

San Diego Paragon Rule Changes May 2020

California Regional Multiple Listing Service, Inc.



CRMLS.ORG | 800.925.1525

Effective May 1, 2020

SAN DIEGO PARAGON RULE CHANGES – MAY 2020

Citation Policy Changes:

Update summary on Rule 7.5: Failure to Timely Input a Required Listing Failure to Input Listing in MLS or Register Property

Modify fine amount for Rule 7.5: ~~\$500~~ 1% of the list price with minimum fine of \$500 not to exceed \$2,500

Modify Warning for Rule 7.5: ~~No~~ Yes

Add Rule 7.5.1: Failure to Submit Listing to MLS Upon Marketing a Property

Add fine amount for Rule 7.5.1: 1% of the list price with minimum fine of \$500 not to exceed \$2,500

Add Warning for Rule 7.5.1: Yes

Add Rule 7.6: Marketing or no written permission on a No Cooperation Listing

Add fine amount for Rule 7.6: 1% of the list price with minimum fine of \$500 not to exceed \$2,500

Add Warning for Rule 7.6: Yes

Add a second summary for Rule 9.8: Showing of a Coming Soon or Withdrawn Listing

Add a fine amount for Rule 9.8 (Coming Soon): 1% of the list price with minimum fine of \$500 not to exceed \$2,500

Add Warning for Rule 9.8 (Coming Soon): Yes

Remove Warning from Rule 10.1: Warning ~~Yes~~ No

Rules and Regulations Changes:

Addition of new:

7.5.1 Mandatory Submission upon Marketing. Within one (1) business day of marketing or advertising a property to any member of the public, the Listing Broker must submit the property into the MLS for cooperation with other MLS participants. Marketing and advertising includes, but is not limited to, any information about the property or its availability for sale displayed on any: signs, websites, social media, brokerage or franchise operated websites, communications (verbal or written), multi-brokerage or franchise listing sharing networks, flyers or written material, or on any applications available to the public, or by conducting an open house. Any individual or entity that has signed within the previous year a Disclosure Regarding Real Estate Agency Relationship form in compliance with CA Civil Code section 2079.16 that identifies the Listing Broker shall not be considered a “member of the public” under this rule.

Revisions to:

2. PURPOSE. CRMLS's Multiple Listing Service is a means by which authorized MLS Broker participants ~~establish~~ **decide to cooperate with one another for the benefit of each of their respective clients by establishing** legal relationships with other participants by making a blanket unilateral contractual offer of compensation and cooperation to other Broker participants; by which information is accumulated and disseminated to enable authorized participants to prepare appraisals and other valuations of real property for bona fide clients and customers; by which participants engaging in real estate appraisal contribute to common databases; and is a facility for the orderly correlation and dissemination of listing information among the participants so that they may better serve their clients, customers, and the public. **Acceptance of the offered compensation is determined by the Buyer Broker's performance as a procuring cause of the sale or lease consistent with these Rules.**

7.5 Mandatory ~~Submission-Delivery of Listing Agreement.~~ Broker participants shall electronically input or deliver listing input forms, of exclusive right to sell or exclusive agency listings on one or four units residential property and vacant lots located within the territorial jurisdiction of CRMLS, the combined territorial jurisdiction of all Shareholder Association to the MLS within forty eight (48) hours after all necessary signatures of the seller(s) have been obtained on the listing. Only those listings of property that are within the territorial jurisdiction of CRMLS of which the associations are a part must be submitted. Open listings or listings of Property located outside the CRMLS service area (see § 7.7) will be accepted if submitted voluntarily by a broker participant but are not required by the service.

7.6 ~~Exempted Listings No Cooperation Listings.~~ If the seller **in writing** refuses to permit the **property** listing to be ~~disseminated-marketed or advertised as defined by Rule 7.5.1, and also instructs the participant to not disseminate the listing in the MLS for cooperation~~ by the service, the participant shall submit to the service an authorization to exclude listing ~~(see Appendix C)(see CAR Form SELM)~~ from the MLS signed by the seller within forty-eight (48) hours after all necessary signatures of seller(s) have been obtained on the listing.

9.8 Availability to Show or Inspect. Listing Brokers shall not misrepresent the availability of access to show or inspect a listed property. **For any property in which Listing Broker selected a status of Coming Soon or Withdrawn, Listing Broker represents that the property shall have no showings or tours, whether conducted by Listing Broker or otherwise, until such time as the Property is placed in the Active status.**

10.7 Statuses.

On-Market Statuses

Active: A valid listing contract exists and no offer (with or without contingencies) has been accepted. Property is available for showings. This is an On-Market Status.

Coming Soon: A valid listing contract exists, and no offer has been accepted. The Listing Broker is in possession of a seller signed instruction to submit the listing as "Coming Soon". Marketing and Advertising as defined in Rule 7.9 is permitted and shall include language that the property is "Coming Soon" and shall include the date the property will become

Contingent: Matches criteria of MLS Rule 10.1.1 Offer has been accepted contingent on the sale of the buyer's property with 72 hour first right of refusal or offer has been submitted to lender or REO. This is an On-Market Status.

Off-Market Statuses.

Withdrawn: A valid listing contract is in effect, however the property is temporarily off the market **but marketing and advertising as defined in Rule 7.5.1 is permitted.** ~~and~~ **The property** is not ~~actively being shown~~ **available for showings consistent with Rule 9.8.** The system will expire the listing on its expiration date. This is an Off-Market status.

Pending: The Seller has accepted an offer. This is an Off-Market status.

Canceled: The listing agreement has been canceled in writing by the listing broker and seller. This is an Off-Market status.

Expired: The expiration date on listing agreement has been reached. The system will expire the listing during the nightly update. This is an Off-Market status.

Sold: Escrow has closed. This is an Off-Market status.

Rented: The property has been rented. This is an Off-Market status.