



MetroList MLS Rules Hot Topic 6

Do Not Show Until and All Offers to be reviewed on ___/___/___Date.

There are a several MLS Rules relating to the process of showing property and presenting offers. The seller certainly may agree with the listing broker that the property is not to be shown until a certain date or that all offers shall be reviewed on a certain date. However, this does not relieve the listing broker of the obligation to enter the listing into the MLS within three (3) business days or to provide a written waiver of non-submission within the same period of time. If there is no waiver, and the seller does not want the property shown until a certain date, the listing status should be modified from Active to Temporarily Off Market. If a cooperating broker wishes to present an offer on a listing that is Temporarily Off Market, he or she may certainly do so, and the listing broker has an obligation to present the offer unless the listing broker has written instructions from the seller to not do so. [MLS Rules 7.6](#) and 9.1, 9.2, 9.3, and 9.4 follow:

7.6 Mandatory Submission.

Broker Participants and R.E. Subscribers shall input exclusive right to sell or exclusive agency listings on Residential/Common Interest, Mobile Home in Park, Residential Income, Residential/Commercial Land, and Commercial/Industrial located within the service area of the MLS within three (3) business days of the commencement date of the listing or three (3) business days of receipt of all necessary signatures of the seller(s) on the listing, whichever comes later. Failure to submit a listing or MLS waiver form within three (3) business days of the commencement date of listing or receipt of seller(s) signature, whichever occurs later, shall result in an automatic fine as set forth in Addendum B. For listings delivered to a MetroList Office for input, there shall be a loading fee charged as set forth in Addendum A. For listings submitted via facsimile to MetroList for input, there shall be a loading fee charged as set forth in Addendum A. Duplication of the facsimile form and submission of a listing on the duplicated form shall result in an automatic fine as set forth in Addendum B. Only those listings that are within the service area of the MLS must be input. Open listings or listings of property located outside the MLS's service area (see § 7.8) are not required by the Service, but may be input at the Broker Participant's option. All listings must be input and maintained in accordance with these Rules. As per section 14.3, Addendum B lists the schedule of fines for certain MLS Rules violations pertaining to the input and maintenance of a listing, and Addendum C outlines procedures whereby the Participant or Subscriber receiving the citation pertaining to the input and maintenance of a listing may either pay the amount specified on the citation or request a full hearing in accordance with the procedures set forth in Section 15 of these [Rules](#). Failure to provide all necessary documentation to re-enter a listing as "new" when requested shall result in an automatic fine as set forth in Addendum B.

9.1 Showings and Negotiations.

Appointments for showings and negotiations with the seller for the purchase of listed property filed with the Service shall be conducted through the listing broker except under the following circumstances:

- a. the listing broker gives the cooperating broker specific authority to show and/or negotiate directly with the seller, or
- b. after reasonable effort and not less than 24 hours, the cooperating broker cannot contact the listing broker or his representative. However, the listing broker at his option, may preclude such direct negotiations by the cooperating broker by giving notice to all Participants and Subscribers through the MLS.
- c. the provisions of (a) and (b) above shall not relieve the listing broker of his/her agency relationship to the seller(s).

In the event all showings and negotiations are conducted solely by the seller, the listing broker shall clearly set forth such fact in the listing information published by the Service. Negotiations by the listing broker with the prospective buyer shall be conducted through the buyer's broker, unless conditions exist similar to (a) and (b) above.

9.2 Presentation of Offers.

The listing broker must make arrangements to present the offer as soon as possible, or give the cooperating broker, in writing if requested, a satisfactory reason for not doing so. In the event a listing broker will not be participating in the presentation of offers, the listing broker shall clearly indicate this fact in the listing information published by the Service.

9.3 Submission of Offers.

The listing broker shall submit to the seller all offers until closing unless precluded by law, governmental rule or expressly instructed by the seller otherwise.

9.4 Right of Cooperating Broker in Presentation of Offer.

The cooperating broker has the right to participate in the presentation of any offer to purchase he/she secures. The cooperating broker does not have the right to be present at any discussion or evaluation of that offer by the seller and the listing broker. However, if the seller gives written instructions to the listing broker requesting that the cooperating broker not be present when an offer the cooperating broker secured is presented, the cooperating broker shall convey the offer to the listing broker for presentation. In such event, the cooperating broker shall have the right to receive a copy of the seller's written instructions from the listing broker. Nothing in this Section diminishes or restricts the listing broker's right to control the establishment of appointments for other presentations. The listing broker and cooperating broker shall have these same rights during the presentation of a counter offer and/or addendum.