

# CRMLS Compliance FAQs

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California Regional Multiple Listing Service, Inc.



# CRMLS COMPLIANCE FAQ

This document serves as a comprehensive overview of the most frequently-asked CRMLS Compliance questions. To find more information on any category below, click [here](#).

## CRMLS Rules and Regulations & Citation Policy

### 1. Who makes the CRMLS Rules?

Agents and brokers determine the MLS Rules. CRMLS Rules and Regulations derive from models issued by C.A.R. and N.A.R. The CRMLS Rules Committee, composed of representatives from each of the Associations and Boards making up CRMLS, proposes additional rules. When the Rules Committee establishes new proposals, the CRMLS Board of Directors reviews and approves the rules and any associated fine amounts. Every committee involved in the process – the N.A.R. and C.A.R. MLS Committees, the CRMLS Rules Committee, and the CRMLS Board of Directors – consists of volunteer agents and brokers.

### 2. Where can I find the Rules?

You can find the CRMLS Rules and Regulations on our central site, [CRMLS.org](http://CRMLS.org). Click on the **Compliance tile**, then click on **Rules and Policies**. This will take you to a page with the Rules and Regulations and the Citation Policy. You can also access the Rules and Regulations directly by clicking [here](#).

### 3. Where can I find the Citation Policy?

You can find the CRMLS Rules and Regulations by clicking [here](#) or visiting our central site, [CRMLS.org](http://CRMLS.org). From here, click on the **Compliance tile**, then click on **Rules and Policies**. This will take you to a page with the Rules and Regulations and CRMLS Citation Policy.

### 4. Why didn't I receive a Warning Notice prior to a fine?

Some violations are eligible for a Warning Notice, but more serious violations and those that users cannot correct are not eligible. These types of violations generally result in immediate citations and fines. Our Knowledgebase details all violations that do not require a warning [here](#).

### 5. I don't agree with the CRMLS Rules and Regulations. Who can I contact?

Addressing a concern or disagreement with a rule or section of a rule begins at the Association or Board of REALTORS® level. Please reach out to your local Association and speak with its MLS Committee or CRMLS Rules Committee representative. All rules and regulations within our ruleset derive from C.A.R. and N.A.R. model rules. The Rules Committee (made up of a representative of each Association and Board) reviews and revises the rules on an ongoing basis, and the Board of Directors then has final authority to approve all changes. Initiating or making a rule change will require your local Association's involvement.

## Citations and Payments

### 6. I received an invoice from QuickBooks/Intuit. What is this?

In the event you commit a violation and a CRMLS Compliance Analyst issues you a citation, CRMLS will send a separate notice via QuickBooks/Intuit containing your invoice. CRMLS sends invoices

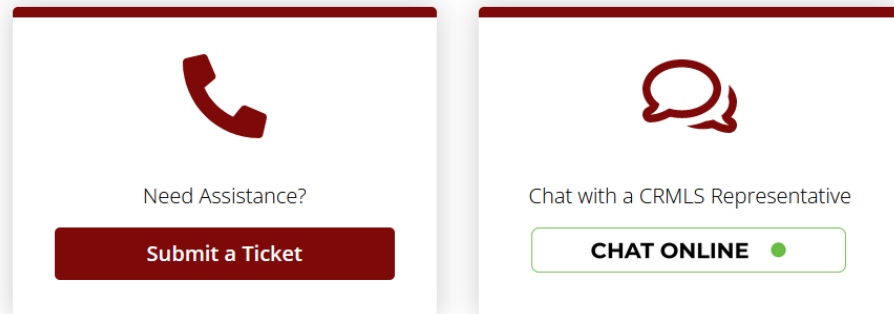
Revised  
10/3/2022

directly from QuickBooks to the email address that is on file in your MLS Roster within 1-2 business days of the citation date.

If you have any questions regarding your invoice, please contact CRMLS by calling our toll-free number or clicking on the support icons on the [CRMLS.org/support](https://www.crmls.org/support) page (pictured below).

**Customer Care Phone Support:** 800-925-1525, Option 1; Monday – Friday 8:30 AM – 9:00 PM and Saturday and Sunday 10:00 AM – 3:00 PM

**Customer Care Department Chat & Online Support:**



### **7. I don't want to pay the fine for the citation. What other options do I have?**

Within twenty (20) calendar days of the date CRMLS issues the citation, you have the option to either pay the fine or submit a request for a Citation Review. You can find the form to submit a Citation Review Request [here](#). Please do not call CRMLS to argue your defense; CRMLS Compliance Analysts do not have the authority to waive an issued citation. Pursuant to the C.A.R. Code of Ethics and Arbitration Manual, you should present evidence, arguments, facts, and equitable requests to a Professional Standards Panel at your Association or Board of REALTORS®, who will decide your case.

For more information on the Citation Review Process, click [here](#).

### **8. How do I pay my citation?**

For step-by-step instructions on how to pay your citation, click [here](#).

### **9. Can I pay my citation by credit card or debit card?**

Yes. We accept payment by both credit card and debit card.

### **10. Can I pay my citation by check?**

Unfortunately, CRMLS does not accept physical checks; however, we do accept e-checks. You can find this option on the invoice you receive.

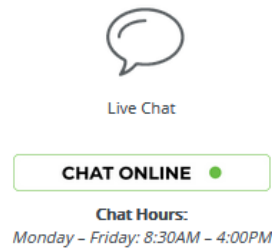
### **11. Where does my money go once I pay the fine?**

CRMLS uses half of the collected fine to help offset the costs of operating the Compliance Department. CRMLS provides the other half of the fine back to the local Association or Board to help offset costs incurred operating the Grievance Committee, Professional Standards, and the citation review process.

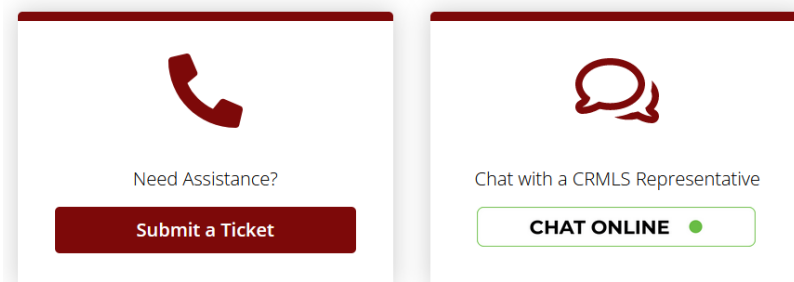
### **12. I received a Citation Notice, but never received an invoice.**

In the event you did not receive your invoice, our Compliance Department and/or Customer Care Department can provide that information to you via chat or a support ticket. Please click on one of the following icons at [CRMLS.org/support](https://www.crmls.org/support) to request your invoice link:

Compliance Chat (8:30 AM – 4:00 PM, Monday-Friday):



Customer Care Department Chat & Support (8:30AM – 9:00PM, Monday – Friday, and 10:00AM – 3:00PM, Saturday and Sunday):



### **13. My access to MLS services was suspended. How do I get reinstated?**

In the event CRMLS or your local Association or Board suspends your access to MLS Services, the only option available is to pay the fine and correct the violation that caused the citation. Once the suspension date passes, you have exhausted your right to a Citation Review.

### **14. My MLS services are suspended and I have since paid my fine. How long does it take to reinstate my access?**

Once CRMLS receives and confirms payment, the Compliance Department will also need to confirm that the listing agent or broker has made any corrections the citation required. CRMLS will reinstate MLS services within one (1) business day. Failure to correct the violation(s) may result in a prolonged suspension.

### **15. I never received an email or Warning Notice prior to the citation. What do I do?**

CRMLS rules require that you provide a current and regularly used email address in the event we need to communicate with you regarding potential violations and other important matters. It is not CRMLS's responsibility to ensure the email address on roster is accurate and monitored. If your email information is incorrect, please make the necessary updates as soon as possible.

In addition, certain violations do not require a warning and result in an immediate citation and/or fine. For a list and description of the violations require no warning, visit our [knowledgebase article](#).

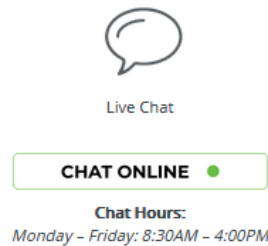
### **16. I received an email asking me to provide documentation for a case or asking me to correct the violation on my listing. What does CRMLS require of me in these situations?**

Follow the specific instructions outlined in the communication the Compliance Department has sent you. In all instances, you must provide requested documents or make corrections on your listing in the timeframe the email specifies. If you fail to comply with the instructions, you may be subject to an additional citation for failure to provide documents or to correct a violation.

## Communicating with Compliance

### 17. How do I communicate with a Compliance Analyst directly?

You can connect directly with a Compliance Analyst via live chat between the hours of 8:30 AM – 4:00 PM, Monday – Friday by clicking on the chat icon below. You can email inquiries outside of this time frame to us at [Compliance@crmls.org](mailto:Compliance@crmls.org).



You can also find the link for the Compliance Chat online by visiting [CRMLS.org](http://CRMLS.org), and then clicking on the Compliance tile. Access our online chat by clicking on the icon located on the left side of the Compliance home page.

### 18. CRMLS Compliance asked me to provide documentation for review. Where do I send it?

You can provide documentation, photographs, and other files as a direct response to the emailed inquiry, Warning, or Citation Notice, or as an attachment you send to [Compliance@crmls.org](mailto:Compliance@crmls.org).

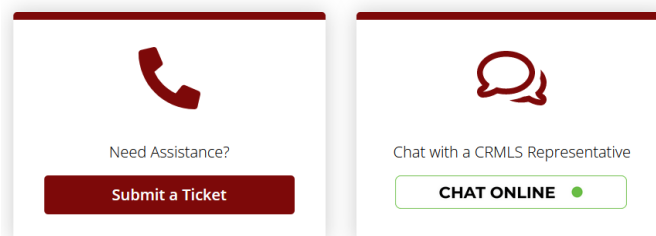
### 19. What if I want to discuss an issue outside of the set chat timeframe?

You can send an email to [Compliance@crmls.org](mailto:Compliance@crmls.org) for direct assistance outside of our chat hours.

If you'd prefer to speak with someone over the phone, our Customer Care Department can assist with many Compliance-related issues. Please reach out to them between the hours of 8:30 AM – 9:00 PM Monday-Friday and 10:00 AM – 3:00 PM Saturday and Sunday by calling the toll-free number or clicking on the support icons below:

Customer Care Phone Support: 800-925-1525, Option 1

Customer Care Department Chat & Online Support:



## Reporting Violations

### 20. How do I report a violation?

To report a violation, you may reach out to our Compliance Department via live chat, by email, or by submitting the report within your MLS platform. For any reports made by email or live chat, please ensure you include the MLS# or property address, if applicable. For instructions on how to report a violation within your platform, click on the applicable Knowledgebase article below:

Matrix users, click [here](#).

Paragon users, click [here](#).

Flexmls users, click [here](#).

## **21. Will I receive any information about the violations I report?**

Yes, you will receive an initial response confirming receipt of your report and other status reports at various points in the process of our investigation. However, CRMLS will withhold specific details regarding the substance or outcome of the case due to confidentiality requirements imposed by the MLS Rules and the C.A.R. Code of Ethics and Arbitration Manual.

## **22. Are violation reports confidential?**

CRMLS keeps all reports it receives and the results of investigations regarding potential violations strictly confidential from anyone outside of CRMLS or Association staff. CRMLS does not share who reported the violation, nor do we share with the reporting party what, if any, citations CRMLS issues to the violating party. Reporting party information is visible to CRMLS staff in the event our Compliance Department needs to reach out for additional information or documentation that will help assist in our investigation.

## **23. Does CRMLS actively monitor listings and search for violations?**

Most investigations begin with a report another agent sends in. All processed reports come to Compliance via the MLS platform, email, or our live chat. If the Compliance Analyst encounters an additional violation on a reported listing, the Analyst will address all violations associated with the listing together via inquiry emails, Warning Notices, or Citation Notices, depending on the violation.

CRMLS receives approximately 3,000 reported violations a month, and only about 10% of them result in a citation and fine. Most reported violations are corrected by the listing agent based on a Warning Notice; 20% of our investigations result in the Compliance Analyst concluding that the listing agent violated no rule.

## **24. Which Associations and Boards are within CRMLS Compliance's jurisdiction?**

Click [here](#) to view the CRMLS Staff Managed Compliance list.

**Please note:** We will defer reports on listings or listing agents outside of our jurisdiction to the appropriate Association, Board, or MLS for further review and processing.

## **Photographs & Media**

### **25. Can I remove images from a listing once it's in a finalized status (Closed, Cancelled, Expired)?**

If the listing is in a finalized status (Closed, Cancelled, or Expired), the MLS will not remove any photographs or other historical data, per state law and section 11.8 of the CRMLS Rules and Regulations. All information in the listing is important and necessary for market analysis,

appraisals, CMAs, etc.; and the photo content helps all MLS users understand the value of the property.

For more information regarding your options as a Listing Agent, Listing Office Manager, or Listing Broker, click [here](#).

**26. Can I put a photograph of the property on the MLS with my "For Sale" sign visible?**

No. This qualifies as "branding" and MLS rules prohibit this. Violations of this rule will result in removing the photograph and the CRMLS Compliance department issuing a citation, per section 11.5(e) of the CRMLS Rules and Regulations. Because a branding advertisement occurs concurrently with the publication of the media, this violation does not receive a Warning Notice, and CRMLS will issue a citation with a fine immediately.

**27. Does the primary photograph need to be an image of the exterior structure of the property?**

No. While at least one (1) photograph must be of a substantial portion of the exterior of the property, you do not need to post this photograph as the primary photo.

**28. Does the exterior photograph need to be an image of the front of the property?**

No. So long as the photograph includes a substantial portion of the exterior of the property, other views will satisfy the requirement.

**29. I have a land listing but cannot gain access to the property to take a picture. How can I fulfill the photo requirement?**

In these cases, you can use parcel maps you have downloaded from public sources that confirm in writing the right of the user to use the image. You may also use an accurate rendering of the property.

**30. Are YouTube links allowed in the Unbranded Virtual Tour field?**

If the channel is unbranded and the description includes general information regarding the property, yes. If the channel includes agent or brokerage information, logos, photos, or other information tying the channel to yourself or your brokerage, no. Please reference sections 11.5 and 12.5 of the CRMLS Rules and Regulations for further restrictions regarding virtual tours and other media.

For more information on Virtual Tours, click [here](#).

**31. Can I use images copied from Google or Bing on my listing?**

No. By submitting any media to the MLS, the Participant and Subscriber represent and warrant that they own the right to reproduce and display the media or they have procured such rights and all necessary licenses from appropriate parties. If you use any media copied from or supplied by a third-party source, you must support your use with pre-entry written documentation which authorizes the listing agent and broker to use the images on the MLS. Please note that Google and Bing limit the allowed uses of their images to "Non-Commercial" uses, and publication through the MLS is considered a commercial use.

**32. What documentation do I need if I am using photographs taken by a photographer?**

The listing agent and broker must obtain written documentation which authorizes the use of the images. This documentation may include but is not limited to the C.A.R. PIA (Property Images

Agreement) form, or an otherwise acceptable assignment of rights or license agreement. Whichever document you use must provide an irrevocable, unrestricted, transferable, perpetual, royalty-free, and non-exclusive (with right to sublicense) right to the MLS to use, store, reproduce, compile, display, and distribute the media as part of its compilation. CRMLS has observed that photographer-created license forms rarely provide the necessary license language even where they include reference to the MLS, and listing agents should review them carefully.

**33. My seller provided me with photographs of the property and wants me to use them on the MLS. Can I do this?**

If the listing agent and broker use photographs or media that they did not take themselves, they must obtain written documentation from whomever rightfully holds the required rights or licenses to grant use of the images authorizing the use of the images prior to the use of media. This documentation may include but is not limited to the C.A.R. PIA (Property Images Agreement) form, or an otherwise assignment of rights or exclusive license agreement. Whichever document you use, it must provide an irrevocable, unrestricted, transferable, perpetual, royalty-free, and non-exclusive (with right to sublicense) right to the MLS to use, store, reproduce, compile, display, and distribute the media as part of its compilation. You must obtain this from the seller if the seller is the creator of the content.

**34. What listings or statuses are exempt from the photograph requirement?**

Only Registered listings, listings cancelled within 5 days, and listings entered in the Business Opportunity property type are exempt from the requirement to have at least one (1) exterior photograph.

**35. The seller doesn't want any photographs of the property on the listing. How do I remain compliant?**

Within two (2) calendar days of entry, provide CRMLS Compliance with written instruction from the seller not to include photographs of the property on the MLS.

## Removing Listing Information from the MLS

**36. My client no longer wants their property listed on the MLS. What do I do?**

If you still have a valid Listing Agreement, you have two (2) options under Rule 11.8:

1. If you intend to enforce the terms of the listing agreement against your seller/client, then you must change the status to Withdrawn.
2. If the listing broker is willing to walk away from any claim for a commission, then the listing broker may change the status to Cancelled; however, this is entirely the listing broker's decision.

**37. Can I remove images from a listing once in a finalized status (Closed, Canceled, Expired)?**

See Question 25, above.

## Listing Exclusions

**38. Where do I submit an exclusion form?**



You do not need to submit your exclusion form to the MLS unless CRMLS Compliance requests it.

You must register listing agreements by entering excluded listings in the MLS using the "Registered" process. For instructions on how to register a listing agreement, click [here](#).

### **39. I forgot to register my listing. What do I do?**

Register the listing even if it is outside of the allotted two (2) day time frame, so it is on file for our records. Failure to enter a listing into the MLS within two (2) days of the effective list date and/or failure to register a listing with CRMLS within two (2) days of the effective list date may result in CRMLS issuing a citation for violating section 7.8 of the CRMLS Rules and Regulations. For more information on this subject, click [here](#).

### **40. How do I extend an exclusion form?**

To extend an exclusion period, obtain an updated C.A.R. Form SELM or equivalent exclusion form or modification of terms prior to the expiration of the initial exclusion period. The seller must sign all forms. Once you have obtained the requisite signatures, edit your Registered listing and update the Start Marketing Date. For step-by-step instructions on how to edit a Registered listing, click [here](#).

### **41. Can I submit the property into the MLS before the exclusion date noted on the submitted exclusion form?**

Yes, you may enter the listing in the MLS before the exclusion date noted on the submitted exclusion form. CRMLS recommends obtaining written documentation from the seller(s) which provides the listing brokerage authorization to enter the property before the date noted on the submitted exclusion form.

### **42. What does CRMLS consider "public marketing"?**

Marketing and advertising includes, but is not limited to: any information about the property or its availability for sale displayed on signs, websites, social media, brokerage or franchise operated websites, communications (verbal or written), multi-brokerage or franchise listing sharing networks, flyers or written material, applications available to the public, or open houses or showings.

**Please note:** Per Rule 7.9, you must enter listings in the MLS as Coming Soon or Active within one (1) business day of public marketing. For more information regarding Clear Cooperation Policy, click [here](#).

## **Registered Listings**

### **43. What is a Registered listing?**

CRMLS Rule 7.8 ("Mandatory Submission") requires listing brokers to submit their listings to the MLS within two (2) days of the effective date of the listing contract. Previously, this meant either putting the listing in the MLS as Active or Coming Soon or filing an exclusion/waiver form. This form informs the MLS about your listing while allowing you to keep the listing out of the MLS per your seller's instructions.

The Registered process allows agents and brokers to submit listing contracts to the MLS in compliance with Rule 7.8 without having to file an exclusion/waiver form (such as the C.A.R. SELM). Registered listings resemble excluded listings – they are neither displayed nor distributed through the MLS.

Only the listing agent, co-listing agent, office manager, co-listing office manager, listing broker, co-listing broker, Association/Board staff, and CRMLS staff have access to view and edit Registered listings.

#### **44. What information do I need when I enter a listing as Registered?**

You must enter the following:

1. Property Address
2. List Price
3. Effective date (List Contract Date)
4. Expiration date
5. The date in which marketing will begin (Start Marketing Date)

To access our Knowledgebase article on entering Registered listings, click [here](#).

#### **45. When do I need to enter a property into the MLS as Registered ?**

You must enter a listing within two (2) days of the effective date of any exclusive right to sell/lease or seller reserved listing agreement. This policy affects one to four-unit residential properties and vacant lots if the property is not otherwise entering the MLS (usually in a Coming Soon or Active status).

#### **46. What is the effective list date of a listing agreement?**

The effective date of a listing agreement is either:

- 1) The beginning date of the agreement, OR
- 2) The last date in which all necessary signatures were obtained, whichever is LATER.

#### **47. Is the C.A.R. SELM form or equivalent exclusion form still required?**

Yes, if you will never place the property in the MLS and therefore will never publicly advertise it (Paragraph 7.D(2) on C.A.R. Form RLA, Revised 6/20). You may also need a C.A.R. SELM form if you are using a version other than C.A.R. Form RLA, Revised 6/20.

**Please note:** You do not need to submit the C.A.R. SELM form to the MLS unless Compliance requests you to.

#### **48. What do I enter in the "Start Marketing Date" field?**

The "Start Marketing Date" is the date when public marketing of the property will begin. It should be the same date used in Paragraph 7.D(1) of the C.A.R. Form RLA. On the Start Marketing Date, you must update the listing status to Active, Coming Soon, Active Under Contract, etc.

**Please note:** If the seller wishes to exclude the listing from the MLS and doesn't want marketing to the public for the entire listing agreement period, the Start Marketing Date field should remain blank.

**49. What do I do if the seller will exclude the listing from the MLS for the entire listing agreement period?**

You still must enter the listing as Registered in the MLS within two (2) days of the effective date. If you are excluding the listing for the entire listing agreement period, you should leave the Start Marketing Date field blank.

**50. Can I enter a listing as Registered if the listing agreement is not in effect yet?**

No. An effective exclusive right to sell/lease or seller reserved listing agreement must be in place when the listing status in the MLS is Registered.

**51. Can I publicly market a property entered in the MLS as a Registered listing?**

No. MLS rules prohibit public marketing of a property that has been entered as a Registered listing. A listing must be in an Active or Coming Soon status within one (1) day of any public marketing for the property, per the Clear Cooperation policy, specifically set forth in CRMLS Rule 7.9.

**52. Can I market the property to agents working under the same DRE broker license number if the listing has been entered as a Registered listing?**

Yes, subject to limitations. If the listing broker office has a signed Agency Disclosure form with the prospective buyer, any agent under that listing broker's license can market or show the home to that buyer. This permission does not extend to all agents under the broad banner of a real estate franchise; it is specific only to the agents listed under the broker's license number as per the DRE.

**53. Can I or anyone within my brokerage show a property that has been entered as a Registered listing?**

Yes, subject to limitations. If the listing broker office has a signed Agency Disclosure form with the prospective buyer, any agent under that listing broker's license can market or show the home to that buyer. This permission does not extend to all agents under the broad banner of a real estate franchise; it is specific only to the agents listed under the broker's license number per the DRE.

**54. What does CRMLS consider public marketing?**

See Question 42, above.

**55. If a broker cannot publicly market a Registered listing, how can the listing go straight from Registered to Pending status?**

If a broker has a Registered listing, and then enters a contract with one of their existing clients (defined as any person or entity with whom the broker signed an Agency Disclosure Form within the last year), then the broker can move the property from Registered to Pending. In that case, the broker has done no public marketing.

**56. How do I Register a property?**

For step-by-step instructions, click [here](#).

### **57. What if I made a mistake?**

You can edit a Registered listing by following the steps outlined [here](#). If the Property type is inaccurate, you will need to create a new Registered listing. Please contact your local Association/Board or CRMLS Compliance for the removal of the incorrect listing.

Click [here](#) to chat live with a Compliance Analyst Monday-Friday, from 8:30am-4pm, or submit your ticket [here](#).

### **58. Is it possible to modify the Start Marketing Date after submission?**

Yes. The listing agent, co-listing agent, office manager, co-listing office manager, listing broker, and co-listing broker can modify the Start Marketing Date.

### **59. How do I extend the original Start Marketing Date?**

The Sellers will need to sign a new C.A.R. form SELM or equivalent form before the original Start Marketing Date and specify the new date. Then you can modify the Registered listing's Start Marketing Date accordingly. Make sure to do so within two (2) days of the date of the new SELM/change form.

For example, if a seller who selected an initial Start Marketing Date of 6/1/2021 wants more time, they will need to sign a new SELM or equivalent form prior to 6/1/2021 that specifies the new Start Marketing Date.

### **60. My seller accepted an offer while my listing was in Registered status. What do I do now?**

If the seller wishes to keep the property off the MLS until the Start Marketing Date, the listing can remain as Registered. On the Start Marketing Date, you may update the listing from Registered to Active or Coming Soon, and then to Pending or Active Under Contract.

If the seller wishes to enter the listing prior to the Start Marketing Date, you must obtain written authorization from the seller before updating the listing from Registered to Active or Coming Soon. Once the listing is in an Active or Coming Soon status, you can update the listing status to Pending or Active Under Contract as per usual.

For step-by-step instructions on how to update the Registered listing to Active or Coming Soon, click [here](#).

### **61. The property sold while the listing was still in Registered status. What do I do now?**

If the property sells and the listing is still in Registered status, you can enter the listing into the MLS as a comparable sale at the broker's discretion. You can update the listing from Registered to Active or Coming Soon, and then to Closed. If you do choose to enter the comparable sale, you must enter it within two (2) days of the close of escrow date.

For step-by-step instructions on how to update the Registered listing to Active or Coming Soon, click [here](#).

### **62. Is it possible to extend the expiration date after submission?**

Yes. The listing agent, co-listing agent, office manager, co-listing office manager, listing broker, and co-listing broker can extend the expiration date after submission.

### **63. Is it possible to shorten the expiration date after submission?**

Yes. However, only the office manager, co-listing office manager, listing broker, or co-listing broker may make this change.

### **64. How do I access my Registered listings?**

For step-by-step instructions, click [here](#).

### **65. How do I update a Registered listing to Active or Coming Soon?**

You can update a Registered listing by following the steps outlined [here](#). Once you are on the input listing screen, click on the Property Type specific to the subject property (located below the Register Listing Contract input option). Complete the listing input form as per usual.

**Please note:** All completed fields on the Registered listing will copy onto the new input form. The previously assigned MLS# will remain unchanged.

### **66. Are there any restrictions on going from Registered to Active?**

No. You can move a listing from Registered to Active status at the listing broker's discretion. If you enter the listing prior to the Start Marketing Date, you must obtain written authorization from the seller. However, you do not need to provide that documentation to CRMLS unless Compliance requests it.

### **67. Is a photograph required for a listing in a Registered Status?**

No. However, you have the option to include photographs.

**Please note:** If you update the listing to Active or any other status, you must upload at least one photograph that features a substantial portion of the exterior structure within two calendar days of the status update.

### **68. What is the difference between Registered vs. Coming Soon?**

Click [here](#) to access our Knowledgebase article discussing the differences between Registered vs Coming Soon.

## Coming Soon Status

### **69. How does Coming Soon work?**

The Coming Soon status allows listing brokers and agents to place a listing in the MLS for cooperation for up to **21 days** (except New Construction Listings) while the property is prepared for showings (staging, professional interior photos, repairs, etc.). Because no showings are allowed while the listing is in Coming Soon, Days on Market (DOM) will not accrue during the Coming Soon period.

The listing will automatically update from Coming Soon to Active on day 22 after the listing's input date or on the Start Showing Date, whichever is earlier.

#### **70. Is it possible to extend the Coming Soon status beyond 21 days?**

No. No one can extend the 21-day limit on a listing in Coming Soon status under any circumstances (except New Construction Listings), and the MLS system will not allow you to select a date more than 21 days from the entry date. Should you need more time, you may place the listing in the Hold status.

#### **71. How is Coming Soon unique?**

- You can only use Coming Soon for a maximum of 21 days (except New Construction)
- Showings of any kind are not permitted, by the listing broker or otherwise
- Days on Market do not accrue while in Coming Soon
- Coming Soon listings do not go out from the MLS in listing distribution data feeds; however, they do go out in VOW data feeds

#### **72. When do the Days on Market for a listing start accumulating?**

"Days on Market" or "DOM" for a listed property measures the number of days that a property is listed in the Active or Active Under Contract statuses in the MLS. Once a listing first appears in Active or Active Under Contract status, DOM begins to accrue.

**Please note:** DOM is NOT a measure of how many days that the property has been in the MLS.

#### **73. Can I market a Coming Soon listing?**

Yes. You may market a listing in the Coming Soon status to any consumer, whether they are existing clients of the brokerage or not, with flyers, For Sale signs, social media posts, etc., so long as the marketing clearly labels the listing as "Coming Soon." However, you may not conduct showings or open houses.

#### **74. What does CRMLS consider "Marketing" and "Advertising"?**

See Question 42, above.

**Please Note:** You may market or advertise a Coming Soon property with any of these methods EXCEPT by showing the property or conducting an open house.

#### **75. Do the Clear Cooperation rules apply to a listing in Coming Soon status?**

No. Clear Cooperation rules require that a listing broker must enter any off-MLS listing that anyone markets to the public in the MLS for cooperation within one (1) business day of the marketing. However, once a listing is in the MLS for cooperation, such as a Coming Soon listing, the concept of Public Marketing is irrelevant. Listing brokers and agents can market listings that are in the MLS to anyone.

#### **76. Who can see Coming Soon listings?**

Coming Soon listings have limited distribution: They will be visible in the MLS, but will not be included in the data feeds sent to real estate portal websites, or in data feeds for agent or broker IDX websites. However, Coming Soon listings in San Diego County will go out to IDX feeds for applicable brokers. Applicable brokers are those who participate in CRMLS and have Coming Soon listings for properties in San Diego County, regardless of their MLS system or Association or Board

membership. This does not affect any CRMLS listings outside of San Diego County. Coming Soon Listings will be included in Virtual Office Websites ("VOW") data feeds.

**77. Can I show a property in the status of Coming Soon?**

No. No one can show Coming Soon listings to anyone under any circumstances. This includes but is not limited to Virtual Open Houses and Virtual Showings.

**Please note:** If you plan to show the property, you must update the listing status to Active or Active Under Contract prior to the showing date.

**78. Can I advertise a future open house while the property is in the Coming Soon status?**

Yes. You can advertise an open house and disclose the date when the property will become available for showings. However, you may not show the property prior to the date disclosed unless you update the listing to the Active status.

**79. Can I promote a Coming Soon listing to an agent working under a different DRE broker license?**

Yes, this is permissible while a listing is in Coming Soon status. In Coming Soon, CRMLS allows all public marketing, but prohibits showings and open houses.

**80. What is the difference between an Exclusion Form and a Coming Soon form?**

An Exclusion form is an instruction from the seller that states that a property will not go into the MLS at all or until a later date. The C.A.R. Seller Instruction to Exclude Listing From Multiple Listing Service (C.A.R. SELM) includes disclosures related to the specific effects of excluding a listing from the MLS, including that the property will receive limited exposure, as it is not available for cooperation on the MLS.

The Coming Soon form is an instruction from the Seller to input the property in the MLS as a Coming Soon listing. This form includes disclaimers and disclosures regarding limitations to exposure, e.g. CRMLS does not permit property showings while in Coming Soon status. Additionally, the Coming Soon form allows the seller to advise when the property will be available for showings. You can find the Coming Soon form in zipForm under the CRMLS library and on our website by clicking [here](#).

**81. Is a Coming Soon form required?**

Yes. The Coming Soon form is required. You must obtain a seller-signed copy prior to using the Coming Soon status. However, you do not need to provide the form to CRMLS unless Compliance requests it. You can find the Coming Soon form in zipForm under the CRMLS library and on our website by clicking [here](#). CRMLS recommends using the most recent version of any form, though any version will be acceptable. Failure to obtain a Coming Soon form is a violation of CRMLS Rule 10.1 and will be subject to a citation and fine amount of \$750.00.

**82. Do I have to submit the Coming Soon form to CRMLS?**

No. You must obtain a seller-signed copy and keep it in your office files, but you do not need to provide the form to the MLS unless Compliance requests it.

**83. Does a listing in Coming Soon status require a Listing Contract?**

Yes, pursuant to Rule 8.1 and Ca. Civil Code sections 1086 and 1088, CRMLS requires a valid listing agreement because the property is in the MLS for cooperation. Entering a listing in the MLS prior to an effective agreement being in place will result in a violation of CRMLS Rule 8.1, citation, a fine in the amount of \$1,500, and the immediate removal of the listing.

**84. How do I enter a listing as Coming Soon in the MLS?**

Click [here](#) for step-by-step instructions.

**85. I entered a listing as Active instead of Coming Soon. How do I fix it?**

Please contact CRMLS Compliance as soon as possible. To chat live with a Compliance Analyst Monday-Friday from 8:30am-4pm, click [here](#).

**86. Do Coming Soon listings still require a photograph?**

Yes. Per Rule 11.5.1, you must upload an exterior photograph that displays a substantial portion of the exterior structure of the property for all listings except Business Opportunity, Registered, and agreements cancelled within 5 days of entry. Coming Soon listings are not exempt from this requirement.

**87. Can I add a virtual tour to a Coming Soon listing?**

Yes. CRMLS provides two separate fields to add an unbranded and branded virtual tour URL.

**88. Can a buyer present an offer or can a seller accept an offer while a listing is Coming Soon?**

Yes. A buyer can make an offer can subject to inspection, or otherwise according to the parties' agreement.

**89. Can a listing go from Coming Soon to Pending or Active Under Contract?**

Yes. While a listing is in Coming Soon status, buyers may present offers and sellers may accept them.

**90. Can I modify the Start Showing Date once I have entered the listing as Coming Soon?**

Yes. You must make the change prior to the current Start Showing Date. The new Start Showing Date cannot exceed the 21-day time frame allotted for Coming Soon (except New Construction Listings).

**91. Do IDX (Internet Data Exchange) and VOW (Virtual Office Website) data feeds from CRMLS include Coming Soon listings?**

Coming Soon listings have limited distribution: they will be visible in the MLS, but will not be included in data feeds sent to real estate portal websites or in data feeds for agent or broker IDX websites. Coming Soon listings appear in VOW feeds, which brokers use in a more substantive way than IDX feeds. To learn about IDX and VOWs, please visit our Knowledgebase article [here](#).

**92. Do Listing Distribution data feeds from CRMLS include Coming Soon Listings?**

No. CRMLS Listing Distribution feeds do not include Coming Soon listings. They will not appear on listing distribution sites unless a site allows listing brokers to place Coming Soon listings independently on the website. To learn about the differences between IDX, VOW, and listing distribution, please visit our Knowledgebase article [here](#).



**93. Do I need to enter a New Construction Listing ("NCL") within 1 business day of public marketing?**

Yes. However, an NCL is not subject to the 21-day limit and can be listed as Coming Soon until the appropriate body issues a certificate of occupancy.

**94. What is the difference between Registered vs. Coming Soon?**

Click [here](#) to access our Knowledgebase article discussing the differences between the Registered vs Coming Soon.

## Accuracy of Information

**95. The property includes additional square footage that is not permitted. How do I show this on the MLS?**

Place the actual and true square footage of the property into the MLS. The information on the MLS must be accurate and represent the actual bedroom count, bathroom count, and square footage found at the property. Please keep in mind that if the actual square footage is different than what shows on the tax records, CRMLS advises entering comments in the Private Remarks section explaining the difference. This may help prevent reports of potentially inaccurate information. CRMLS may reach out to the listing agent for documentation to confirm information that is inconsistent with public sources such as tax records. CRMLS recommends having documentation to support any such information entered in the MLS.

**96. Assessors have not yet assigned a parcel number to the property I am listing. How do I enter this on the MLS?**

If the property lacks an APN and county assessors cannot locate or establish it, you may leave the APN blank. Once assessors assign the APN, it is the agent's and broker's responsibility to update the listing accordingly.

**97. What role does information contained in public records play in relation to the accuracy of information in my listing?**

CRMLS encourages agents to check public records when entering information in the MLS. While county records may contain inaccuracies, it is common for real estate professionals to report violations on a listing when listing information varies from public records. If there is evidence that the county public records are inaccurate or do not reflect the current state of the property, CRMLS encourages real estate professionals to work with the seller to get information corrected at the applicable county. Further, if public records and the actual state of the property differ, CRMLS advises that the listing agent describes and/or explains the differences in the Agent Remarks field within the listing.

**98. What should I do if I cannot determine or select the right Area for my listing, or the Area choices are incomplete?**

Local Associations of REALTORS® create and identify Areas. The MLS requires them to further identify the location of the listing. A listing agent must use the accurate area for all listings. If you are unable to identify or select the correct area, you should contact the local Association for assistance.

**99. I want my listing to state that the property is in a specific city. To what extent am I allowed to make that choice?**

If the property is located within the city limits of any city, you must identify the location of the property as being in that city. If the property is in an unincorporated area of a county, then CRMLS will accept a listing agent's choice of city where the choice is consistent with any of the following criteria:

- A post office that identifies the chosen city serves this property;
- the property is located within a zip code for the chosen city, so long as the property is not within the limits of a different city;
- or, tax records show that the property is located within the chosen city.

**100. My listing property was rebuilt. What can I enter in the "Year Built" field?**

If the property has been replaced, even in stages, then you can enter the year that the property replacement was completed as the Year Built. However, the stages of construction cannot stretch out for an unreasonable time. Additionally, the outset of the construction/remodel must have included the removal of the majority of the original structure.

## Property Types, Property Subtypes, Structure Types, and Common Interest

**101. Can I enter my listing into multiple Property Types?**

Yes. It does not violate the CRMLS Rules and Regulations to enter a listing into the MLS under more than one (1) Property Type, so long as all Property Types accurately depict the property.

**102. I have a property in more than one property type, but it sold. What do I do with the other listings?**

Once a seller accepts an offer on a property, you must change one (1) listing to Pending or Active Under Contract. You will need to change the other(s) to Withdrawn. Once the property sells, change the Withdrawn listing(s) to Cancelled. For example, an agent enters a property into both Residential and Residential Income, and then sells to an owner occupier under Residential. The listing agent would change the Residential Income listing to Withdrawn with the opening of escrow, and then modify it to Cancelled once the property sells. The agent would change the Residential listing to Closed, as per usual.

**103. How do I correctly determine the Common Interest for my listed property?**

CRMLS uses Common Interest to describe the type of ownership in the property offered for sale consistent with the ownership types recognized under California law. Specifically:

- "None" if no common interest aspect applies to the ownership of the listed property.
- "Condominium" when selling a Unit as defined within a condominium plan. In a Condominium, the owner does not hold title to any individual parcel of land. Rather, the Property description in the deed for a condominium usually references a "Unit." The term Unit indicates that a condominium owner receives title primarily to a cube of airspace without receiving undivided ownership of any underlying land or structural improvements as part of the individual ownership.

- "Planned Development" ownership includes an individual interest in a parcel of land (usually a subdivision lot), the structural improvements situated on the lot, and a common ownership interest in some common area. While a Planned Development (sometimes called a Planned Unit Development or "PD/PUD") and a Condominium may look similar, the distinguishing characteristic of a PD/PUD is the ownership of an individual parcel of land. The property description in the deed for a PD/PUD usually references an individual "Lot."
- "Stock Cooperatives" are owned by a corporation. Instead of buying a Unit, buyers into a stock co-op buy shares of stock that give them the right to occupy a particular apartment once they sign an Occupancy Agreement or Proprietary Lease. Because the arrangement is more akin to a landlord-tenant situation, the corporation's board of directors can screen buyers to determine if they are financially stable enough to buy into the development.
- "Community Apartment" (also known as "Own-Your-Own") is a development where members own the entire project in common (including the units) and are given an exclusive right to lease an individual apartment within the building.
- "Time Share" conveys an interest in real property, either perpetual or for a term of years, coupled with a right to use the accommodations.

For more information regarding property types, property subtypes, structure types, and common interest, click [here](#).

#### **104. How do I correctly determine the Structure Type for my listed property?**

The Structure Type describes what the physical building looks like. This description should encompass the entire building structure, even if the unit for sale is only a part. If the building contains only two units, then it is a Duplex; if only three units, then it is a Triplex; if four units then a Quadruplex. Anything with five or more units is a Multifamily building. A standalone structure with only one kitchen on its own lot is a House. The key in selecting the proper Structure Type is to focus on what the entire building looks like, not on ownership interests or use.

For more information regarding property types, property subtypes, structure types, and common interest, click [here](#).

#### **105. How do I correctly determine the Property Subtype for my listed property?**

The Property Subtype describes what the seller is offering for sale. It is the statement indicating what type of property the buyer will own upon close of escrow. It is typically the word a buyer or seller who is not a real estate professional would use to describe the type of property. This is the description that buyer's agents rely on to determine the properties that meet their buyers' specific requests. Under the concepts of broker cooperation, listing agents have a duty to properly categorize the Property Subtype so that buyers' agents do not pursue a Property Subtype that fails to meet their buyers' instructions. This is also the description that CRMLS will send out to syndication and IDX websites.

For more information regarding property types, property subtypes, structure types, and common interest, click [here](#).

## "Auto Sold" Listings (Applicable to Matrix users only)

#### **106. The MLS system switched my listing to "Closed" status. Why did this happen and what should I do now?**

When you place a property in Pending or Active Under Contract status, the MLS system will require you to input an Estimated Close of Escrow date. As that date approaches, the system will repeatedly ask that you confirm or update the closing information. If you do not do so within 5 days after the estimated date, the system will place the listing in Closed status using the information that you put in the system. After that date, you must provide confirmation or corrected information directly to CRMLS.

For a more detailed explanation of this process, please refer to our Knowledgebase article located [here](#).

**107. My listing is Auto Sold (  ). How do I correct it?**

Once the MLS system automatically closes a listing, the listing locks and the listing agent or broker cannot access it. The listing agent or broker must submit an Auto Sold Correction Form to CRMLS for correction. Find the correction form [here](#).

**108. If information on my listing is correct and it enters Auto Sold status, is it still a violation, and do I still need to submit the Auto Sold Correction Form?**

Yes and yes. You **must** manually modify any listing in Pending or Active Under Contract status to Closed status upon closing escrow. Allowing Matrix to close the listing on your behalf is a violation of section 8.3 of the CRMLS Rules and Regulations, as there is no confirmation regarding the sold information's accuracy.

## Property Descriptions and Public Remarks

**109. Can I include showing instructions in the Property Description field?**

No. The property description field and any other public remarks field may not include information regarding showing instructions, open houses, agent or brokerage names, phone numbers, website addresses, email addresses, or compensation. The property description relates to the marketing, description, and condition of the property only.

**110. Can I include my personal or contact information in the Property Description field?**

No. The property description field and any other public remarks field may not include information regarding showing instructions, open houses, agent or brokerage names, phone numbers, website addresses, email addresses or compensation. The property description relates to the marketing, description, and condition of the property only.

Links to external websites of any kind, including but not limited to, agent or broker sites, video tours, virtual showing or open house tools, vendor sites, or offer submission/application/auction platforms is also prohibited, along with solicitations or invitations for the public to contact the listing agent or broker or any third parties affiliated with the listing agent or broker.

**111. What other limitations apply to the Public Remarks in the listing?**

You may not include information that may compromise the seller's or property's security, including but not limited to gate codes, lockbox information or combinations, or security codes; occupancy status; For Sale by Owner information; open house information. Branded content will be found in violation, as well as information directed toward agents or brokers, including but not limited to, references to compensation or bonuses.

Content that violates Fair Housing or other applicable law or that is deemed discriminatory, illegal, defamatory, offensive, or otherwise inappropriate is not allowed in the property description field. CRMLS reserves the right to remove and issue citations for any inappropriate content.

For more information regarding legal issues related to public remarks, please refer to our Knowledgebase article located [here](#).

## Listing Input

### **112. I own an interest in the property I am listing. Do I still need a listing agreement to enter the property into the MLS?**

Yes. Under Rule 8.1 of the CRMLS Rules and Regulations and as required by California law, all listings in the MLS must have a valid and complete listing agreement in place prior to submitting into the MLS. Please be aware of possible Errors & Omissions insurance issues that may limit coverage for an "unlisted" property.

### **113. Can I cancel a listing and then relist the property as "new" in the MLS?**

So long as the listing agent obtains all necessary documentation and the seller signs it, a cancel and relist is allowed in the MLS. If the listing agent does not have all the necessary documentation, this may prompt CRMLS to issue a citation and remove the most recent listing from the MLS. Please be aware that while the DOM will reset, the CDOM will still calculate the time on market from the original list date. CRMLS does not control how any portal or IDX website decides to calculate its own DOM or CDOM.

### **114. I am a property manager. What do I need to have to list my managed properties in the MLS?**

As with all listings in the MLS, you must have a valid listing agreement in place prior to entry. For property managers, if your property management agreement with the property owner(s) expressly sets forth the right to list, this should be sufficient. If you have questions or concerns regarding the sufficiency of your management agreement in this regard, please contact CRMLS Compliance prior to entering your listing.

### **115. How do I list a timeshare for sale?**

You can enter timeshares in the MLS under the Residential property type and the Timeshare sub-type. CRMLS cannot advise the agent which documents they need to list such property; however, you must provide a listing agreement of some kind if CRMLS requests it. Refer to your broker for additional assistance on what documentation you need prior to submitting to the MLS. In addition, you should include all information regarding the shared interest and dates for the timeshare, although it is not required. You cannot enter a timeshare located outside of California in the MLS unless the listing agent holds a real estate license for the state in which the property exists. If CRMLS finds that the listing agent only holds a real estate license for the state of California, we will remove the associated listing from the MLS.

### **116. My seller excluded a property for the entire listing agreement period. Can I still add a listing in the MLS as a comparable?**

If the seller accepted an offer during the listing agreement period and closed escrow, you may enter the property in the MLS as a comparable. However, you must enter it within 2 days of the

property closing escrow. Failure to submit the listing in the MLS in a timely manner will result in a violation of Rule 10.2 and CRMLS issuing a citation and fine.

For more information regarding entering a listing as a comparable, click [here](#).

**117. I represented the buyer(s) and only have a Single Party Compensation Agreement. Can I still enter the property into the MLS as a comparable?**

Yes. In accordance with Rule 10.2 of the CRMLS Rules and Regulations, if an agent wants to enter a property in the MLS for comparable purposes only and has obtained an effective Single Party Compensation Agreement, the agent/broker is free to do so. When entering the comparable sale in the MLS, all dates and other pertinent information must be accurate. In addition, the agent must still enter the property in the MLS within 2 days of the property closing escrow and include at least 1 exterior photograph of the property. An agent who only represented the buyer must contact their local Association or Board after submitting the listing for further assistance.

For more information regarding entering a listing as a comparable, click [here](#).

## Social Media

**118. What does CRMLS consider social media?**

Social media is a form of electronic communication (such as internet or mobile applications) through which users create or join online communities to share information, ideas, personal messages, and other content (such as videos, photos or linked information sites or platforms). Prominent examples include Facebook, Twitter, Instagram, TikTok, and Snapchat. Note that CRMLS does not consider sites where users simply post or promote information via the internet apart from a social network or community, such as a public website (e.g. Craigslist), as social media.

The MLS's more general advertising rules, such as Rules 12.8 and 12.10, govern those advertisements outside the scope of social media rules. These general advertising rules prohibit advertising another broker's listing without prior consent and state that any advertisement of another broker's listing cannot misrepresent information or mislead consumers.

**119. What does CRMLS consider advertising in the social media context?**

Advertising is the promotion of a specific listing via any distribution method or media type. In a social media context, examples include but are not limited to:

- A link on a page or feed which leads to a site or platform displaying the listing and its attributes;
- A video or photos of the listing a user uploads or posts to a social media platform;
- User-created content, including information about a listing that a user uploads or posts to a social media platform

**120. Can I advertise my listings on social media?**

Yes, provided your advertisements are truthful (see MLS Rule 12.10).

**121. Can I advertise another agent's listing on social media?**

Only if you have obtained the listing broker's written permission to advertise the property before you post, and you are not presenting the information in a way that is misleading.

## **122.What constitutes a listing broker's permission to advertise their listing?**

There are two ways to obtain a listing broker's permission to advertise their listing in a social media context. The first is to get permission expressly, directly from the broker via written communication. The other way is to use a compliant IDX feed as the source of your social media post. For example, if you post a link on your social media feed that leads back to your broker's IDX website, you would be acting with the permission of the listing broker.

Per Section 12.16 et seq of the Rules and Regulations, listing brokers give their permission that the MLS's IDX feed may include their listings, including uses for social media posts. You may not screen shot or copy a photo into your social media platform and then draft your own post content. You must create the social media post using a link that will take the consumer back to the IDX website which you linked the post.

For a more detailed review of IDX, please click [here](#).

## **123.What constitutes "misleading" or "false" advertising or representations?**

In large part, Rule 12.10 concerns misrepresentations of the advertising agent's relationship to the property. Specifically, CRMLS will consider any advertisement that makes it look as though the advertising agent is the listing agent a violation of this Rule. This type of misrepresentation is one of the most common problems with social media advertisements. Agents and brokers should carefully guard against it. For a more detailed perspective, CRMLS advises carefully reviewing Rule 12.10 prior to any advertising that involves MLS content.

## **124.Can I post "Coming Soon" information on social media?**

"Coming Soon" advertisements are subject to the same rules regardless of platform.

## **125.Can I post "Registered" information on social media?**

No. CRMLS does not permit public marketing of a property while it is Registered.

## **126.What about social media posts that "disappear" from my feed, timeline, etc.?**

The CRMLS Compliance Department must be able to access the social media post. Some social media platforms are private or invitation-only. Examples include Snapchat, Instagram, or a private Facebook Group.

Posting another agent's listing on any of these private or invitation-only platforms requires the specific written permission of the Listing Broker, as they are not allowed under the IDX rules.

## **127.What should I do if I see a potential violation of the rules on social media?**

If you see a potential violation on social media, use a screen shot or other copy of the advertisement and send it to [Compliance@crmls.org](mailto:Compliance@crmls.org) along with a short explanation of the circumstances. We will assign your report to a Compliance Analyst for review.

## **Print and Other Advertising**

### **128.What are some examples of Print Advertising?**

- Mailings to residents in a certain geographic area
- Hand delivered flyers
- Other print advertisements sent to non-clients (the public)

- Neighborhood Market Reports (for more information, click [here](#))

### **129.What is not covered by these FAQs?**

CMAAs and appraisals you have prepared for your existing clients.

### **130.Can I advertise Active listings in Print Advertising?**

Yes. However, there are some restrictions:

- You may advertise your own listings in any type of Print Advertising.
- For Print Advertising in formats OTHER than Neighborhood Market Reports: You may not advertise another agent/broker's listing without the prior consent of that agent/broker pursuant to Rule 12.8.
- For Neighborhood Market Reports: If you advertise another agent's on-market listings, you must confirm within the MLS that the listing agent has not withheld their permission for you to use the on-market listings pursuant to Rule 12.8.1(c).
- If you advertise another agent's on-market listings, you must provide attribution to that listing agent, pursuant to Rules 12.9 and 12.10.
- You must not make any misrepresentations regarding the listings or mislead the recipient of the advertisement.
- You may not use any photos or media from the MLS for listings on Print Advertisements.

### **131.Can I advertise Active Under Contract or Pending listings in Print Advertising?**

Yes. However, there are some restrictions. See Question 130.

### **132.Can I advertise Coming Soon listings in Print Advertising?**

Yes. However, there are some restrictions:

- Under Rules 9.3 and 10.1, CRMLS permits marketing and advertising of Coming Soon and Hold listings only if such marketing and advertising includes language that the property is Coming Soon or on Hold.
- If anyone publicly markets the property, the advertisements must include language that the property is "Coming Soon" and shall include the date the property will become Active. No one may show properties in the status of Coming Soon.
- You may advertise your own listings in any type of Print Advertising.
- For Print Advertising in formats OTHER than Neighborhood Market Reports: You may not advertise another agent/broker's listing without the prior consent of that agent/broker pursuant to Rule 12.8.
- For Neighborhood Market Reports: If you advertise another agent's on-market listings, you must confirm within the MLS that the listing agent has not withheld their permission for you to use the on-market listings pursuant to Rule 12.8.1(c).
- If you advertise another agent's on-market listings, you must provide attribution to that listing agent, pursuant to Rules 12.8 and 12.10.
- You must not make any misrepresentations regarding the listings or mislead the recipient of the advertisement.
- You may not use any photos or media from the MLS for listings on Print Advertisements.

### **133.Can I advertise Hold listings in Print Advertising?**

Yes. However, there are some restrictions:



- Under Rules 9.3 and 10.1, CRMLS permits marketing and advertising of Coming Soon and Hold listings only if such marketing and advertising includes language that the property is Coming Soon or on Hold.
- No one may show properties in the status of Hold.
- You may advertise your own listings in any type of Print Advertising.
- For Print Advertising in formats OTHER than Neighborhood Market Reports: You may not advertise another agent/broker's listing without the prior consent of that agent/broker pursuant to Rule 12.8.
- For Neighborhood Market Reports: If you advertise another agent's on-market listings, you must confirm within the MLS that the listing agent has not withheld their permission for you to use the on-market listings pursuant to Rule 12.8.1(c).
- If you advertise another agent's on-market listings, you must provide attribution to that listing agent, pursuant to Rules 12.9 and 12.10.
- You must not make any misrepresentations regarding the listings or mislead the recipient of the advertisement.
- You may not use any photos or media from the MLS for listings on Print Advertisements.

#### **134. Can I advertise SOLD listings in Print Advertising?**

Yes. However, there are some restrictions:

- You may claim that you "Sold" the property only if you represented either the seller or the buyer in the transaction.
- You must not use language that may mislead the recipient of the print advertisement into thinking you sold the property if you were not one of the agents involved in the transaction.
- If you did not sell the properties, use a phrase like "Recently closed sales in your area" to indicate that the properties listed in the Print Advertising were based on geography and are not your individual listings.
- You may not use any photos or media from the MLS for listings on Print Advertisements.
- You may advertise your own listings in any type of Print Advertising.
- For Print Advertising in formats OTHER than Neighborhood Market Reports: You may not advertise another agent/broker's listing without the prior consent of that agent/broker pursuant to Rule 12.8.
- For Neighborhood Market Reports: If you advertise another agent's on-market listings, you must confirm within the MLS that the listing agent has not withheld their permission for you to use the on-market listings pursuant to Rule 12.8.1(c).
- If you advertise another agent's on-market listings, you must provide attribution to that listing agent, pursuant to Rules 12.9 and 12.10.
- You must not make any misrepresentations regarding the listings or mislead the recipient of the advertisement.
- You may not use any photos or media from the MLS for listings on Print Advertisements.

#### **135. Can I advertise Withdrawn listings in Print Advertising?**

No. No one may market listings in the status of Withdrawn. Listings in Withdrawn status have a valid listing contract in effect. However, the listing agent is no longer marketing the property and as such no Marketing or Advertising shall occur consistent with Rule 10.1.

#### **136. Can I advertise Registered/Excluded listings in Print Advertising?**

No. CRMLS does not permit public marketing of a property while the property is Registered/Excluded.

### **137. Do I need to put a Disclaimer in my Print Advertising?**

Yes. Any print or non-print forms of advertising or other forms of public representations must clearly demonstrate the period of time over which it bases its claims and must include the following (substantially similar) notice in a manner readily visible to consumers in not less than 7-point font (Section 12.9 of the MLS Rules):

*"Based on information from California Regional Multiple Listing Service, Inc. as of [date the AOR/MLS data was obtained] and/or other sources. All data, including all measurements and calculations of area, is obtained from various sources and has not been, and will not be, verified by broker of MLS. All information should be independently reviewed and verified for accuracy. Properties may or may not be listed by the office/agent presenting the information."*

## Farming Off-Market Listings

### **138. What is considered farming off-market listings?**

Some third parties lead agents to believe that marketing to homeowners whose listed properties have recently Expired is an effective tactic to earn more business. However, the so-called "farming" of any "Off-Market" properties, including Expired, Cancelled, and/or Withdrawn listings, as well as those in the status of Hold – Do Not Show, is an MLS Rule violation. Furthermore, such farming is subject to scrutiny under state law, and may be a violation of the REALTOR® Code of Ethics and the trust consumers have in real estate professionals.

### **139. Is farming off-market listings a CRMLS Rules violation?**

The California Association of REALTORS® Model MLS rules and CRMLS Rule 12.11 – "Use of MLS Information" – clearly state that Participants and Subscribers are "expressly prohibited from using MLS information for any purpose other than to market property to bona fide prospective buyers or to support market evaluations or appraisals." Using MLS information to call or contact sellers whose listings have expired, been cancelled, withdrawn, or placed on hold, is therefore prohibited.

### **140. What are the consequences of farming off-market listings?**

Since this practice could be a violation of the REALTOR® Code of Ethics and MLS rules, practitioners may face serious consequences at an Association level. Each Association and Board is unique and may handle complaints with varying degrees of severity. Additionally, calling or texting a seller with an off-market listing when that seller's number is on the national Do Not Call Registry could lead to substantial liability.

### **141. How does farming off-market listings impact the real estate profession?**

The CRMLS Customer Care Center frequently receives calls from upset sellers whose listings have expired, or been cancelled, withdrawn, or placed on hold, and who have been inundated with calls (including "robocalls"), texts, or even visits to their homes by agents trying to solicit their listing. This practice damages the public's perception of the real estate business and makes some sellers much less likely to work with a real estate professional again.

- To access the CRMLS Rules and Policies, click [here](#).
- Click [here](#) to chat live with a Compliance Analyst Monday-Friday, from 8:30am-4pm.