		
10	Next Meeting:	Cheri/Taylor		
11	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	Change Status of Withdrawn/Cancelled and Cancelled/Cancelled to Off Market/Withdrawn and Off Market/Cancelled.	1/25/2023	Rob/Paragon Support		√	Completed on 1/23/2023.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	√		Zach submitted an updated version for consideration on 1.23.2023.
	Update the LBOR Sales Contract, Buyer Agency Agreement, and Listing Agreement at Dotloop	2/6/2023	LMLS Staff - Rob		√	Completed on 02/10/2023.
	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.

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		Incomplete
2	Paragon Changes /Conversions of Fields	Targeting March 1 (but BK won't guarantee)	LMLS Staff - Rob / Paragon Support		BK is setting up a production site for implementation and testing.
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		Need 4-8 volunteers from MLS & Rules Committee.

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 and given to Brokers/Agents.
4	Readily Available to Show, the NAR, and the Clear Cooperation Policy.			NAR Provided feedback that new listing information meets the criteria for Cooperation, and 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.

MLS & Rules Committee

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Date: 1/25/2023
Time: 1pm
Location: LBOR Office
Co-Chairperson: Cheri Drake
Co-Chairperson: Taylor LaRue
Staff Liaison: Linda Manley & Rob Hulse

Attendees:

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

Attendance Legend P Present E Excused A Absent
Guests (non-Quorum) A Mohammed Aldamen A Jennifer Catlin A Kelly Rodriguez

AGENDA MINUTES

No	Topic	Presenter	Done	Notes/Update
1	Review Previous Meeting Minutes from 12/01/2022			
	After review, it was moved and 2nd to Approve the Consent Agenda - Motion Passed			
2	Update from LMLS Staff			
	a. Review Agenda/Action Item list with Committee Staff presented the new Agenda Format and Actio Item Tracker to the Committee.			
	b. Fine Appeal for Late Submittal and Missing Change Form The Committee reviewed the request for an Appeal of a MLS Fine. After discussion, it was moved and 2nd to deny the appeal. Motion Passed.			
3	Multi-Family Rider to the Property Disclosure			
	The Zach Dodson Draft of the Multi-Family Rider to the Property Disclosure was discussed. After consideration, it was moved and 2nd to rename to Investment Property Rider to the Seller's Property Condidion Disclosure. Motion Passed.			

Additional discussion occurred and a few more changes were made to the Rider. After discussion, ***it was moved and 2nd to approve the additional changes. Motion Passed.*** Staff will prepare a new draft with the noted changes and bring back to the Committee at their next meeting.

a. Discuss the addition of SOI - Voucher Information

After Discussion, ***it was moved and 2nd to NOT include the Source of Income (SOI) information on the Rider or Disclosure. Motion Passed.***

4 HERS Rating (Home Energy Rating System) as an MLS Field

a. HERS Rated: Yes/No

b. HERS Year: _____

c. HERS Rating: _____

After Discussion of these new fields, ***it was moved and 2nd to add new fields to Paragon for the HERS/ERI Ratings, with conditional logic. Motion Passed.***

Having reached the end of the meeting time, the Committee noted to following for our next meeting:

- 1) On the next meeting agenda reverse the order on the agenda for #4 and #5 below.
- 2) Add a discussion of Days on Market (DOM) and Days on MLS (DOMLS) back onto the agenda for another discussion.

Adjourn:

Meeting was adjourned at 2:30pm, with the next meeting day and time scheduled for February 14th at 1:00 pm.

Rob Hulse

Subject: FW: Link to In-house Listing as an FYI

From: [REDACTED] >

Sent: Monday, February 13, 2023 8:10 AM

To: [REDACTED] >; [REDACTED] >; [REDACTED] >;
[REDACTED] >; [REDACTED] >

Subject: Link to In-house Listing as an FYI

Good Morning. I wanted to send along an inhouse listing I have available, for any Buyers you may have looking for a gorgeous updated home on KU campus. Let me know if you have any Buyers who might like to schedule a showing. Thanks so much.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[Click Here to View Listings](#)

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

Investment Property Rider to the Seller Property Condition Disclosure

SELLER: _____

PROPERTY: _____

NUMBER OF UNITS: _____

1. **RENT SCHEDULE** (If more than 4 units, attach additional rent schedule):

Check box if additional rent schedule is attached.

Unit #	Currently leased? (Y/N)	Lease Begin Date (MM/YY)	Lease End Date (MM/YY)	Monthly Rent Amount	Is rent current? (Y/N)	Security Deposit Amount (Tenants/Pets)
Utilities Tenant Pays (Check)		Electric <input type="checkbox"/>	Gas <input type="checkbox"/>	Sewer <input type="checkbox"/>	Water <input type="checkbox"/>	Trash <input type="checkbox"/> _____ <input type="checkbox"/>
Utilities Landlord Pays (Check)		Electric <input type="checkbox"/>	Gas <input type="checkbox"/>	Sewer <input type="checkbox"/>	Water <input type="checkbox"/>	Trash <input type="checkbox"/> _____ <input type="checkbox"/>
Unit #	Currently leased? (Y/N)	Lease Begin Date (MM/YY)	Lease End Date (MM/YY)	Monthly Rent Amount	Is rent current? (Y/N)	Security Deposit Amount (Tenants/Pets)
Utilities Tenant Pays (Check)		Electric <input type="checkbox"/>	Gas <input type="checkbox"/>	Sewer <input type="checkbox"/>	Water <input type="checkbox"/>	Trash <input type="checkbox"/> _____ <input type="checkbox"/>
Utilities Landlord Pays (Check)		Electric <input type="checkbox"/>	Gas <input type="checkbox"/>	Sewer <input type="checkbox"/>	Water <input type="checkbox"/>	Trash <input type="checkbox"/> _____ <input type="checkbox"/>
Unit #	Currently leased? (Y/N)	Lease Begin Date (MM/YY)	Lease End Date (MM/YY)	Monthly Rent Amount	Is rent current? (Y/N)	Security Deposit Amount (Tenants/Pets)
Utilities Tenant Pays (Check)		Electric <input type="checkbox"/>	Gas <input type="checkbox"/>	Sewer <input type="checkbox"/>	Water <input type="checkbox"/>	Trash <input type="checkbox"/> _____ <input type="checkbox"/>
Utilities Landlord Pays (Check)		Electric <input type="checkbox"/>	Gas <input type="checkbox"/>	Sewer <input type="checkbox"/>	Water <input type="checkbox"/>	Trash <input type="checkbox"/> _____ <input type="checkbox"/>
Unit #	Currently leased? (Y/N)	Lease Begin Date (MM/YY)	Lease End Date (MM/YY)	Monthly Rent Amount	Is rent current? (Y/N)	Security Deposit Amount (Tenants/Pets)
Utilities Tenant Pays (Check)		Electric <input type="checkbox"/>	Gas <input type="checkbox"/>	Sewer <input type="checkbox"/>	Water <input type="checkbox"/>	Trash <input type="checkbox"/> _____ <input type="checkbox"/>
Utilities Landlord Pays (Check)		Electric <input type="checkbox"/>	Gas <input type="checkbox"/>	Sewer <input type="checkbox"/>	Water <input type="checkbox"/>	Trash <input type="checkbox"/> _____ <input type="checkbox"/>

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.

2. EXPENSE INFORMATION:

- a. Annual real estate taxes & year..... \$ _____
- b. Annual hazard insurance..... \$ _____
- c. Annual snow removal expense..... \$ _____
- d. Annual lawn mowing, yard maintenance expense..... \$ _____
- e. Annual landlord-paid utility expenses..... \$ _____

3. APPLIANCE & MECHANICAL INFORMATION (indicate appliances included within sale & staying at property below (If more than 4 units, attach additional information):

Check box if additional information is attached.

Unit #	Age of Furnace	Age of Air Conditioner	Age of Hot Water Heater	Window Air Conditioner Units Yes/No – How Many		
Appliances Included in Sale Stays with Property	Stove <input type="checkbox"/>	Dishwasher <input type="checkbox"/>	Refrigerator <input type="checkbox"/>	Microwave <input type="checkbox"/>	Washer <input type="checkbox"/>	Dryer <input type="checkbox"/>
Unit #	Age of Furnace	Age of Air Conditioner	Age of Hot Water Heater	Window Air Conditioner Units Yes/No – How Many		
Appliances Included in Sale Stays with Property	Stove <input type="checkbox"/>	Dishwasher <input type="checkbox"/>	Refrigerator <input type="checkbox"/>	Microwave <input type="checkbox"/>	Washer <input type="checkbox"/>	Dryer <input type="checkbox"/>
Unit #	Age of Furnace	Age of Air Conditioner	Age of Hot Water Heater	Window Air Conditioner Units Yes/No – How Many		
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Unit #	Age of Furnace	Age of Air Conditioner	Age of Hot Water Heater	Window Air Conditioner Units Yes/No – How Many		
Appliances Included in Sale Stays with Property	Stove <input type="checkbox"/>	Dishwasher <input type="checkbox"/>	Refrigerator <input type="checkbox"/>	Microwave <input type="checkbox"/>	Washer <input type="checkbox"/>	Dryer <input type="checkbox"/>

4. ADDITIONAL INFORMATION:

- a. Any other leases or contracts for services on the property?
Yes: ___ No: ___ If yes, please specify: _____
- b. Have any tenants given notice they are not renewing an upcoming lease?
Yes: ___ No: ___ If yes, please specify which unit(s): _____
- c. Have any tenants had eviction proceedings begun upon them?
Yes: ___ No: ___ If yes, please specify which unit(s): _____
- d. What has the vacancy rate of the unit(s) been during your ownership? _____
- e. Any other obligations of Tenants or Owner? _____

SELLER:

BUYER:

_____ Date

_____ Date

_____ Date

_____ Date

Smart Home Disclosure Addendum

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 user names, 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 (check all that apply). If you have checked a box on the line following each section please specify what is included, location and any other relevant information:

- Modems, gateways, hubs, access points
 - _____
- Exterior Cameras
 - _____
- Doorbell
 - _____
- Garage Door Keypad
 - _____
- Garage Door App Access Control
 - _____
- Door lock access control
 - _____
- Gate(s) access control
 - _____
- Sprinkler controls (app)
 - _____

- Solar or Energy Efficiency Controls
 - _____
- Smart Home System (Control4, Crestron, Elan Home Systems, Vantage Controls, etc)
 - _____
- Exterior lighting
 - _____
- Thermostat – HVAC
 - _____
- Thermostat – heated floors
 - _____
- Thermostat – heated driveway
 - _____
- HVAC – Minisplit
 - _____
- Interior lighting (plugs, light bulbs, switches)
 - _____
- Motorized window coverings
 - _____
- Speaker system
 - _____
- Security system
 - _____
- Appliances
 - _____
- Other: _____
 - _____
- Other: _____
 - _____
- Other: _____
 - _____

Sellers Signature Lines

Buyer Signature Lines

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