

Update: Office Exclusive Changes to Begin May 5th

Update (May 28, 2014): RMLS™ recently prepared a FAQ document about the office exclusive changes.

As announced earlier this spring, RMLS™ is bringing changes to our office exclusive form and policies. These changes now have final approval by the RMLS™ Board of Directors and will take effect May 5, 2014.

After carefully considering additional input from subscribers, RMLS™ changed the original revisions in the following ways:

- Removed the requirement to submit a copy of the listing contract when submitting a signed office exclusive form.
- The RMLS™ Rules and Regulations have been revised to reflect that new construction is handled differently.

Retained is the language that prohibits beginning any marketing before “date marketing to begin.” This topic generated much of the discussion among subscribers, but RMLS™ President Kurt von Wasmuth recently explained some important details in how the rule will be administered:

The basic point of the changes to this (Section 3.2) is to prohibit marketing of a listed property unless the listing broker either submits the listing to RMLS™ or submits an office exclusive form for that listing within the time limits specified. The rule describes marketing activity as including—among other things—placing a sign on the property, social media or internet exposure, or direct marketing of the property to brokers or consumers. This rule does not prevent a listing broker from engaging in general, non-specific discussions about a property that will soon come on the market. Examples of these general discussions would be a broker’s announcement about property in a neighborhood “coming

soon” during a company sales meeting, with X bedrooms, Y baths, and a certain kind of yard in a certain price range.

Falling under the rule would be specific marketing efforts regarding a particular property, such as identifying an address, a listing price, and the like. These constitute direct marketing, and in that case the listing either needs to be entered into RMLS™ within 72 hours of signing or the signed office exclusive form needs to be sent to RMLS™. This approach was designed to allow reasonable “pre-marketing” activities that the brokerage community generally regards as common, fair, and helpful to sellers, while preserving the basic premise of any MLS that all participants share their listings on a timely basis, unless a seller has made an informed choice to withhold a property from the MLS.

View a redlined version of the RMLS™ rules impacted by these finalized changes.

View the new Office Exclusive/Authorization to Exclude Addendum.

View redlined versions of the Oregon and Washington listing contracts.