

C.A.R. Sacramento 2024

MLS Policy b1/b2

Attendees:

Notes

- Coming Soon working group.

Action items

Motion for Coming Soon MLS model rules

Motion for disabled

AI is coming

Nar settlement

No compensation

All buyers' agents need a written representation agreement

BRBC will have a rate of compensation

Cooperating compensation is ok OFF MLS-flyers

Sellers can offer concessions but can't have it go to buyers' compensation

Listing must also disclose the amount of compensation to the buyer

BCA form

LPRBC non-exclusive agency agreement for open houses

OHOMA when an open house agent does not want to represent the buyer

MLS Policy

1. ACTION ITEM That the California Model MLS Rules be amended to provide model rules regarding "Coming Soon" status for consideration by California MLSs, including (1) requiring a written listing, (2) prohibiting showings while in "Coming Soon" status, (3) allowing offers to be made and presented on properties in "Coming Soon" status, (4) not tracking Days on Market (DOM) while a property is in "Coming Soon" status, (5) allowing "Coming Soon" status properties to be viewed by MLS Participants and Subscribers (including via VOW displays), but not be included in IDX displays, (6) allowing marketing of properties in "Coming Soon" status so long as that status is made clear and obvious in the marketing, (7) limiting use of "Coming Soon" status to one time for a property, unless the property has been in Withdrawn or Canceled status for at least 30 days, (8) providing a time limit for "Coming Soon" status, recommended at 45 days, and (9) properties in "Coming Soon" status should automatically be changed to Active status at the end of the time limit if not previously changed by the listing broker.

Amended Rule 10.1 10.1. Statuses.

The definitions of the stages of property status are set forth as follows: On-Market Statuses (Marketing/Advertising Is Occurring)

(a) Active (A): A valid listing contract exists and no offer (with or without contingencies) has been accepted. This is an On-Market status.

(b) Active Under Contract (U): Offer accepted and either 1) Seller requests that property remain in an On-Market status and is willing to show the property and accept back-up offers, or 2) the sale is subject to court or other third party approval. This is an On-Market status.

(c) Delayed Showing (D): A valid listing contract is in effect, but Seller has instructed Listing Broker not to show the property to any potential buyers for a period of time. This is an On-Market status. Off-Market and Coming Soon Statuses (Marketing/Advertising Is Not Occurring except for Coming Soon)

(d) Hold (H): A valid listing contract is in effect, however, because of various reasons such as repairs, illness, guests, etc., the Seller has requested that temporarily there be no showings and no marketing. This is an Off-Market status.

(e) Withdrawn (W): A valid listing contract is in effect, however the property is no longer being marketed. This is an Off-Market status.

(f) Pending (P): The Seller has accepted an offer and is not soliciting further offers through the MLS. This is an Off-Market status (however any incidental remaining marketing is not a violation of said status).

(g) Canceled (Unconditionally) (Cu): The listing agreement has been canceled in writing and no post-cancellation carryover commission rights remain in place. This is an Off-Market status.

(h) Canceled (Conditionally) (Cc): The listing agreement has been canceled in writing but post-cancellation carryover commission rights exist. This is an OffMarket status.

(i) Expired (X): The listing agreement has expired. The time frame of the Existing listing contract has run out. This is an Off-Market status.

(j) Sold (S): Escrow has closed. This is an Off-Market status.

(k) Leased

(L): The property has been leased. This is an Off-Market status.

(l) Coming Soon

(CS): A temporary, optional starting status that can be selected by the Listing Broker, with consent by the Seller, for when the property is not ready for Active status even though the listing must be submitted to the MLS pursuant to Rule 7.5. More restrictions on the use of the Coming Soon status are described in Rule 10.1.1.

New Rule 10.1.1 10.1.1.

Restrictions Related to Coming Soon Status. The listing can remain in Coming Soon status for no more than 45 days after the start date of the listing. The listing status will be automatically changed to Active after the listing has been in Coming Soon status for the maximum number of days permitted pursuant to this rule. Once a listing has been moved from Coming Soon to Active status, the Listing Broker cannot change the listing back to Coming Soon status unless it has been in Withdrawn or Canceled status for at least 30 days. Any public-facing marketing done by the Listing Broker (i.e. signs, printed materials, and digital and social media) while a listing is in Coming Soon status must clearly indicate that the listing is in Coming Soon status. No showings of the property or open houses are permitted while the listing is in Coming Soon status. Buyers can make offers on properties in Coming Soon status which must be presented to the Seller in compliance with these rules. [Note: Many MLSs set this time at 14-30 days, whereas others extend it to 60 days or further].

Amended Rule 7.26 7.26.

Days on Market/Cumulative Days on Market Calculation. The calculation of Days on Market (DOM) is based on the listing number assigned to the property by the MLS and is tied to the brokerage firm holding the listing. DOM only begins to accrue when a listing goes into Active status and does not accrue while a listing is in Coming Soon status. The calculation of Cumulative Days on Market (CDOM) is based on the Assessor's Parcel Number ("APN") until the earlier of a change of ownership or the property is not available for sale and no listing agreement is in effect for a period of 90 days or more. MLS tracking of this field, if any, shall be classified as "non-confidential" for the purpose of allowing Participants and Subscribers to make such information available to clients or customers pursuant to Sections 12.15.1 (Client Copies) and 12.19 (VOWs). [Whether display of this field is permitted for advertising purposes, including IDX display set forth in Section 12.16, is at the discretion of the MLS]. [Note: If the MLS permits showings of properties in Coming Soon status, DOM will begin to accrue while the listing is in Coming Soon status.]

Amended Rule 8.1 8.1.

Listing Agreement and Seller's Permission. Prior to inputting a listing to the service, the listing broker shall obtain the written agreement of the seller expressly granting the listing broker authority to: (1) file the listing with the service for publication and dissemination to those authorized by the MLS; (2) act as an agent for the seller; (3) abide by the rules of the service; (4) provide timely notice of status changes of the listing to the service; (5) provide sales information including selling price to the service upon sale of the property for publication and dissemination to those authorized by the MLS and (6) publish sales information after the final closing of a sales transaction in accordance with these MLS rules (See Section 10.1). In order to enter a listing in Coming Soon status, the Listing Broker must have a signed written listing agreement in effect that grants the Listing Broker authority to place the listing in Coming Soon status.

Amended Rule 11.13 11.13.

Participant Access and Entitlement to Their Own Listing Information; Data Portability. The service must, upon request, promptly provide a Participant (or the Participant's designee) a data feed containing, at minimum, all active and Coming Soon MLS listing content input into the MLS by or on behalf of the Participant and all of the Participant's off-market listing content available in the MLS system. The delivery charges for the Participant's listing content shall be reasonably related to the actual costs incurred by the MLS. The data feed must be in compliance with the prevailing RESO (Real Estate Standards Organization) standards required by NAR MLS Policy. The service will not limit the use of the Participant's listing content by the Participant or the Participant's designee.

Amended Rule 12.16 12.16.

Use of Listing Information on the Internet [Also known as Internet Data Exchange ("IDX")]. "Internet Data Exchange" ("IDX") is a means by which listing brokers permit limited electronic display and delivery of their active, pending, and sold listing data, in accordance with the IDX rules set forth herein, by other participating Broker Participants and R.E. Subscribers via the following authorized mediums under said Broker Participants and R.E. Subscribers control: websites, mobile apps and audio devices. As used throughout this policy, "display" includes "delivery" of such listings.

(a) Authorization. Subject to paragraphs

(b) through (s) below, and notwithstanding anything in these rules and regulations to the contrary, Broker Participants and R.E. Subscribers may electronically display aggregated MLS active, pending and sold listing information through either downloading or by framing such information on the MLS or association public access website (if such a site is available). The MLS's download will include publicly accessible sold listing data starting from January 1, 2012.

"Publicly accessible" sold information as used in the IDX policy and rules, means data that is available electronically or in hard copy to the public from city, county, state and other government records. [Note: Listings in Coming Soon status are not authorized for display by this rule.]

passed

2. ACTION ITEM That C.A.R. recommends to the Real Estate Standards Organization (RESO) that it adopt the fields and definitions recommended by the MLS Policy Committee (shown in Exhibit 1) to promote accessibility features in MLS property listings and work with MLSs in California and other states to support the recommendations to RESO.

passed

3. REPORT ONLY The MLS Policy Committee took other actions in support of the motion before the Board, including:
A. The Committee recommended as a best practice that California MLSs implement the fields and definitions in Exhibit 1 as soon as they are available in their systems.

B. The Committee recommends as a best practice that disclosure of accessibility information be accompanied by a disclaimer that such information is for information only and that buyers should investigate the suitability of all features, and that the California Model MLS Rules be modified by C.A.R. staff to support such disclosure.

C. The Committee recommended that the Standard Forms Advisory Committee modify the SPQ and other forms as appropriate to support the disclosure of accessibility feature information and to provide the above disclaimer.

D. The Committee recommended that C.A.R. or its subsidiaries evaluate whether to develop and offer education courses regarding accessibility in the real estate industry..

EXHIBIT 1 Recommended Fields and Definitions Lookup Definition Accessible Parking Space for wheelchair accessible vehicle, including adequate ingress and egress for the user of the vehicle or able to park on the street Accessible Entrance Entrance into the property accessible from parking by a gently sloped or level surface without steps or has a ramp Wheelchair Accessibility Property has method(s) by which someone can enter or leave a property in a wheelchair 2+ Accessible Entrances/Exits Property has two or more accesses to enter or leave a property in a wheelchair Visitable Property has at least one entrance with zero steps, wide door, and at least one bathroom on the main floor that is accessible to a wheelchair user Elevator/Lift/Stair Chair Elevator or lift device that fits a wheelchair to provide an accessible route between stories and mezzanines, or a stair chair or lifting platform attached to a rail to lift a person up or down stairs No Interior Steps The property has no step-ups or step-downs inside the property Roll In Shower At least one shower is free of doors, curbs, or lips at the entrance Grab Bars in Shower/Tub Graspable bars attached to the wall in a shower or near a bathtub for a person to maintain balance or aid in getting in and out Built In Shower Chair Chair connected to a wall for a seated shower Hand-held Shower Head A long, flexible hose with a showerhead attached at one end Grab Bars Around Toilet Graspable bar attached to the wall around toilet to help people transfer to the toilet seat Accessible Interior Halls and Doors Interior doorways, halls and other areas allow access in a wheelchair or using other mobility device Accessible Closets At least one bedroom has closets with sliding or bi-fold doors with wide front clearance, rods and shelving at a height accessible from a wheelchair Hard Surface Flooring or Low Pile Carpet Property has flooring that is easy to move on, such as tile, hardwood floors, or indoor/outdoor or low pile carpet Ceiling Track Reinforced ceilings or walls that will support a track that a hoist unit moves along to move or transfer a person Accessible Doors Property has wide doorways; doorbells may be at a height that is wheelchair accessible Accessible Door Handles Doors have easy-to-grasp single levers, generally operable with one hand Accessible Utilities/Laundry Accessible reach range and usable with one hand Smart Technology Technology features of home or appliances that are adapted for use by differently abled persons Open Floor Plan Combined rooms without walls between Flashing Doorbells Flashing light or strobe which alerts a person that someone is at the door Visible Smoke/Fire Alarms Flashing lights which alert a person that heavy smoke or fire is occurring in the property Remote Control to Open Doors Handheld automatic control(s) to open or shut doors Backup Generator or Battery Gas generator or battery which will power part or all of the property during an electrical outage See Remarks The property has accessibility features; see further description in the remarks

Nominating

1. ACTION ITEM That the following be designated to serve as State Allocated NAR Directors for a two year term ending November 2026 and as Alternates for the 2025 elective year. State Allocated NAR Directors James Baiseri, Region 16 Melanie Barker, Region 12 Andy Bencosme, Region 13 James Britto, Region 5 Kama Burton, Region 13 Elizabeth Campbell-Chase, Region 1 Don Faught, Region 6 Tia Hunnicutt, Region 6 Paula "PJ" Johnsen, Region 7 Eileen Oldroyd, Region 32 Patricia "Tica" O'Neill, Region 17 Erin Stumpf, Region 3 Tamara Suminski, Region 17 Mike Vachani, Region 13 Pat "Ziggy" Zicarelli, Region 18 Small Board Representative Jesse Reyna Gibbs, Region 7 Medium Board Representative Joseph Prian, Region 31 Alternates in Priority Order Barbara Betts, Region 23 Cindy Diaz-Telly, Region 11 Felicia Mares, Region 6 Michael Verdone, Region 25 James Liptak, Region 31 Jennifer Higgins, Region 15 Staci Caplan, Region 11 Rick Violet, Region 23 Ryan Ole Hass, Region 17 Suzanne Yost, Region 9 Jessica Eva, Region 25 Jeff Campbell, Region 30

passed

2. ACTION ITEM That the following individuals be nominated as Directors For Life: Marion Proffitt, Region 23 Michael Tessaro, Region 6 Michael Verdone, Region 25

passed

3. REPORT ONLY That Mark Peterson will continue to serve as Treasurer for the year 2025.

passed

4. ACTION ITEM That Tamara Suminski be nominated as President-Elect for the year 2025.

passed

5. REPORT ONLY That Heather Ozur will become President for the year 2025.

passed

REALTOR® Party of California Fundraising and Member Mobilization Advisory Committee and Forum

1. REPORT ONLY Reparations Task Force

1. ACTION ITEM That C.A.R. “SUPPORT” AB 3089 (Jones-Sawyer), which requires a formal apology be issued by the State of California to recognize and accept its responsibility for the harms committed by the state against African slaves and their descendants.

passed

2. ACTION ITEM That C.A.R. “SUPPORT” SB 1007 (Bradford), which establishes the Homeowner’s Assistance for Descendants of Enslaved Persons Program under the California Housing Finance Agency to provide financial aid or assistance to specified descendants for the purpose of purchasing, owning, or maintaining a home. **passed**

3. ACTION ITEM That C.A.R. “SUPPORT” SB 1013 (Bradford), which establishes the Property Tax Assistance for Descendants of Enslaved Persons Program under the Franchise Tax Board to provide financial assistance to the descendants of an African American chattel enslaved person in the United States and descendants of a free Black person living in the United States prior to the end of the 19th century. **passed**

4. ACTION ITEM That C.A.R. “SUPPORT” SB 1050 (Bradford), which establishes a procedure by which an owner of real property that was taken as a result of racially motivated eminent domain may apply for compensation from the Fund for Reparations and Reparative Justice. (Note: The Fund for Reparations and Reparative Justice would be established as provided by SB 1331 (Bradford) of the 2023–24 Regular Session.) **passed**

5. ACTION ITEM That C.A.R. “watch” SB 1403 (Bradford), which establishes the California American Freedman Affairs Agency to implement the recommendations of the Task Force to Study and Develop Reparation Proposals for African Americans and, as part of its duties, determine how an individual’s status as a descendant will be confirmed. See the Reparations Task Force Report in the Draft Motions and Meeting Materials folder State Leadership Academy Task Force **passed**

1. REPORT ONLY See the Leadership Academy Task Force Report in the Draft Motions and Meeting Materials Folder Standard Forms Advisory

1. REPORT ONLY

Strategic Planning and Finance

1. ACTION ITEM That C.A.R. donate \$300,000 to the REALTOR® Relief Foundation.

Passed

2. REPORT ONLY The Strategic Planning and Finance Committee adopted the updated C.A.R. Long-term Investment Policies and Procedures. Long-term Investment Policies and Procedures found in Draft Motions and Meeting Materials