

Summary of CBRAR MLS Rules and Regulation Changes

July 2024 changes from Rules and Regulations dated April 2024

Pursuant to the requirements of the proposed Settlement Agreement, the MLS policies and model MLS governing documents were reviewed and updated with the key changes below.

1. Eliminate and prohibit any requirement of offers of compensation in the MLS between listing brokers or sellers to buyer brokers or other buyer representatives.
2. Retain, and define, "cooperation" for MLS Participation.
3. Eliminate and prohibit MLS Participants, Subscribers, and sellers from making any offers of compensation in the MLS to buyer brokers or other buyer representatives.
4. Require the MLS to eliminate all broker compensation fields and compensation information in the MLS.
5. Require the MLS to not create, facilitate, or support any non-MLS mechanism (including by providing listing information to an internet aggregator's website for such purpose) for Participants, Subscribers, or sellers to make offers of compensation to buyer brokers or other buyer representatives.
6. Prohibit the use of MLS data or data feeds to directly or indirectly establish or maintain a platform of offers of compensation from multiple brokers or other buyer representatives. Such use must result with the MLS terminating the Participant's access to any MLS data and data feeds.
7. Reinforce that MLS Participants and Subscribers must not, and MLSs must not enable the ability to, filter out or restrict MLS listings that are communicated to customers or clients based on the existence or level of compensation offered to the cooperating broker or the name of a brokerage or agent.
8. Require compensation disclosures to sellers, and prospective sellers and buyers.
9. Require MLS Participants working with a buyer to enter into a written agreement with the buyer prior to touring a home.

Section 1.2 Service Area – remove jurisdiction

Section 1.3 Purpose -removal of compensation

Definitions:

NEW: Cooperation, Data Share Partner, Home, New Construction, Statewide Data Sharing, Touring a Home

Modified: Listing Agreement, Multiple Listing Service, MLS Participant, Subscriber

Removed: Dual or Variable Rate Compensation Arrangements, Structured Compensation

Section 3.1 Participant redefined per NAR

Section 3.3 Administrative User – clarifying language

Section 3.4 Assessor User change jurisdiction to Commonwealth of Virginia

Section 3.5 Required Training – modified to include Administrative user and penalty for non-compliance

Section 4.14 NEW- No Compensation Offers in MLS- Offers of Cooperating compensation will not be allow anywhere in the MLS- NAR mandatory language.

Section 4.15 NEW- Inclusion of Exclusive Agency Listing in MLS compilations and Databases – NAR mandatory language

Section 4.16 NEW- Required Consumer Disclosure- Commission is negotiable, disclosure of payment Participant is making on Sellers behalf.- NAR required language

Section 4.17 NEW- Written Buyer Agreements Required – Use of Buyer Agreements. – NAR required language.

Section 4.18 NEW- No filtering of Listing-No filtering or restricting listing to customers based on existence or level of compensation – NAR required language

Section 4.19 NEW- No Compensation Specified on MLS Listing – No offers of compensation are allowed on the MLS and no MLS data or data feed can be used to establish or maintain a platform to make offers of compensation – NAR required language

Section 5.1 Listings subject to CBRAR MLS Rules & Regulations – remove language on jurisdiction

Section 5.7 General Remarks Field – include cooperative compensation offers in prohibited

Section 5.8.1 Photo Entry Date – modify language to state all active listings must include a photo of the property.

Section 5.13 - Compensation Offers Prohibited- Modify Section removing compensation and adding Prohibited language

Section 5.13.1 – Structured Compensation Terms – Removed

Section 5.30 New Construction – language clarification

Section 5.32 Co-Exclusive Listings- language clarification

Article 6 Cooperative Compensation – modified to Restriction of Compensation Information

Section 6.1 – Cooperating Participant Compensation – Changed to Compensation Notice- with NAR mandatory language

Section 6.2 new- No Compensation offers in MLS – with NAR mandatory language

Section 6.3 Forms of Compensation – changed to Disclosure of Compensation in Brokerage Agreements – with NAR mandatory language

Section 6.4 Modified Compensation -Removed

Section 6.5 Dual/Variable Compensation Arrangements -Removed

Section 6.6 Reference to Additional Properties- Removed

Section 7.1 Showings and Negotiations – modified to include written buyer agreements prior to touring a home

Section 8.1 – Firm Application Fee- modified to Application Fees

Section 8.2-Quarterly Fees – language added to clarify non-payment

Section 10.10 Limitation of Use – modified to include NAR mandatory language

Section 10.15 Restricted Information -modified to include offers of cooperating compensation

Section 11.3.1 Restricted Content – modified to include offers of compensation

Section 11.3.5 Required Disclaimers - Modified to remove Offer of Compensation

Section 11.3.6 Restriction of Use- NAR mandatory language included

Section 12.2.3 Use Restrictions- modified to remove cooperation compensation

Appendix B Fine chart – modified to include new sections – items in red are inline with CVR language [I would like to add items in blue](#)