

MLS & Rules Committee

Lawrence Board of REALTORS®

Tuesday, May 24, 2022 – 1:00 pm to 2:30 pm

IN-PERSON Meeting (a Zoom link is also available)

Call to Order

Approve previous meeting minutes

Report from MLS Staff

Consider

1. Consider update to the “Commission Based On” field in Paragon to reflect existing MLS Rules & Regulations by adding:
Commission Based On: [Percentage of the Gross Sales Price](#)
[Percentage of the Net Sales Price](#)
[Definite Dollar Amount](#)
2. Discuss policy creation for “Fair and Equal Access” to listed properties, and to define readily available.
 - a. Broker Feedback regarding Agent Exclusive Visibility Type

Previously Passed by MLS & Rules Committee but returned to the Committee by the Board of Directors for further clarification.

FAIR AND EQUAL ACCESS TO LISTED PROPERTY:

*After considerable discussion about whether the MLS policy should continue to prohibit “No show until...” availability, or whether the Listing Agent should just be held to a standard of fair and equal access, **it was moved and seconded to enforce a \$1,000 fine to a Listing Agent who does not allow fair and equal access to listings in the MLS with a visibility type of “MLS Listing” (all MLS). Motion Passed on a vote of 7-2.***

*Further, with continued discussion about whether or not a property is, or is not, readily available, **it was moved and seconded to override and modify the existing policy that listed property must be readily available to show (prohibition on “No show until...”)**, by allowing Listing Agents to be more restrictive with a listed property’s showing availability, when the Seller has affirmatively directed the limited showing availability in writing. The threshold that requires a Seller’s approval in writing will occur when a listed property’s availability is reduced to 2/3 (or by 4 hours) in any given day, based upon the 8am-9pm window of opportunity to show. The Seller’s directive in writing will be determined by the Seller/Listing Agent, and will be uploaded into Associated Docs in Paragon, prior to the Listing Agent’s publishing of the more restrictive availability for showings. The Listing Agent can determine the visibility of the directive in Associated Documents, at the Listing Agent’s discretion. **Motion Passed.***

*As a result of the two actions taken above, the Committee discussed what the maximum amount of time that a Seller can direct showings to be withheld should be allowed. After discussion, **it was moved and seconded that regardless of the Seller’s directive, the maximum amount of time that a listing can be withheld without being available to show is 5 days. Motion Passed.***

3. Consider timeline/suggestions for Sales Contracts/Forms to be updated.
 - a. Suggested changes to be pulled together for discussion.
4. Add HERS Rating (Home Energy Rating System) as an MLS Field (Conditional Logic with New Construction). Suggested are 3 fields – HERS Rated Yes/No; HERS Year; HERS Rating (numeric field).
 - a. Consider Greening the MLS. <https://green.realtor/sites/files/2019-02/2014%20NAR%20Green%20MLS%20Implementation%20Guide.pdf>
This is a big topic and would be best if moved to a work group – or have staff do additional research.

2022 MLS & RULES

<i>Bailey Stuart, Chairperson</i>	McG
Ashley Qualls	HRE
Cheri Drake	McG
Chris Earl	SRE
Claire Vowels (<i>Excused</i>)	PFR
Jill Ballew (<i>Excused for late arrival</i>)	SRE
Libby Grady	SRE
Lindsay Landis	McG
Michelle Roberts-Freeman (<i>Excused</i>)	SRE
Mohammad Aldamen	EXP
Nicholas Lerner	McG
Ryan Desch	R+K
Shelly Milburn	BHGKC
Vanessa Schmidt	KWI
Victoria Perdue	KWI
Zach Dodson (<i>Excused</i>)	SRE
Rob Hulse, Staff Liaison	LBOR

Old/Tabled Business

1. Update from IDX Subcommittee to Establish Definition for “reasonably prominent” in IDX Rules:
 - a. Section 18.2.12: All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in a readily visible color and typeface not smaller than the median used in the display of listing data. (Amended 05/17) M
 - b. Sub-Committee Members: Nicholas Lerner (McG), Cheri Drake (McG), Drew Deck (RN), Tanya Kulaga (HRE), Jill Ballew (SRE), Michelle Roberts-Freeman (SRE), Victoria Perdue (KW), and Lindsay Landis (McG).
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.
3. Discuss submittals of a two-unit property on a single lot that is not well described as a duplex. Should a new category be added in multi-family, and should the Residential Class include an area for ancillary dwelling units?
4. Sellers choosing to Record Video and Audio at showings and/or open houses. Best practices shared by Danielle Davey, LBOR Legal Counsel.

New Business

Adjourn