



Multiple Listing Service Rules and Regulations

Revised March 23, 2023

Brunswick County Association of REALTORS®

MLS Rules & Regulations

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BRUNSWICK COUNTY ASSOCIATION OF REALTORS® MULTIPLE LISTING SERVICE RULES AND REGULATIONS

AUTHORITY AND PURPOSE

All authority for the Rules affecting Participants admitted to the North Carolina Regional MLS, LLC (NCRMLS), through the Multiple Listing Service of the Brunswick County Association of REALTORS® (BCAR MLS), their brokers, appraisers, registered trainees, and staff shall be governed by the NCRMLS, its Operating Agreement, Rules & Regulations and Policies. All other provisions of the BCAR MLS Rules are applicable.

SERVICE CHARGES

Service Fees and Charges: The following service charges for operation of the MLS are in effect and are subject to change from time to time in the manner prescribed.

(a) Initial Participation Fee: An applicant for participation in the Service shall pay an application fee in such amount as from time to time prescribed by the Board of Directors.

However, MLSs must provide participants the option of a no-cost waiver of MLS fees, dues, and charges for any licensee or licensed or certified appraiser who can demonstrate subscription to a different MLS or CIE where the principal broker participates. MLSs may, at their discretion, require that broker participants sign a certification for nonuse of its MLS services by their licensees, which can include penalties and termination of the waiver if violated.*

Invoices/statements will be emailed by the 10th of each month for the next month and payment of such fees must be paid on or before the 1st day of next month. This recurring participation fee is due on the first, even without notice. Any disputed amounts shall be paid until otherwise determined by the BOD at a regular monthly meeting.

(b) Initial Fees Other: An initial fee as from time to time prescribed by the Board of Directors, MLS Committee or Budget Committee for Services such as on-line forms, electronic equipment for access lockboxes, etc. may be imposed for any user who desires such Services. Such fee(s) are non-refundable and must be paid prior to gaining access to the Service.

(c)Refunding: The MLS does not refund monies when a Subscriber or Participant withdraws their members in the MLS, is terminated, or resigns from the service.

MEETINGS

Meetings of MLS Task Force The MLS Task Force shall meet for the transaction of its business at a time and place to be determined by the Committee or at the call of the Chairperson.

Meetings of MLS Participants: The MLS Task Force may call meetings of the Participants in the Service to be known as meetings of the Multiple Listing Service. The members present shall constitute a quorum for the transaction of business.

Conduct of the Meetings: The Chairperson or Vice Chairperson shall preside at all meetings or, in their absence; a temporary Chairperson from the membership of the Committee shall be named by the Chairperson or, upon his failure to do so, by the Committee.

CHANGES IN RULES AND REGULATIONS

Changes in Rules and Regulations: Amendments to the rules and regulations of the Service shall be by a majority vote of the Members of the Multiple Listing Service Committee, subject to approval by the Board of Directors of the Brunswick County Association of REALTORS®. All mandatory updates from NAR will be automatically approved by the Board of Directors.

KEYS & LOCKBOXES

The system is an activity and property of the Brunswick County Association of Realtors®.

KEYHOLDER: an authorized user which is a Member Participant or Subscriber of the Service in good standing who is entitled to use the key system All Key holders must hold a valid real estate license or be certified by an appropriate state regulatory agency to engage in the appraisal of real property. Unlicensed assistants are not entitled to lease a key .

AFFILIATE KEYHOLDER: an authorized user which is a Affiliate Member of BCAR in good standing who is licensed by an approved state regulatory agency shall be granted access to utilize the key system.

- Home Inspectors
- Pest Control *

LOCKBOX: Refers to the individual Lockboxes and the lockbox system

PURPOSE OF LOCKBOX KEY SYSTEM: The service is a marketing convenience key control system .The service, lockboxes, keys or any other product used in connection with the service is not a security system and as such, any loss of keys or disclosure of personal information within the system compromises the integrity of the service.

POSSESSION OF KEY: Keys are leased to member Participants or Subscribers. Each keyholder may possess only one key at a time. A Team may not possess a key. Keyholder must immediately report lost, stolen, or otherwise unaccountable keys to BCAR.

Sharing of keys with an unauthorized user is prohibited and will receive an automatic fine.

RIGHT TO SUSPEND USE OF KEY: The Association may refuse to lease a lockbox key, may terminate an existing key lease agreement, and may refuse to activate or reactivate any key held by an individual convicted of a felony or misdemeanor if the crime, in the determination of the BOD, relates to the real estate business or puts clients, customers, or other real estate professionals at risk.

Factors that can be considered in making such determinations include, but are not limited to:

- That nature and seriousness of the crime
- The relationship of the crime to the purposes for limiting lock box access
- The extent to which access for continued access might afford opportunities to engage in similar criminal activity
- The extent and nature of past criminal activity
- Time since criminal activity was engaged in
- Evidence of rehabilitation while incarcerated or following release ☐ Evidence of present fitness.

LOCKBOX ASSIGNMENT AND RESPONSIBILITY

Lockboxes are assigned to the Broker in Charge of each office and it is the Broker In Charge's responsibility for maintaining up to date records of the lockboxes that are assigned to them. A

Lockbox audit may be performed at any time, and at least annually. Failure to respond to an audit by the due date will result in a fine. The BIC is responsible for notifying BCAR of the dissolution of the office or intent to no longer use and participant in the lockbox system and shall be responsible for returning all lockboxes to BCAR within 7 calendar days or will be billed the current replacement cost .

Lockboxes shall be allocated at 110% of the eligible listings for offices with 20 or more listings. Offices with 19 or less listings will be allocated one additional lockbox than eligible listings include Residential, and Multifamily properties for sale with an Active, Pending, and Pending w/Showings Status. Lockboxes are not permitted on Coming Soon Listings

Lockboxes must be picked up from the Association Office by the Broker In Charge, or after the Broker In Charge has authorized another person on their behalf via written request to the Association Office.

Transfer of lockboxes from one BIC in charge to another BIC are permitted after notification in writing to the Association within the same firm only. (Amended 3/23/2023)

Lost, damaged, or stolen lockboxes shall be reported immediately to the Association Office. Broker in Charge will be assessed the current replacement cost of a lost, damaged, or stolen lock box(es) that is not accompanied by a police report.

Lockboxes shall only be removed by cutting the shackle portion of the lockbox in the event a lockbox is "jammed or malfunctioning" It is the Office responsibility to remove lock boxes from a property at their expense. Lockbox containers that are cut, drilled, or damaged will result in the BIC being charged a full replacement cost. The Association will replace the "jammed or malfunctioning" lockbox upon return to Association Office.

Lockboxes must be removed from non-eligible properties within 72 hours. Failure to remove the lockbox will result in a fine.

All Fees and Fines associated lockbox inventory and audits are non-refundable

SELLER AUTHORITY REQUIRED

Lockboxes may not be placed on a property without written authority from the seller. This authority may be established in the Listing contract or any other written document.

Orientation

Orientation: Any applicant for MLS Participation and any licensee (including licensed or certified appraisers) affiliated with an MLS Participant who has access to and use of MLS-generated information shall complete an orientation program of no more than eight (8) classroom hours devoted to the MLS rules and regulations and computer training related to MLS information entry and retrieval and the operation of the MLS within 30 days after access has been provided. Failure to attend this orientation may result in suspension of MLS Service until completion of Orientation. NCRMLS members do not have to attend BCAR MLS orientation, with confirmation of previous MLS orientation.

Participants and subscribers are required to complete additional training of not more than four (4) classroom hours in any twelve (12) month period when deemed necessary by the MLS to familiarize participants and subscribers with system changes or enhancement and/or changes to MLS rules or policies. Participants and subscribers will be given the opportunity to complete any mandated additional training remotely.

Adoption

Adoption: These BCAR MLS Rules and Regulations have been approved by the Association Board of Directors of the Brunswick County Association of REALTORS® on Thursday May 27th 2021

BCAR President

BCAR CEO