

# MLS & Rules Committee

## Agenda / Action Items



**Date:** 01.25.2024

**Time:** 1:30pm

**Locati** LBOR Office

**Co-Chairperson:** Beth Ham

**Co-Chairperson:** Vanessa Schmidt

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

### Committee Members:

Angela Shopper	Anna Clemente	Bailey Stuart	Cheri Drake	Chris Earl
Beth Ham	Erin Maigaard	Greta Carter-Wilson	Jill Ballew, President Ad Hoc	Katie Moore
Libby Grady	Lindsay Landis	Michelle Roberts-Freeman	Nicholas Lerner	Ryan Desch
Taylor LaRue	Vanessa Schmidt	William Perkins	Zach Dodson	

**P - Present**

**E - Excused Absence**

**A - Absent**

Guests (non-Quorum)

### AGENDA ITEMS

No	Topic	Done	Notes/Update
1	<b>Review Previous Meeting Minutes from 11.28.2023</b>		
2	<b>Update from LMLS Staff</b>		
	a. Review of MLS Offenses & Agent Responses if submitted to MLS Staff.		
	b. Consider creating a standardized Citation Policy - Defining a Repeat Violation, and Different Fines for Different Violations.		
	c. New forms release for updated Amendments to the Exclusive Buyer Agency Agreement and Listing Agreement, and sale of Residence Contingency Form.		
	d. With the new Amendments to the Exclusive Buyer Agency Agreement and Listing Agreement, is the LMLS to discontinue the use of the original Change Form?		
	e. Update on member request to require Zillow to use the time of day, in addition to list date, for new listings.		
3	Recommendation to make Bathroom fields (full, 3/4, 1/2) required fields. Relocate adjacent to Total Bath Areas Field.		
4	Recommendation to make the field for Total Bedrooms a required field. Relocate adjacent to Conforming & Non-Conforming Bedroom fields.		
5	Consider Request for MLS Access by the Douglas County Appraisers Office.		
6	LBOR Sales Contract regarding ACH of Earnest Money - Delayed Receipt of Earnest Money at Title Companies sideways with KREC.		

- 7 Consider Linking to Additional Information about Short Term Rentals within the Seller's Property Condition Disclosure.
- 8 Statistical Reporting - Consider request to publish a "Best Practices" or "Policy" regarding Statistical Reports in Paragon.  
(reported that agents have used other agent's volume production/standing in competition for clients. (After the Committee expanded reports to Agents in April 2018, Brokers discussed on 4/30/2018, and the Board approved on May 9, 2018)
- 9 Consider updates for the Buyer Agency Agreement, Exclusive Right of Sale, and Sales Contract - Transparency of Commissions
  - a. Convene a separate work group to work on these forms, rather than the entire Committee?
- 10 Consider creating a Cooperation and Compensation Agreement for use with Non-Members.
- 11 Discuss annual sales volume production awards for 2024: Create a special work group with both Brokers and Agents.
- 12 Consider Tabled Topics?
  - a. Readily Available to Show.
  - b. Fair and Equal Access for all.
  - c. Do we need policy/rules regarding Ancillary Dwelling Units (ADUs)?
  - d. Define "Reasonably Prominent" in IDX Rules.
- 13 **Next Meeting:** \_\_\_\_\_
- 14 **Adjourn:**

## MLS & RULES COMMITTEE ACTION ITEMS

No	Action	Due Date	Responsible Member	In Process	Done	Notes/Update
	Amendment to the Exclusive Right of Sale presented to the Board of Directors	11.13.2023	LMLS Staff - Rob	√		To Board of Directors
	Amendment to the Buyer Agency Agreement presented to the Board of Directors	11.13.2023	LMLS Staff - Rob	√		To Board of Directors
	Remove Buyer Name Field - Present Committee Recommendation to Board of Directors	11.13.2023	LMLS Staff - Rob	√		To Board of Directors
	Present recommendation from MLS & Rules to expand photos to 100 in Paragon.	11.13.2023	LMLS Staff - Rob	√		To Board of Directors
	Complete updates to the Amendment to the EROS and Buyer Agency Agreement	10.30.2023	LMLS Staff - Rob		√	For Committee Consideration.
	Gather information from Paragon about options in Photo Admin in Paragon	10.30.2023	LMLS Staff - Rob		√	For Committee Consideration.
	Gather information from KREC regarding disclosure of ID of Complainant	10.30.2023	LMLS Staff - Rob		√	For Committee Consideration.
	Pull Brokers together to work on Sale of Residence Contingency Form	09.18.2023 to 10.25.2023	Sub-Committee		√	For Committee Consideration.
	Sub-Committee to work on Sale of Residence Contingency Form	09.18.2023	LMLS Staff - Rob		√	For Committee Consideration.
	Draft - Contingency for Sale of Buyer's Property	09.12.2023	LMLS Staff - Rob		√	For Committee Consideration.
	Communicate Web API conversion timeline to MLS Vendor of IDX, VOW, and BO services.	07.20.2023	LMLS Staff - Rob		√	Deadline of 8/1, with RETS disabled for IDX, VOW, & BO by 10.01.2023.
	Create a new Detail Report specific to feedback provided by Appraisers.	In Appraiser's Hands at this time.	Member Appraiser and LMLS Staff	√		Waiting on the Appraiser for noted changes.

# MLS & Rules Committee

## Meeting Minutes



**Date:** 11.28.2023  
**Time:** 1pm  
**Locati:** LBOR Office

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

### Attendees:

<b>P</b> Cheri Drake	<b>P</b> Taylor LaRue	<b>P</b> Anna Wright	<b>P</b> Baliey Stuart	<b>E</b> Beth Ham
<b>P</b> Chris Earl	Erin Maigaard	<b>E</b> Greta Carter-Wilson	<b>E</b> Jill Ballew	<b>P</b> Katie Moore
<b>A</b> Libby Grady	<b>P</b> Lindsay Landis	<b>E</b> Michelle Roberts-Freeman	<b>P</b> Nicholas Lerner	<b>P</b> Ryan Desch
<b>E</b> Vanessa Schmidt	<b>E</b> Zach Dodson	<b>P</b> William (Bill) Perkins		

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

**Guests (non-Quorum)**      Darin Stephens, Emily Willis, Dennis Snodgrass, and Joy Neely.

### AGENDA MINUTES

No	Topic	Presenter	Done	Notes/Update
1	<b>Review Previous Meeting Minutes from 10/30/2023</b>			After review, <b>it was moved and 2nd to approve the previous meeting's minutes. Motion Passed.</b>
2	<b>Update from LMLS Staff</b>			The Committee reviewed and acted on numerous fines for MLS Offenses, which took nearly the entirety of the meeting. Following the report from LMLS Staff for a fine that was assessed in error, <b>it was moved and seconded to rescind the assessed</b> Following the report from LMLS Staff, <b>it was moved and seconded to deny Appeal #1. Motion Passed.</b> Following the report from LMLS Staff, <b>it was moved and seconded to deny Appeal #2. Motion Passed.</b> Following the report from LMLS Staff, <b>it was moved and seconded to deny Appeal #3. Motion Passed.</b> Following the report from LMLS Staff, <b>it was moved and seconded to fine Violation #4, with the consistent standard of \$500, but because this is a Broker, the permission level will not be reduced for future transactions. Motion Passed.</b> Following the report from LMLS Staff, <b>it was moved and seconded to fine Violation #5, with the consistent standard of \$500, but because this is a Broker, the permission level will not be reduced for future transactions. Motion Passed.</b> Following the report from LMLS Staff, <b>it was moved and seconded to fine Violation #6, with the consistent standard of \$500, but because this is a Broker, the permission level will not be reduced for future transactions. Motion Passed.</b>

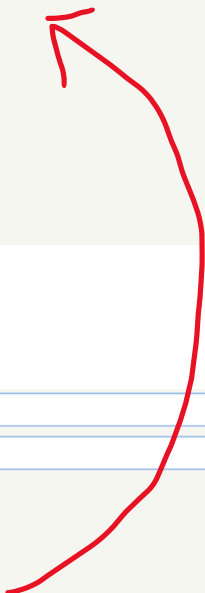
- 3 The Committee next had little time to discuss the recommendation for approval of the Sale of Residence Contingency. As a result, Staff will send the new form to the Committee via email for a vote of approval (subject to the change in 2.B.IV.i to remove the word "or."

Meeting was adjourned at 2:35pm, with the next meeting day and time to be scheduled in January of 2024.

## Bathroom Fields and Total Bedroom Field

General

(142)	Display on Internet/VOW	Yes	▼
(143)	Display Address/VOW	Yes	▼
(144)	Include Comment/VOW	No	▼
(145)	Include AVM/VOW	No	▼
(49)	Non-Conf Bdrms		
(48)	Conforming Bedrooms	R	
(50)	Bath Areas	R	
(51)	Garage	R	
(52)	Basement	R	▼
(55)	Style	R	▼
(56)	Water	R	▼



(113)	Other Room 3 Description	
(114)	Other Room 3 Dimensions	
(115)	Other Room 3 Level	▼
(116)	Total Bedrooms	
(117)	Baths-Full	
(118)	Baths-3/4	
(119)	Baths-1/2	
(120)	# of Primary Baths	
(121)	1st Floor Total SqFt	R

**From:** [Brad Eldridge](#)  
**To:** [Rob Hulse](#)  
**Subject:** Touching Base  
**Date:** Monday, November 6, 2023 12:38:00 PM

---

Hi, Rob. Hope you are doing well. I am reaching out to touch base on a few things.

Steve Miles retired earlier this year and I've been appointed by the County Commission as the next County Appraiser. Please consider me a resource if you or your membership has any questions or concerns regarding property valuations and property taxes in Douglas County. I'm also available if you'd like to schedule me as a speaker at one of your meetings. I presented at one of your Lunch and Learn meetings several years ago and enjoyed connecting with the folks who attended.

Our office currently receives weekly pending sale reports from your office. I think this is part of our affiliate membership that we have with LBOR. I'd like to see if we could expand our membership to have full access to MLS. I am a Certified General Appraiser in Kansas if that would help qualify me. My goal is to be able to export a spreadsheet with all active listings to incorporate in our market analysis.

I would also like to offer you similar information from the county's sale file. We can provide monthly sale reports that are unabridged and would provide you with access to all sales that have transacted.

Per K.S.A. 79-1437f(i), the county's sale information is available to "a person licensed pursuant to the real estate brokers' and salespersons' act for purposes of fulfilling such person's statutory duties and providing information on market value of property to clients and customers."

Technology and tools available for analyzing real estate continues to evolve. I look forward to finding ways to share information in a meaningful way to our peers in the real estate community. I'd like to put together a reciprocal relationship for sharing information between our offices.

Please let me know when you are available and we can schedule a time to talk about these things in greater detail.

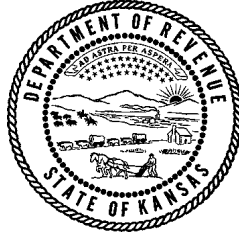
Best,

Brad Eldridge, MAI, CAE  
County Appraiser  
1100 Massachusetts St, Unit 1  
Lawrence, KS 66044  
785-832-5197 | [beldridge@douglascountyks.org](mailto:beldridge@douglascountyks.org)





**Mark S. Beck**, Director  
Kansas Department of Revenue  
915 SW Harrison St.  
Topeka, KS 66612-1585



(785) 296-2365  
FAX (785) 296-2320  
Hearing Impaired TTY (785) 296-2366  
Internet Address: [www.ink.org/public/kdor](http://www.ink.org/public/kdor)

## **Division of Property Valuation**

### **DIRECTIVE #98-033**

**TO:** County Appraisers

**SUBJECT:** Listing Prices and Fair Market Value

---

A question has arisen as to whether the "listing price" of property that is for sale can be considered its value for Kansas property tax purposes. The county appraiser shall not use the listing price of property as the sole criteria for determining the fair market value of property for Kansas property tax purposes.

By law, property other than land devoted to agricultural use, commercial and industrial machinery and equipment and certain motor vehicles must be valued based upon its fair market value for Kansas property tax purposes. (K.S.A. 79-501, K.S.A. 79-1439, K.S.A. 79-5100 *et seq.*, Kan. Const., art. 11, § 1, Kan. Const., art. 11, § 12) For Kansas property tax purposes, "fair market value" means:

[T]he amount in terms of money that a well informed buyer is justified in paying and a well informed seller is justified in accepting for property in an open and competitive market, assuming that the parties are acting without undue compulsion.

K.S.A. 79-503a.

K.S.A. 79-503a also requires a county appraiser to consider several factors when determining the fair market value of property for tax purposes. These factors comprise the three approaches to value: the sales approach, the cost approach and the income approach. All appraisers must consider and apply the three approaches to value in order to determine the fair market value of property when data to perform each approach is readily available.

When determining the validity of an appraisal for Kansas property tax purposes, the courts have repeatedly stated:

[T]he essential question is whether the standards prescribed in K.S.A. 79-503a have been considered and applied by the taxing officials. The assessment of real property which takes into consideration only some of the pertinent statutory factors of K.S.A. 79-503a cannot be upheld where

evidence indicates there has not been a uniform and equal rate of assessment and taxation in the county.

*In re Tax Appeals of Andrews*, 18 Kan. App.2d 311, 318, 851 P.2d 1027 (1993), citing *Board of Johnson County Comm'rs v. Greenhaw*, 241 Kan. 126-27. See also *Sunflower Racing, Inc. v. Board of Wyandotte County Comm'rs*, 256 Kan. 426, 442, 885 P.2d 1233 (1994).

The highest courts in Kansas have held that compliance with K.S.A. 79-503a is a vital factor in the determination of whether a tax assessment is uniform and equal. *In re Tax Appeals of Andrews*, 18 Kan App.2d 311, 317, 851 P.2d 1027 (1993).

The listing price of a property is not itself expressly mentioned as a factor that a county appraiser must consider when determining the fair market value of property for tax purposes. However, K.S.A. 79-503a does state that the appraisal process utilized for property tax purposes should conform with generally accepted appraisal procedures, when applicable. Uniform Standards of Professional Appraisal Practice ("U.S.P.A.P."), Standards Rule 1-5 provides:

In developing a real property appraisal, an appraiser must:

- (a) consider and analyze any current Agreement of Sale, option *or listing* of the property being appraised, if such information is available to the appraiser in the normal course of business;
- (b) consider and analyze any prior sales of the property being appraised that occurred within the following time periods:
  - (i) one year for one-to-four family residential property; and
  - (ii) three years for all other property types;
- (c) consider and reconcile the quality and quantity of data available and analyzed within the approaches used and the applicability or suitability of the approaches used.

Generally accepted appraisal procedures do provide that an appraiser should consider a listing price when determining the fair market value of property. However, it is wholly inappropriate for an appraiser to complete an appraisal simply by assigning the amount, or a percentage of the amount, of the listing price as the taxable value of a property. The listing price is simply one factor to consider when it exists; it is by no means the sole criteria of market value or the strongest indicator of market value.

A county appraiser must consider all the factors presented in K.S.A. 79-503a in order to determine the fair market value of property. A county appraiser cannot rely solely on a property's listing price as the basis for its fair market value.

Approved: \_\_\_\_\_ .

\_\_\_\_\_  
Mark S. Beck  
Director of Property Valuation