



# Southwest MLS Rules Update

Richard Gibbens, MLS Director



# Table of Contents

01

## Data Integrity

And why it is important

02

## Compliance Trifecta

MLS Rules, Code of  
Ethics, Broker Duties

03

## Clear Cooperation

The Basics and the  
Common Issues

04

## Common Violations

And how to avoid them

05

## Recent Changes

Re-List Policy, Showings  
in Active, Fair Housing

06

## Upcoming Changes

Photos, Zoning,



# Keep Your Phones Close

But not too close

Overachiever? You can go ahead and sign in at

[www.ahaslides.com/SWMLS](http://www.ahaslides.com/SWMLS)



01

# Data Integrity

and why it matters

# The MLS in Action

## WHAT THE MLS DOES FOR YOU:

Largest database of  
available homes



Most up-to-date home  
status information



Maximized visibility  
of homes for sale



Verified, trusted,  
detailed and accurate  
property information



## A WORLD WITHOUT THE MLS:

No centralized source  
of available homes



Outdated home  
status information



Fewer homes for  
buyers to choose from  
on real estate websites



Unverified, inaccurate  
and unreliable  
property information



# The MLS in Action

## WHAT THE MLS DOES FOR YOU:

Facilitates cooperation  
between buyer and  
seller brokers



Equal opportunity for all  
home buyers and sellers



Easy to find the agent  
selling the home



Level playing field  
between large and  
small brokerages



## A WORLD WITHOUT THE MLS:

Buyers/sellers would  
likely have to pay to list  
on websites



Residents without access to  
brokerages would have  
fewer options



Inconsistent broker  
information in listings  
across marketplace



Markets become  
broker-controlled



# Why Data Integrity Matters



# Why Data Integrity Matters



## Marketing

- Consumers
- Buyer Brokers
- Syndication



# Why Data Integrity Matters



## Marketing

- Consumers
- Buyer Brokers
- Syndication

## Valuation

- Appraisers
- Lenders
- Investors

# Why Data Integrity Matters

## Market Statistics

- Members
- Government
- Researchers

## Marketing

- Consumers
- Buyer Brokers
- Syndication



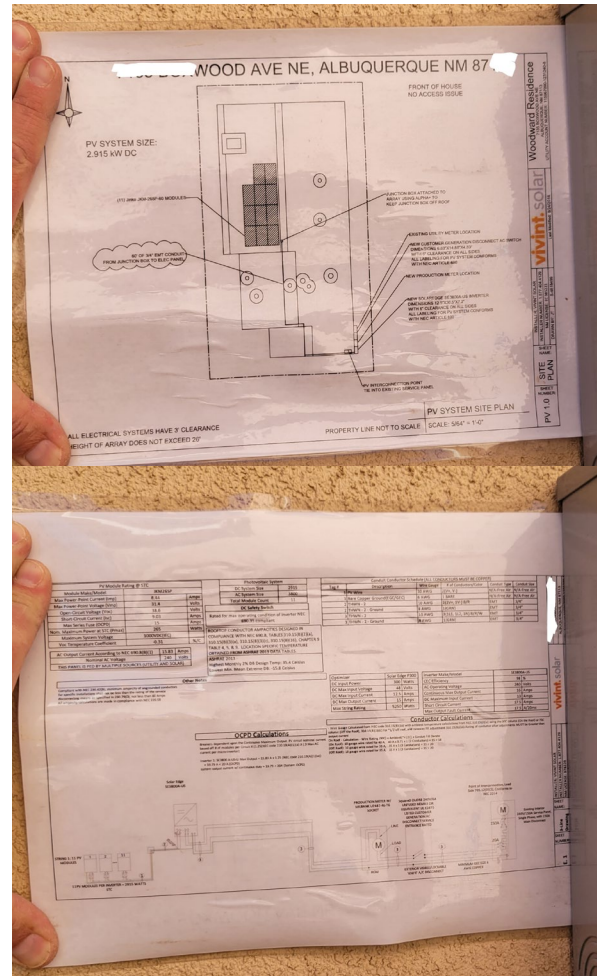
## Valuation

- Appraisers
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# Why Data Integrity Matters



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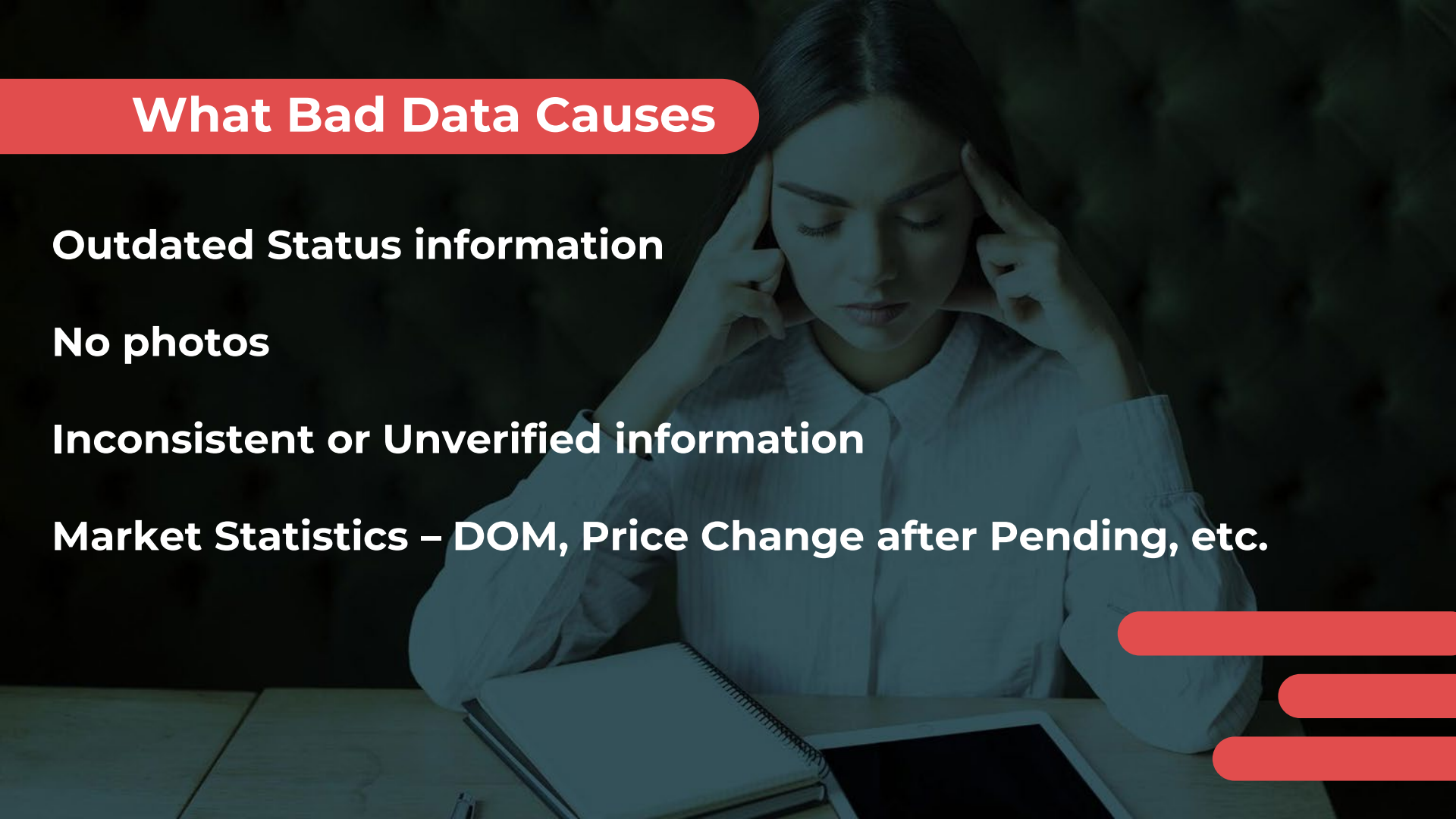
# **What Bad Data Causes**

**Outdated Status information**

**No photos**

**Inconsistent or Unverified information**

**Market Statistics – DOM, Price Change after Pending, etc.**





# What You Do Matters



# Let's Play a Game

[www.ahaslides.com/SWMLS](http://www.ahaslides.com/SWMLS)







# 02

## Compliance Trifecta

MLS Rules

Code of Ethics

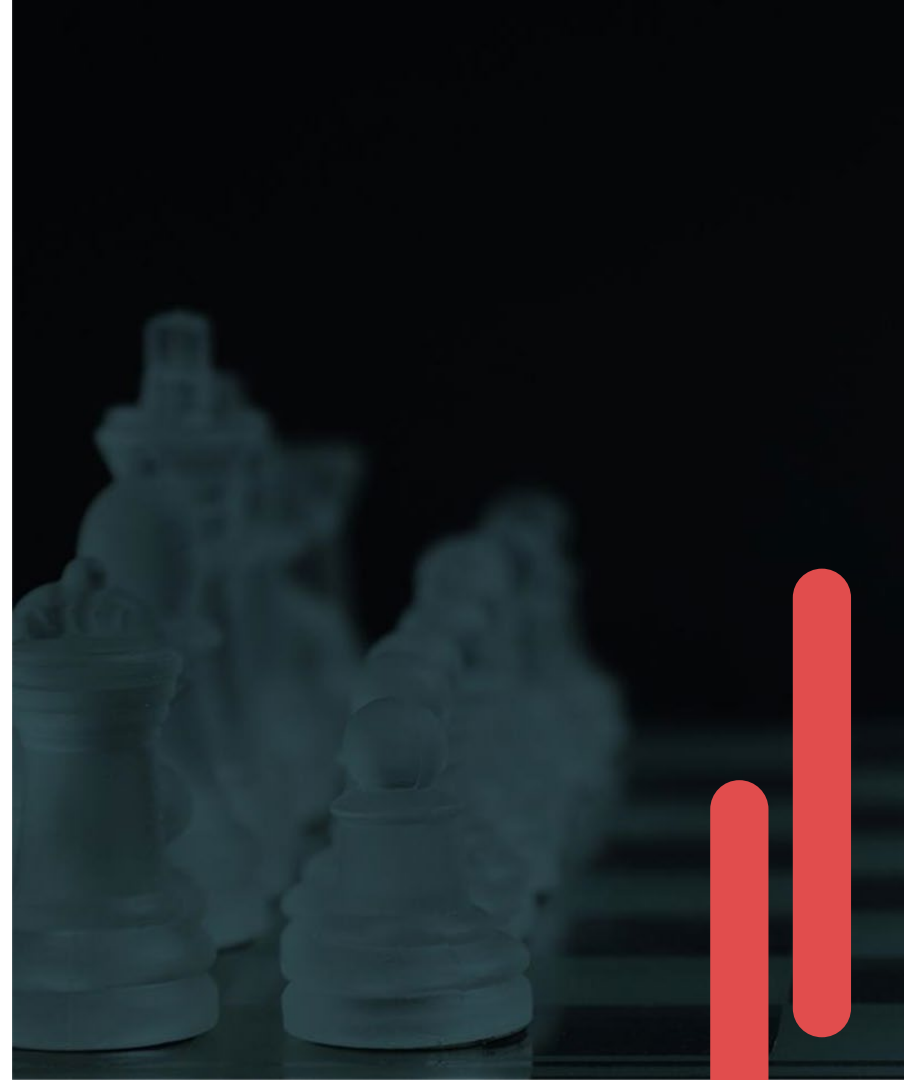
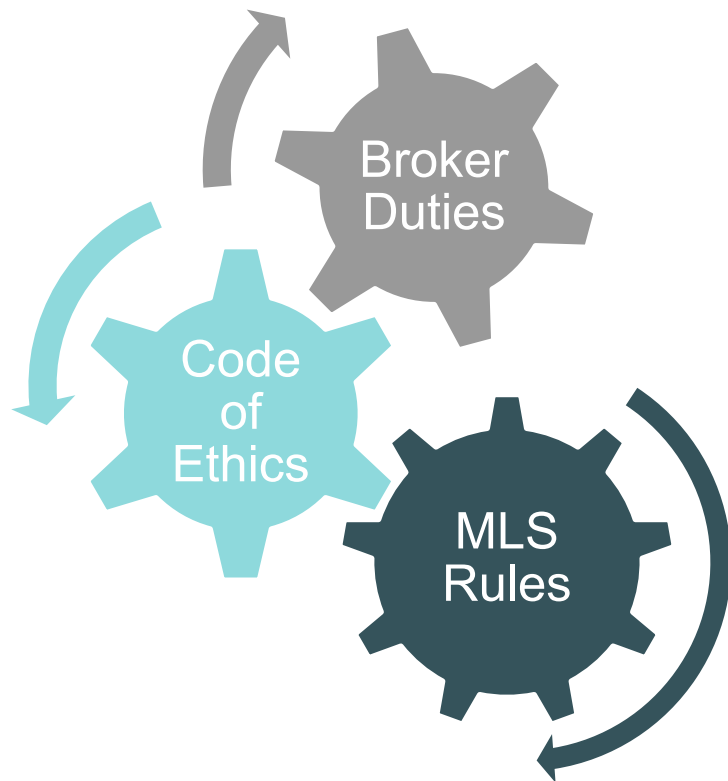
Broker Duties



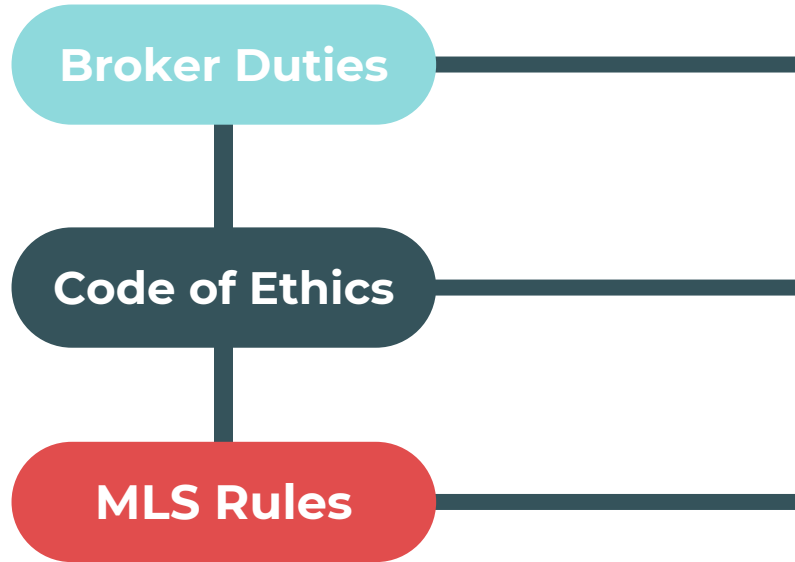
## What It Feels Like



## What It Looks Like



# Compliance Trifecta



## The State

Consumer protection,  
advertising, disclosure –  
necessary to keep your license

## The Association

Higher standard of integrity and  
values held by REALTORS –  
necessary to be a REALTOR

## The MLS

Agreed upon set of rules for data  
integrity and the common good –  
necessary for an efficient market

# Compliance Trifecta

**Broker Duties**

**Code of Ethics**

**MLS Rules**

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### Professional Standards Services at GAAR

- Mediation/Ombudsman
- Code of Ethics Complaint
- Arbitration

MLS Rules

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**MLS Rules**

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# The MLS is NOT

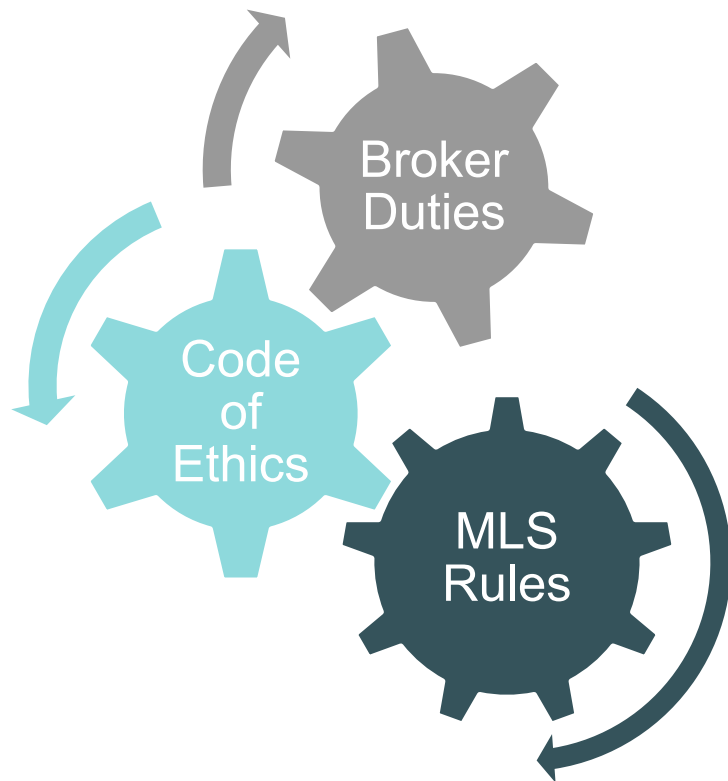
...the compliance arm of Code of Ethics or Broker Duties.

...the arbiter of professionalism.

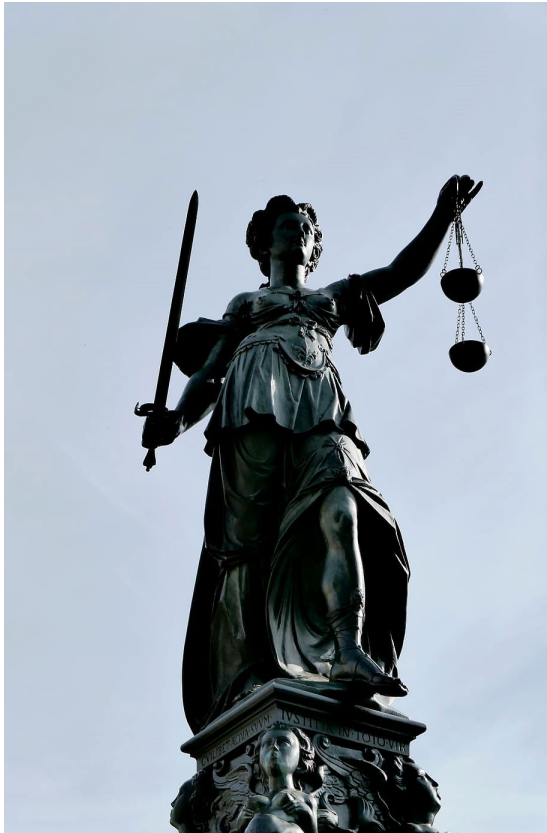
...a weapon to be used in a disputed situation.



## What It Looks Like



## What It Looks Like



# Quiz Time!

[www.ahaslides.com/SWMLS](http://www.ahaslides.com/SWMLS)





# 03 Clear Cooperation

The Basics and the Common Issues

# The Basics



# Mandatory Submission

## Section 1 - Listing Procedures

Listings of real or personal property of the following types, which are listed subject to a real estate broker's license, and are located within the Service Area, and are taken by Participants shall be Filed with The Service within 48 hours after all necessary signatures of seller(s) have been obtained: (Amended 11/01)

- a. single family detached, attached, or manufactured homes for sale or exchange
- b. vacant lots and acreage for sale or exchange
- c. two-family, three-family, and four-family residential buildings for sale or exchange





# What is Public Marketing?

Public Marketing is ANY communication that is made to anyone outside of the office which has the listing agreement.

Includes but not limited to:

- ▶ Flyers
- ▶ Yard signs
- ▶ Digital marketing
- ▶ Brokerage websites
- ▶ E-mails
- ▶ Listing sharing networks
- ▶ Social media
- ▶ Word of mouth

By ANYONE – including but not limited to:

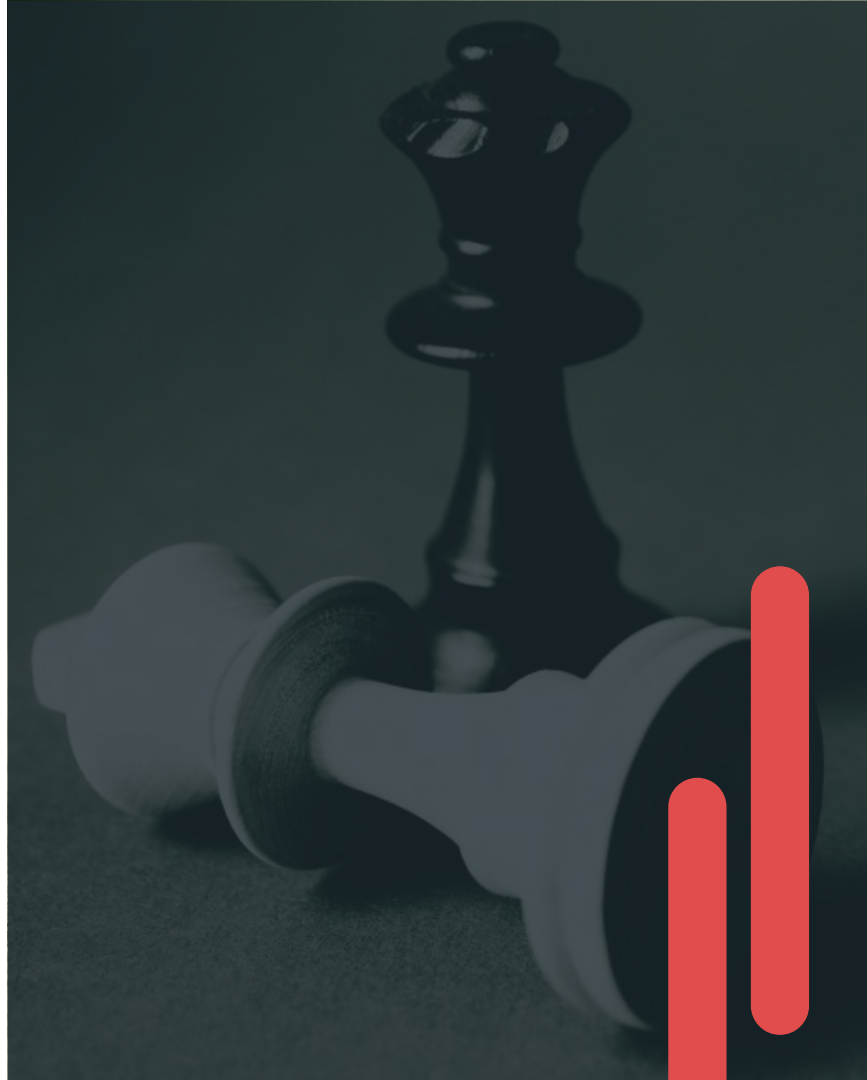
- ▶ Listing broker
- ▶ Seller
- ▶ Photographer
- ▶ Others in the office
- ▶ News Outlets
- ▶ Appraiser
- ▶ Inspector
- ▶ Cleaner

# The Basics



## The Bottom Line

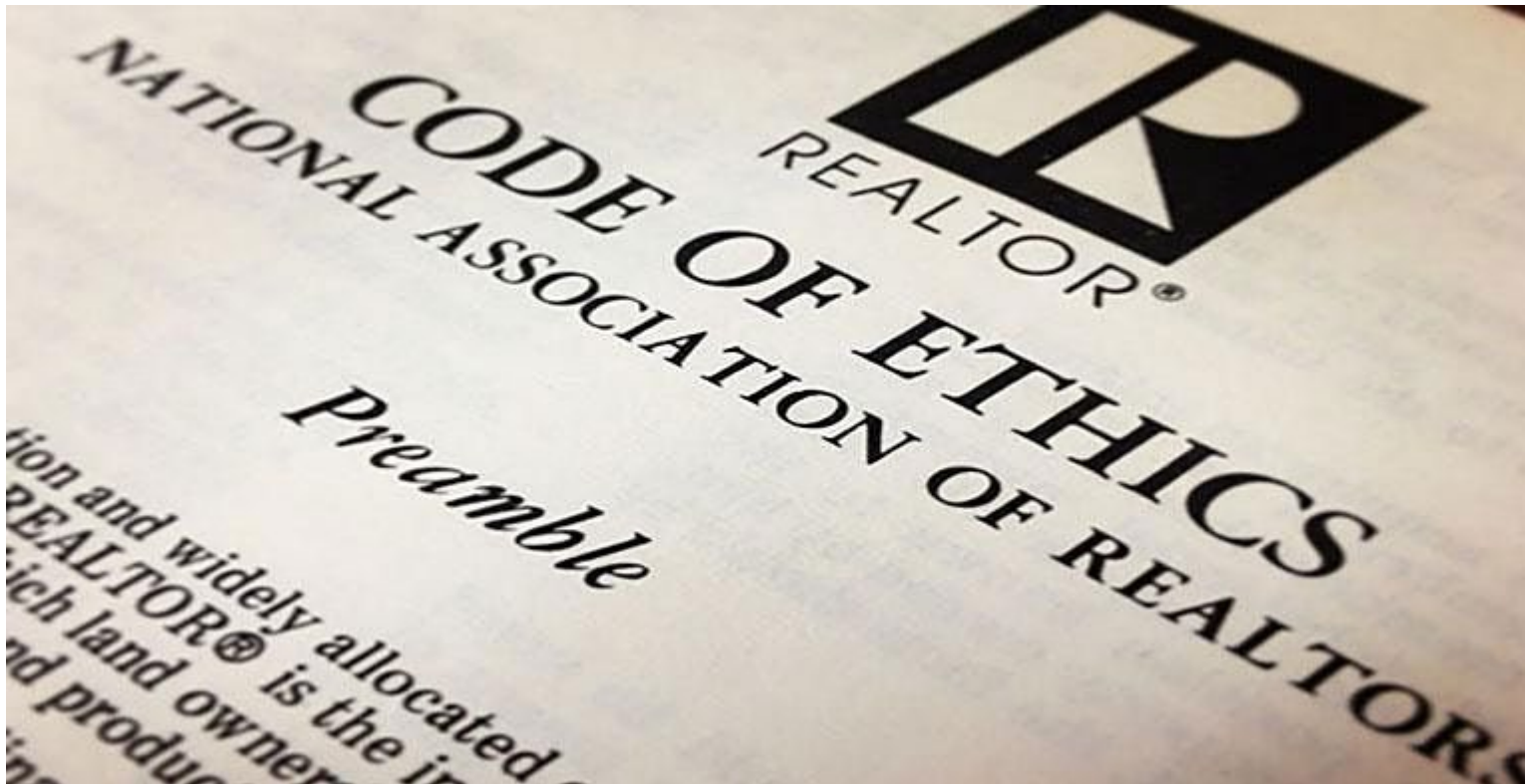
If it isn't in  
the MLS,  
don't  
advertise it.



## The Bottom Line



## The Preamble



# The Preamble

Under all is the land. Upon its wise utilization and widely allocated ownership depend the survival and growth of free institutions and of our civilization. REALTORS® should recognize that **the interests of the nation and its citizens require the highest and best use of the land and the widest distribution of land ownership.**

...They impose **grave social responsibility** and a patriotic duty to which REALTORS® should dedicate themselves, and for which they should be diligent in preparing themselves.

...They identify and take steps, through enforcement of this Code of Ethics and by assisting appropriate regulatory bodies, to **eliminate practices which may damage the public** or which might discredit or bring dishonor to the real estate profession.

## Why Not?



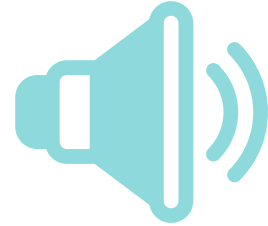
### Fair Access

All members are equally aware of every listing available.



### Fair Pricing

Full exposure to the free market is the best method to determine fair market value.



### Fair Housing

All consumers have fair and equal access to the property.



# The Preamble

...Realizing that cooperation with other real estate professionals promotes the best interests of those who utilize their services,  
REALTORS® urge exclusive representation of clients; do not attempt to gain any unfair advantage over their competitors;



...The term REALTOR® has come to connote competency, fairness, and high integrity resulting from adherence to a lofty ideal of moral conduct in business relations. No inducement of profit and no instruction from clients ever can justify departure from this ideal.

...REALTORS® can take no safer guide than that which has been handed down through the centuries, embodied in the Golden Rule, “Whatsoever ye would that others should do to you, do ye even so to them.”





“If you don’t believe in  
Cooperation, why are you a  
REALTOR?”



“If you don’t believe in  
Cooperation, why are you a  
REALTOR?”

**—Me**

**(Clear Cooperation – More Than Just a  
Rule to Follow, 2020)**



# Halfway There!

[www.ahaslides.com/SWMLS](http://www.ahaslides.com/SWMLS)





# 04 Common Violations

And How to Avoid Them

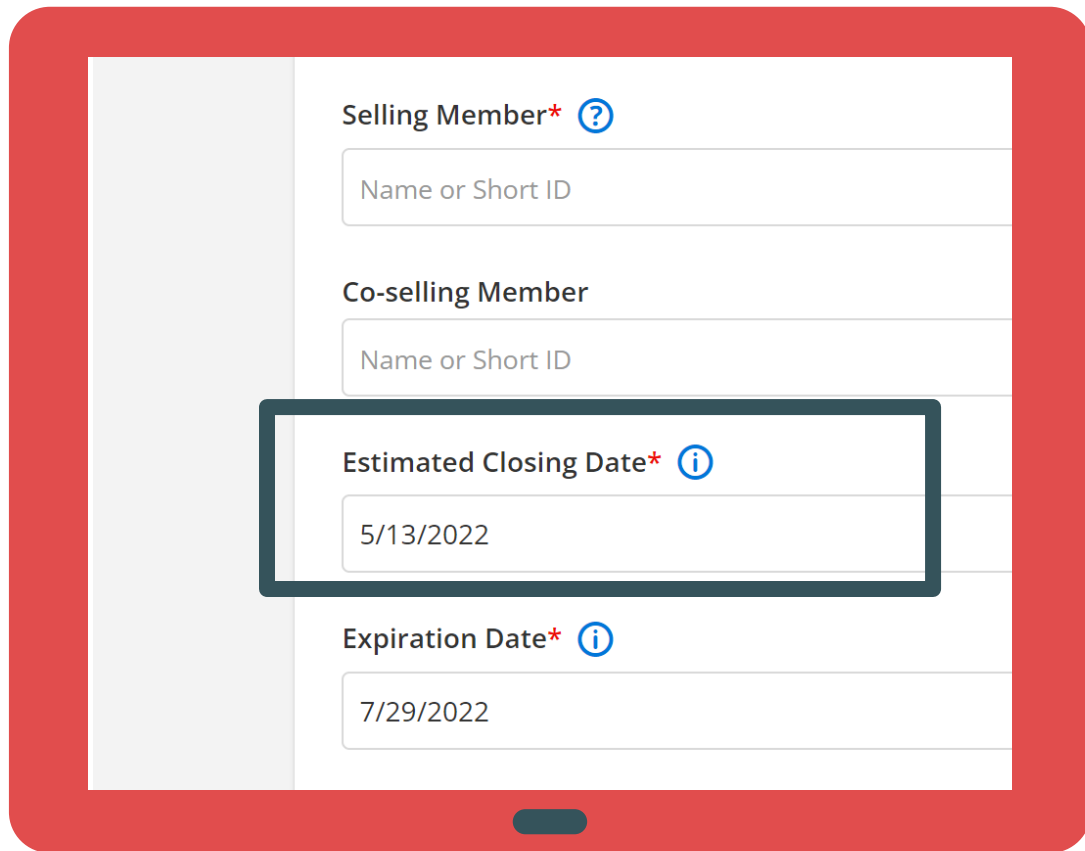
# Status - Overdue

## What It Is

The Estimated Closing Date on a Pending Listing is now in the Past

## How to Avoid It

Keep your Estimated Closing Date up to date. If a closing is extended or pushed out, simply update the date on the listing.



The screenshot displays a mobile application interface with a red header and a white content area. The interface includes four input fields, each with a label and an information icon. The 'Estimated Closing Date' field is highlighted with a dark blue border. The 'Expiration Date' field contains the date '7/29/2022'.

Field	Value
Selling Member*	Name or Short ID
Co-selling Member	Name or Short ID
Estimated Closing Date*	5/13/2022
Expiration Date*	7/29/2022

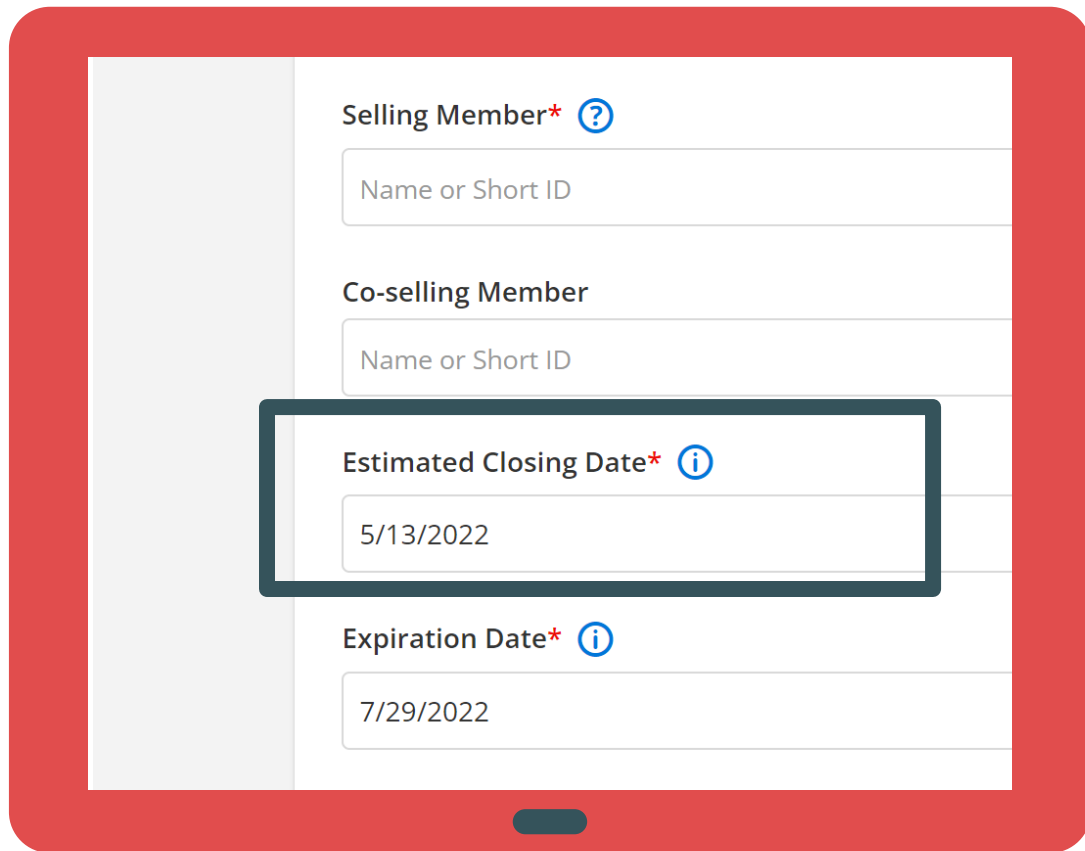
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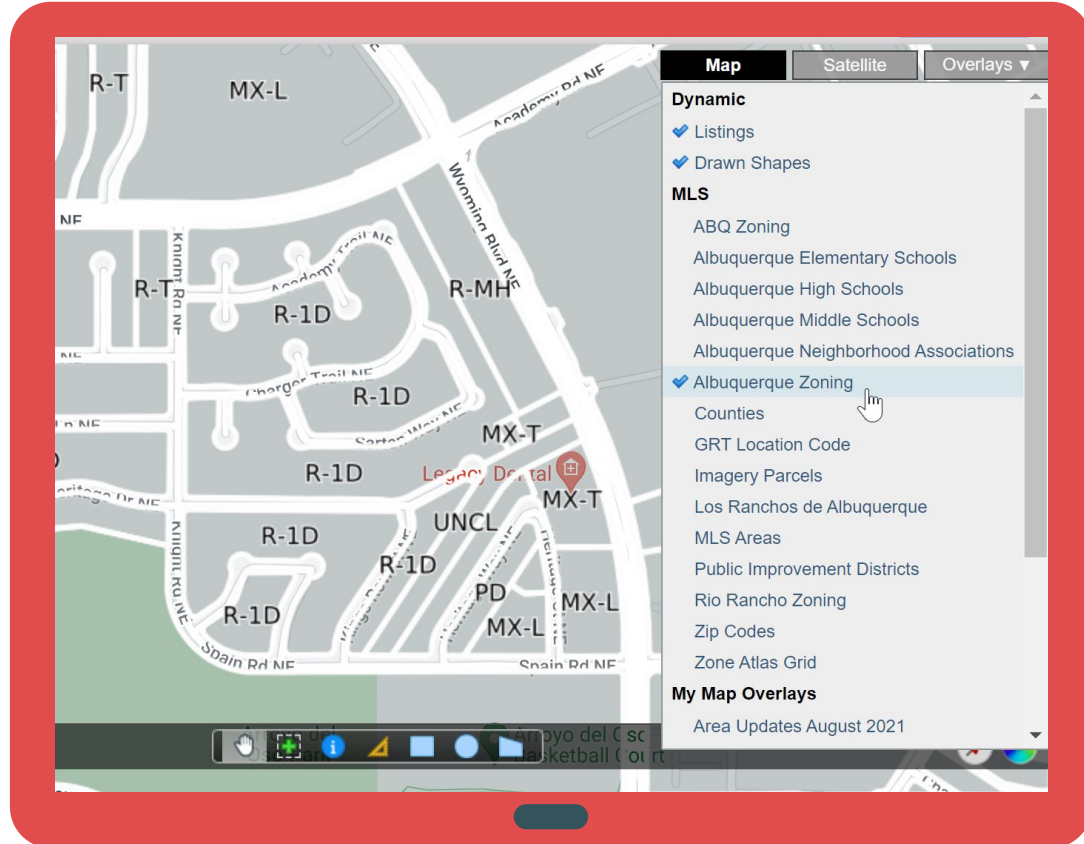
# Zoning

## What It Is

The Zoning on your listing does not match the City and/or County combination you have selected.

## How to Avoid It

Utilize the various Zoning Overlays we have in Flex to determine the correct zoning, or check the municipality's Zoning Maps.



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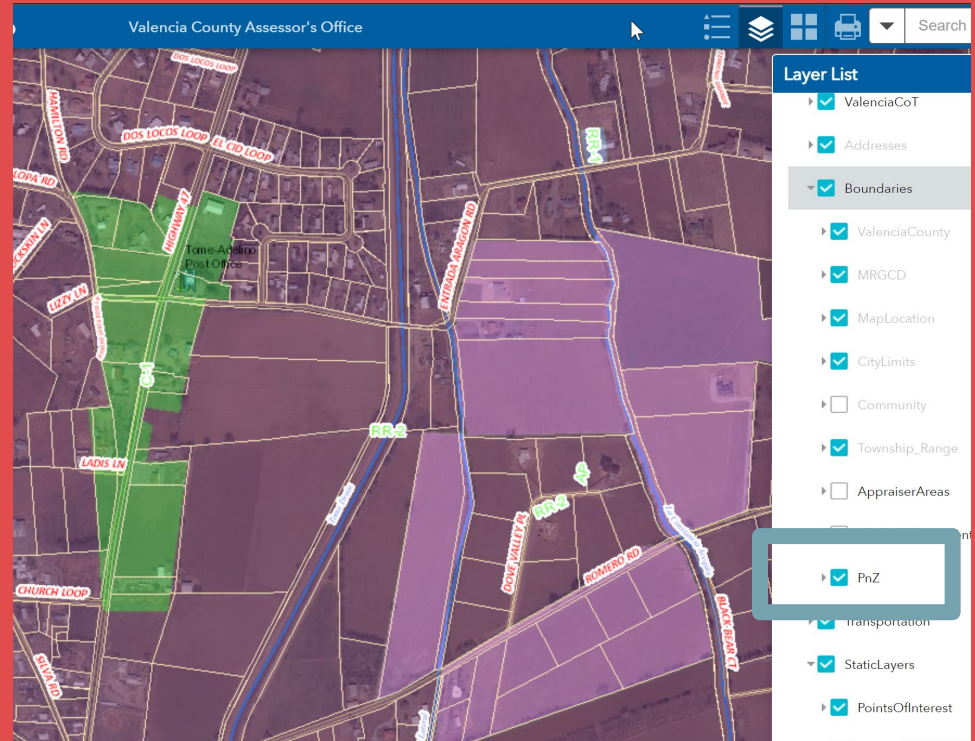
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# Master on Main

## What It Is

Your “MBR on Main” is different than the Level chosen on the Rooms tab for Master Bedroom.

“Main” is loosely defined to be the same level as the main living area.

## How to Avoid It

If MBR on Main = YES, then Level should be Main.

If MBR on Main = NO, then Level should be anything but Main.

Disability Access*	No	Level *
MBR on Main*	Yes	Main
Bedrooms*	Select One	Select Level
Possible Bedrooms	No	Main
	Yes	Upper
Baths - Full*	1	Lower
Baths - 3/4*	0	Basement
Baths - 1/2*	0	First
Baths - Total	1	Second
Master Bath Desc*	None	Third
		Loft

## QB / Transaction Contact Info



### What It Is

One of the following fields has invalid data - QB Name, QB License #, Transaction Contact Name, Transaction Contact Number, Transaction Contact License#.

### How to Avoid It

The most common cause of this is numbers in the name field or names in the numbers fields.

Pay close attention when entering these fields and just make sure they are correct.

Office/Member Info	
Transaction Contact Name*	<input type="text" value="Bobby Fischer"/> person who is handling this Transaction Broker name is the same person
Transaction Contact Number*	<input type="text" value="505-987-6543"/> ?
Transaction Contact License#*	<input type="text" value="123456"/> ?
QB License #* 	<input type="text" value="456789"/>
QB Name* 	<input type="text" value="Gary Kasparov"/>

# Photos

## What It Is

Your listing doesn't have photos, or breaks a rule related to photos.

## How to Avoid It

Make sure to upload a photo to every listing, and follow the Rules listed here.

### Photo Rules Summarized

- Must have at least one photo.
- Only photos pertinent to the property.
- Improved - At least one image of the front of the dwelling.
- Unimproved - At least one image must be the street view of the lot.
- Cannot contain contact info, names, phone numbers, email address, web address, yard signs, etc.

# Lead Based Paint

## What It Is

Your listing is 1978 or older and does not have a Lead Based Paint Disclosure Form Uploaded to the MLS.

## How to Avoid It

Upload Lead Base Paint Disclosure Form to the listing.

**Add Document**

We encourage you to add new documents as PUBLIC. PUBLIC does not mean your documents can be seen online on Zillow or Realtor.com, just shared with clients of other SWMLS REALTORS.

Upload Document ?

**Choose File** No file chosen

Document Description

☒ Select a Description ▼

- Documents
  - Addenda
  - Additional Prop Info
  - APOD
  - Covenants
  - Floorplan
  - Form 2100 - Broker Duties Supplemental
  - HOA
  - Inspections
  - Lead Based Paint**
  - PID Disclosure
  - Plat/Map Survey
  - REO Addenda
  - Sellers Disclosure
  - Tax Levy Disclosure
- ☐ Document
- ☐ Which SWMLS their access document client
- ☐ PID



# Get Back in the Game!



[www.ahaslides.com/SWMLS](http://www.ahaslides.com/SWMLS)



# 05

## Recent Changes

Re-List Policy

Showings in Active Status

Fair Housing

# Re-List Policy Update

## Definitions

**Active (A)** – Available to be shown and sold now, check Showing Instructions and Remarks fields for showing and selling stipulations. Buyer sale contingency listings may be kept in Active status with LO/SO remarks stating that a buyer sale contingency is in effect with a \_\_\_\_ hour contingency removal period.

**Cancelled (K)** – Listing agreement has been cancelled prior to expiration date of agreement. The same Participant may only re-enter the property as a new listing if it is disclosed by placing the word “RELIST” in the LO/SO Remarks field of the listing being placed in a cancelled status. [Listings may not be cancelled and relisted to manipulate days on market.](#)

**Withdrawn** – Listing is temporarily unavailable for showings but remains under contract with the listing brokerage. Days on Market does not continue counting in Withdrawn status. Time in this status does not count towards the time a property must be off-market before it can be re-listed as new.

**Expired (X)** – Listing agreement has expired.

## New Section

### [Section 1.XX - Days on Market Manipulation](#)

[If a listing is entered with the same office MLS ID within 30 days then the new listing agreement must be provided to SWMLS Staff to verify that it is truly a new listing and not attempting to manipulate data.](#)



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# Re-List Policy Update

Statuses that count Days on Market

Active, Active Under Contract

Statuses that DON'T count DOM

Coming Soon, Pending, Withdrawn



# Re-List Policy Update

Statuses that count Days on Market

Active, Active Under Contract

Statuses that DON'T count DOM

Coming Soon, Pending, Withdrawn

Example:

Listing Action	Status	Date Entered	DOM
Listing Entered	Active	January 1st	0
Accepted Offer, Moved into Pending	Pending	January 5th	4
Find Major Issue During Inspection Period, Deal falls through, home needs work done	Withdrawn	January 30th	4
3 months to find a contractor and get the work completed, home is ready to be shown again, moved back to Active	Active	May 1st	4

# Definition of Active

- Active (A) – Available to be shown and sold now, check Showing Instructions and Remarks fields for showing and selling stipulations, ~~“Do Not Show” or “Temporarily Off Market” conditions must not exceed 7 days.~~ Buyer sale contingency listings may be kept in Active status with LO/SO remarks stating that a buyer sale contingency is in effect with a \_\_\_\_ hour contingency removal period.

# Fair Housing Policy

## Section 1.XX – Fair Housing

Southwest MLS is committed to compliance with all federal, state, and local fair housing laws, and will not be a forum for discrimination against any person based on race, color, religion, gender (sex), disability (handicap), familial status, national origin, sexual orientation or gender identity. In all listings, members are required to describe the ***property*** not the ***people***. Members will be notified when words are identified that could be potential violations of fair housing laws, advising participants and subscribers to remove or correct potential violations.

# Fair Housing Policy – Word List Sample

Word	Exceptions
able bodied / able-bodied	
active	Only flag if followed or preceded by any of the following words: people, person, community, neighborhood, friendly, area, subdivision, crowd, family, folk, customer, individual, association, district, section, suburb, territory
adult living	
adults only	
african	Only flag if followed or preceded by any of the following words: people, person, community, neighborhood, friendly, area, subdivision, crowd, family, folk, customer, individual, association, district, section, suburb, territory
agile	
alcoholic	
asian	Only flag if followed or preceded by any of the following words: people, person, community, neighborhood, friendly, area, subdivision, crowd, family, folk, customer, individual, association, district, section, suburb, territory
bachelor	

# Fair Housing Example Email

## Fair Housing Courtesy Notice Email

System Alert Notice

Notice Date: (Date)

This notice contains 1 Courtesy Alert(s).

AGENT:

Agent Name

SENT TO:

List emails notice was sent to

### **\*\*MLS System Alert: Please Review Your MLS Listing for Possible Fair Housing Issues\*\***

This is a system alert. Your listing was recently identified as having a possible data issue that was caused during listing input. This is not a compliance notice and we are simply asking you to correct the discrepancy to ensure your listing contains accurate and complete information.

Listing Details

MLS#: 123456

Address: 123 Main St

Albuquerque, NM 87111

<b>Violation Name:</b>	Potential Fair Housing Issue
<b>Description:</b>	Your Public Remarks or Directions field includes verbiage that could be a possible fair housing violation.
<b>Word that flagged:</b>	(word that flagged will display here)
<b>Notes:</b>	- Please read your remarks and make sure that the words are describing the property not the people. If you are only describing the property, this notice can be ignored.
<b>How to Fix:</b>	Make sure your verbiage is describing the property, not the people.
<b>MLS Rule:</b>	1.21 Fair Housing

This is a courtesy only System Alert and will not be subject to MLS Compliance fines. In the event this listing receives and official "compliance warning" it will be clearly stated in the Subject Line and message.

The data maintained by the Southwest Multiple Listing Service, Inc. (SWMLS) is vital to the Greater Albuquerque Association of REALTORS®. All listings must contain correct and complete information in the required fields to allow all members to accurately search listings.

# Fair Housing Example Email

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System Alert Notice

Notice Date: (Date)

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Agent Name

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	Address:	123 Main St Albuquerque, NM 87111

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# Put your Game Face On!



[www.ahaslides.com/SWMLS](http://www.ahaslides.com/SWMLS)

The background of the slide is a photograph of a wooden chessboard with chess pieces, viewed from a low angle. The entire image is covered with a semi-transparent red overlay. In the top right corner, there are three vertical teal-colored decorative elements: a thin line, a thicker line with a rounded bottom, and another thin line.

06

# Upcoming Changes

Photos, Zoning

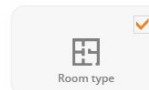
## Minimum Photos Policy

- For All Residential Resale listing, require one photo of the living room, kitchen, bathrooms based on number, exterior front and backyard. Exceptions for tenant occupied, substandard, or seller requests per listing agreement to not enter photos.

## Minimum Photos Policy

- This rule applies to ALL statuses
- Only Residential property type
- Only Build Description = Resale
- Exceptions for Tenant Occupied or “substandard” (dangerous to enter, mold, damaged, etc)

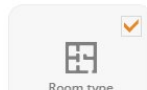
# Minimum Photos Policy



RESULTS

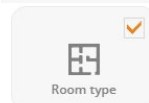
Front house

Ranch



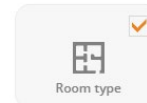
RESULTS

Kitchen



RESULTS

Living room

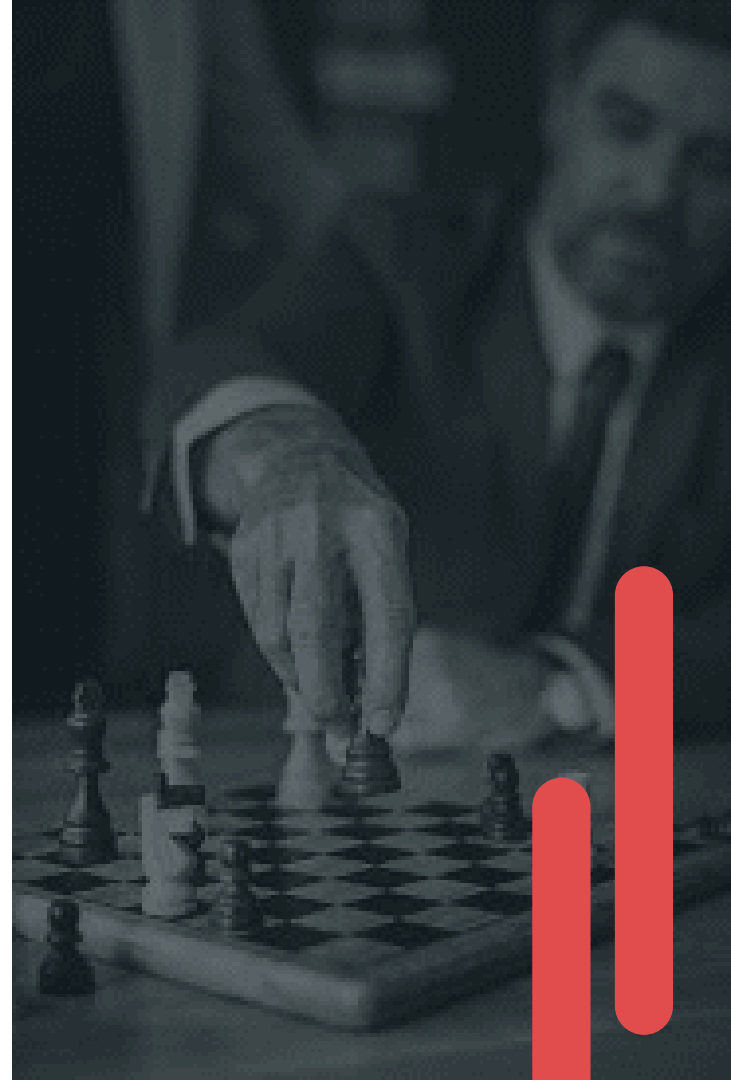


RESULTS


Bathroom

100% of listings and 100% of photos will be pro-actively checked by Restb.ai and handled via Data Checker.

# Minimum Photos Policy – What if my Seller wants Photos Removed?







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-- bd | 2 ba | 1,733 sqft  
3704 Cheraz Rd NE, Albuquerque, NM 87111

● **Off market** | Zestimate®: **\$312,800** | Rent Zestimate®: **\$1,798/mo**  
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**Est. \$283,176** Estimated Monthly Savings \$1,809/mo

3704 Cheraz Rd NE, Albuquerque, NM 87111  
[Map](#) [Street](#)


**Overview**  
This Single Family Residence is located at 3704 Cheraz Rd Ne, Albuquerque, Nm. The estimated value of this home is currently priced at 283,176. This property was originally built in 1977. 3704 Cheraz Rd Ne is within the school district Albuquerque Public Schools with nearby schools including Sombra Del Monte Elementary School, Madison Middle School, and Sandia High School.

0 Baths




**Est. \$283,176**  
0 Baths  
3704 Cheraz Rd NE  
Albuquerque, NM 87111  
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**3704 Cheraz Rd NE**  
Albuquerque, NM 87111 [Loma del Rey](#)

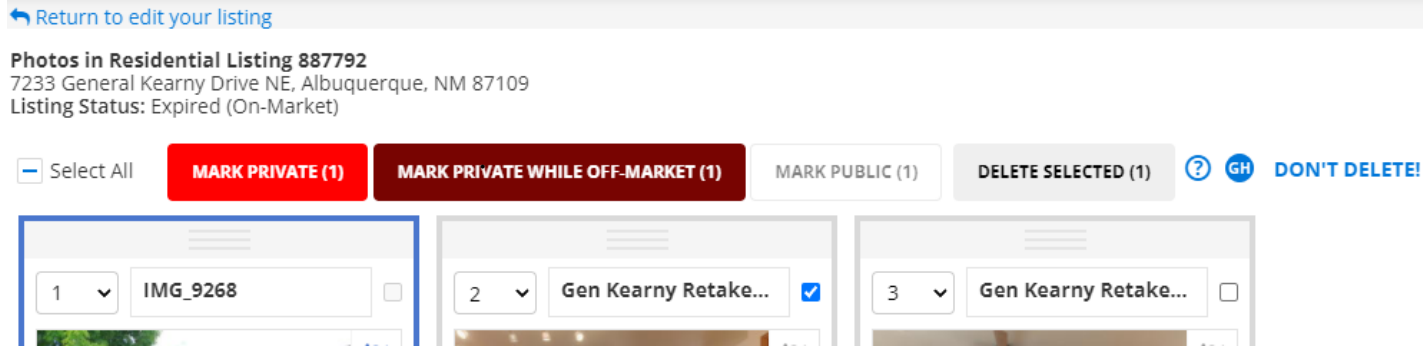
2 Baths 1,733 sqft

**\$312,800**  
Trulia Estimate   
as of Sep 28, 2021  
Est. Refi. Payment \$1,349/mo\*  
[Refinance Your Home](#)



# Minimum Photos Policy – What if my Seller wants Photos Removed?

- Utilize the “Private While Off Market” option instead.



- Everyone who has access to MLS data is licensed in the state of New Mexico, which includes background checks and fingerprinting.

# Changes to Zoning in the MLS

Zoning: Select 1 item.	
<input type="checkbox"/> MX-FB-AC* Albuquerque IDO Zoning only <a href="#">IDO Zoning Lookup</a>	<input type="checkbox"/> MX-FB-FX* Albuquerque IDO Zoning only
<input type="checkbox"/> MX-FB-ID* Albuquerque IDO Zoning only	<input type="checkbox"/> MX-FB-UD* Albuquerque IDO Zoning only
<input type="checkbox"/> MX-FB* Albuquerque IDO Zoning only	<input type="checkbox"/> MX-H* Albuquerque IDO Zoning only
<input type="checkbox"/> MX-L* Albuquerque IDO Zoning only	<input type="checkbox"/> MX-M* Albuquerque IDO Zoning only
<input type="checkbox"/> MX-T* Albuquerque IDO Zoning only	<input type="checkbox"/> NR-BP* Albuquerque IDO Zoning only
<input type="checkbox"/> NR-C* Albuquerque IDO Zoning only	<input type="checkbox"/> NR-GM* Albuquerque IDO Zoning only
<input type="checkbox"/> NR-LM* Albuquerque IDO Zoning only	<input type="checkbox"/> NR-PO-A* Albuquerque IDO Zoning only
<input type="checkbox"/> NR-PO* Albuquerque IDO Zoning only	<input type="checkbox"/> NR-PO-B* Albuquerque IDO Zoning only
<input type="checkbox"/> NR-PO-C* Albuquerque IDO Zoning only	<input type="checkbox"/> NR-PO-D* Albuquerque IDO Zoning only
<input type="checkbox"/> NR-SU* Albuquerque IDO Zoning only	<input type="checkbox"/> PD* Albuquerque IDO Zoning only
<input type="checkbox"/> R-1A* Albuquerque IDO Zoning only	<input type="checkbox"/> R-1B* Albuquerque IDO Zoning only
<input type="checkbox"/> R-1C* Albuquerque IDO Zoning only	<input type="checkbox"/> R-1D* Albuquerque IDO Zoning only
<input type="checkbox"/> R-A* Albuquerque IDO Zoning only	<input type="checkbox"/> R-MC* Albuquerque IDO Zoning only
<input type="checkbox"/> R-T* Albuquerque IDO Zoning only	<input type="checkbox"/> R-MH* Albuquerque IDO Zoning only
<input type="checkbox"/> R-ML* Albuquerque IDO Zoning only	<input type="checkbox"/> A-1
<input type="checkbox"/> A-2	<input type="checkbox"/> A-3
<input type="checkbox"/> A-R	<input type="checkbox"/> AC
<input type="checkbox"/> AP	<input type="checkbox"/> AP-1
<input type="checkbox"/> AP-2	<input type="checkbox"/> C-1
<input type="checkbox"/> C-2	<input type="checkbox"/> C-3
<input type="checkbox"/> C-B	<input type="checkbox"/> C-LI
<input type="checkbox"/> C-N	<input type="checkbox"/> CB-1
<input type="checkbox"/> CB-2	<input type="checkbox"/> CCR-1

# Changes to Zoning in the MLS

Change Listing

ADDRESS MAIN F

Comp Comments

Location

Directions\*

Geo Lat

Geo Lon

Area\*

Zone Atlas\*

Zoning Code

A

AP-10

AP-40

AP-5

C

D-1

D-2

D-3

PL

RCP

RR

SU

VCP

Zoning Code

## Additional information for Zoning Code

[Albuquerque - Interactive Map - Definitions \(Page 13\)](#)

[Paradise Hills - Zoning Map - Definitions \(Page 19\)](#)

[Rio Rancho - Interactive Map - Definitions \(Page 14\)](#)

[Bernalillo County - Interactive Map - Definitions](#)

[Sandoval County - Interactive Map - Definitions](#)

[Sante Fe County - Interactive Map - Definitions \(Page 22\)](#)

[Torrance County - Zoning Map - Definitions](#)

[Valencia County - Interactive Map - Definitions](#)

# So what's taking so long?



# IT'S THE FINAL COUNTDOWN!

(cue synthesizer noises)

do do do doooooo

do do dododo



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YOU

# Thanks

Do you have any questions?

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